

MSBRPG
Seal
goes here

RPG News

A Publication of the Mississippi State Board of Registered Professional Geologists

April 1999

Mississippi State Board
of
Registered Professional
Geologists
601 354-6370
P.O. Box 22742
Jackson, MS 39225-2742

Board Members

Government

President

Rick L. Ericksen

Environmental

Vice President

John W. Green

Academia

Darrel W. Schmitz

Mining / Mineral

Extraction

W. Lester Aul tman

At Large

Charles T. Swann

Advisory Committee

Chairman

Stephen L. Ingram

Vice Chairman

David Patrick

Secretary

Tommy Dunlap

Robin Buchannon

Del I Gann

Ron Jenkins

Harold Karges

Jim May

John Malanchak

Pat Phillips

Winston Russell

Mississippi Board Completes the Grandfather Licensing Period

PRESIDENT'S LETTER

RICK L. ERICKSEN

Your Board has been very busy processing the deluge of application packages which have been received. Nearly two-thirds of all applications submitted were received during the last two weeks of December, prior to the end of the "grandfather" period on 12/31/ 98. The process of application review is thorough and time consuming. Letters requesting missing information have recently been sent to approximately 200 applicants whose files are currently incomplete.

Board's Physical Location -

The RPG Board has acquired permanent office space at the Jackson Enterprise Center (the former General Electric facility), located at 901 Highway 80 West. We have a part-time staff member to help with the administrative duties and hope to hire a full time executive director in the near future, finances permitting. The office phone number is (601) 354-6370. Board meetings are open to the public and the Board encourages all to attend. The Board has been meeting on a regular monthly basis since July, 1997. At this time for information concerning meeting dates and times please call the Board and leave a message.

Web Page Information -

The RPG Board is also in the process of updating its web page to reflect new information concerning the activities of the Board, meeting dates, a complete codified copy of the Geologists Practice Act of 1997, Rules and Regulations, Executive Summary of the law, and ASBOG (National Associa-

tion of Boards of Geology) test dates and related information. Additional information will include updates on all the above and any other matters which may affect registrants. The current web site may be accessed at -

<http://geology.deq.state.ms.us/geologyreg>

Status of the MOU

(Memorandum of Understanding) -

As specified in the law this Board was to seek (seek is defined as attempt) an MOU with the Board of Professional Engineers and Land Surveyors (PE/PLS) by July 1, 1998. The RPG Board has repeatedly attempted to do so. However, unlike the RPG law the PE/PLS law says nothing about developing a MOU with the RPG Board. To clarify this and related recent history, the RPG Board has documented its numerous attempts to complete this MOU. For a chronology of events, please refer to the insert in this newsletter for details concerning this issue. I would like to add that this Board continues to seek an MOU with the PE/PLS Board. It is hoped that the PE/PLS Board will allow discussions to be re-opened and that a "generic" MOU instrument, the draft of which was submitted by the RPG Board in June, 1998 to the PE/PLS Board, will be agreed to in some form.

The RPG Board has unequivocally and unrelentingly continued to act in good faith concerning this matter. It has not allowed itself to be manipulated nor has it been involved with the dissemination of misinformation. The Board shall continue with the same resolve and intent toward the development of a bilaterally acceptable MOU (continued on page 2)

Table of Contents

Letter from Board President, Rick Ericksen	1
Board Activities Update, Charles Swann	2
Summary of Events	3 & 4

President's Letter Continued :

agreement with the PE/PLS Board. The MOU will not be held hostage to other issues, your Board is committed to reaching a conclusion with the PE/PLS Board on this matter in the next few months.

Attorney General's Opinion Issued -

Late last year the PE/PLS Board requested an opinion from the Mississippi Attorney General's office concerning several issues related to their board and the RPG Board. Essentially what the opinion states is that the RPG Board defines what is or constitutes geological practice and the PE/PLS Board defines what constitutes engineering/land surveying. Each board is subject to the terms, definitions, conditions, ethics, and other constraints imposed by their respective, enabling legislation.

Died in Committee -

Amendment to the Geologists Practice Act of 1997 -

In a related issue, there was a recent attempt made in the Mississippi State Senate to amend the RPG law. The proposed amendment essentially would have allowed engineers to practice geology. After discussions with several legislators, we (the RPG Board) were able to convince those involved that the proposed amendment was not in the best interest of the public nor the profession. The proposed amendment subsequently died in committee (see Summary for details, pages 3 & 4).

Nomination Committee,

Nominees for Board Appointment -

Also included in this first newsletter is the issue of nominations for the Board member position which is currently held by Mr. W. Lester Aultman in the Mining and Extractive Mineral sector. In order to set up staggered terms for each board member, the initial appointment by Governor Kirk Fordice of Mr. Aultman was for two (2) years. All appointments from this time forward will be for four year terms. Mr. Aultman, who many of you know, is a petroleum geologist who has ably served on the Board since July, 1997. His term expires at the end of June, 1999. Per the Geologists Practice Act of 1997, the Nominating Committee has developed a slate of nominees for the consideration of all current RPG's who reside in Mississippi. The Nominating Committee hereby submits the following nominees for consideration:

- 1) W. Lester Aultman, Clinton, MS (current Board member)
- 2) Edward "Ed" Hollingsworth, Brandon, MS
- 3) Ron Jinkins, Natchez, MS

For those of you who are Mississippi resident RPG's you will shortly receive ballots for your nominee selection. Please take the time to review each nominee carefully, it is an important decision. The resulting nominees and their ranking according to the number of votes each

nominee receives will be submitted to the Governor for his consideration and subsequent appointment.

Status of Stamps/Embossers -

The company which was contracted by the Board for the production of stamps and embossers was bought by a competitor. We have had to resubmit previous orders to the new company and hence there has been a delay in stamp and embosser production. The first of the stamps/embossers were shipped the first week of April. We apologize for the delay, please bear with us.

Email address request -

On a closing note, in order to more effectively serve you, the registrant, we would like add to our information database an email address for each of you if you have one. In order to disseminate information more readily and certainly faster, we request that you email the following address so we may compile this additional data in the Board's database. Please send your email to -

Rick_Ericksen@deq.state.ms.us

Thanks for the help and cooperation concerning this matter.

Rick L. Ericksen, Board President
and Acting Executive Director

BOARD ACTIVITIES UPDATE

CHARLES SWANN

The legislation creating professional geologist registration in Mississippi became effective approximately one and one half years ago. During this time, your Board has dealt with several challenging issues and we wish to provide you with a brief summary of our activities. If you would like additional information or details please contact the Board's office.

1) The grandfathering period for registration ended December 31, 1998. Several hundred applications were received in the last month of the grandfathering period. Our legislation allowed for a grandfathering period for qualified engineers; however, we had only a few applications. From these applications we have approved two for registration as geologists. We have a significant number of professionals that have registered that are qualified as both engineers and geologists.

2) Soon after the Board was established, the Ad Hoc Advisory Committee was formed to help the Board in a variety of ways. Mr. Stephen L. Ingram, Sr. was elected chairman and continues to serve in that capacity. The Board acknowledges the help and support of the many geologists who have worked with the committee and expresses their appreciation. (continued on page 5)

Board Activites Update Continued :

Insert — For your files !

- SUMMARY OF EVENTS -

- **January 11, 1996** - Mississippi Geologic Task Force/Advisory Committee contacts Mr. Maury Gunter, President of the Board of Registration for Professional Engineers and Land Surveyors (hereinafter referred to as PE/PLS), to open a dialogue concerning potential legislation to register/license geologists in Mississippi.
- **January 18, 1996** - PE/PLS Board send Mr. Robert M. Case, PLS to meet with Geologic Task Force on February 13, 1996.
- **March 8, 1996** - PE/PLS Board's Executive Director sends letter to the Geologic Task Force indicating that the PE/PLS desires to incorporate geologists under the PE/PLS Board.
- **March 18, 1996** - Geologic Task Force responds to PE/PLS Board indicating that it does not desire to be incorporated into their agency.
- **July 2, 1996** - Geologic Task Force members meet with the full PE/PLS Board concerning the proposed geologic registration bill. PE/PLS Board expresses concern with the use of the terms such as "**design**" and "**incidental**" - **these terms are completely removed from the bill.** The clause containing the Memorandum of Understanding (MOU) was discussed and it was pointed out that this was borrowed from the Alabama Geologic Licensure law. It was mutually agreed upon that the MOU could serve to avoid conflicts in the future. As a result, it is retained in the bill to be submitted to the state legislature.

1997 Legislative Session and Geologists Practice Act:

- Geologist Practice Act introduced in both the House and Senate
 - Bill (amended form) passes in House of Representatives, sent to State Senate.
 - Bill goes into joint Senate conference committee (Oil, Gas and Other Minerals and Environmental Protection, Conservation and Water Resources) - passed out of joint committee
 - Bill sent to Senate floor for vote, Senator Brad Carter calls for conference prior to vote. After discussions with Senator Carter the bill was amended per his concerns and to his satisfaction to include civil engineers with 15 hours of geologic coursework, ten (10) years of geotechnical/geologic work, and valid registration with the Mississippi State Board for Registration for Professional Engineers and Land Surveyors (PE/PLS Board) to "grandfather" as geologists.
- Bill passes Senate unanimously.
- Amended bill sent to the House, measure passes by a 116 - 2 vote.
- Legislatively approved bill signed by the Governor.

Chronology of Events Concerning the PE/PLS Board's Dispute with the RPG Board

- **July 10, 1997** - Swearing in ceremony, State Board of Registered Professional Geologists (RPG Board).
- **August 28, 1997** - First rough outline of MOU submitted by RPG Board to the Executive Director of the PE/PLS Board.
- **October 29, 1997** - First MOU Group Meeting. Per the Minutes of that meeting taken by the Executive Director of the PE/PLS Board, ..."The geologist members of the committee submitted a list of tasks of licensed professional geologists in accordance with ASBOG" (ASBOG is the Association of State Boards of Geology which designs and grades national geology qualifying examinations). ..."It was agreed that the engineer members (of the MOU group) will (would) compile a similar list of tasks of licensed registered professional engineers. It was (is) anticipated that a comparison of both lists will reveal the areas of overlapping practice between the two professions." The source for the engineers tasks was the NCEES (Nation Council of Examiners for Engineering and Surveying) - Civil Engineers Examination.
- **Early December, 1997** - Applications become available for those applying for professional geologist registration.
- **March 3, 1998** - PE/PLS Board indicates in correspondence that they are approximately one (1) week away from developing their version of a MOU.
- **April 29, 1998** - RPG's Board MOU Group submits to the PE/PLS Board its MOU developed from the ASBOG Geologic Task List and the Alabama Geologists Licensure Board's Geologic Task Listing.
- **March 17, 1998** - Executive Director of PE/PLS Board submits to the RPG Board the PE/PLS version of a MOU which was drafted from the California MOU which was rejected by the CA Geologists Board.

Summary Continued :

- **May 27, 1998** - Second MOU Group Meeting. Engineer MOU group headed by spokesperson Ed Springer indicate that the Engineer MOU group would not supply a listing of tasks developed from the NCEES examination and that it now rejects this formerly agreed upon approach. With much disagreement, the RPG Board President suggests that a generic MOU be developed like that between the Alabama Geologists and Engineering Boards. The Executive Director of the PE/PLS Board concurs with the proposal and requests that the RPG President draft such a document and send it to the PE/PLS Board for their review.
- **Early June, 1998** - Generic MOU draft delivered by RPG Board to PE/PLS Board.
- **Late June, 1998** - Generic MOU draft revised and returned to RPG Board.
- **July 3, 1998** - Generic MOU revised draft sent to PE/PLS Board.
- **July 10, 1998** - RPG Board inquires about status of generic MOU. PE/PLS Board's Executive Director responds that it was reviewed, discussed, and was voted to be tabled until their Board's attorney could review and then brought up at the September 9, 1998 PE/PLS Board meeting.
- **First week of September, 1998** - RPG Board sends out Information Package to private and governmental entities which may be impacted by the RPG law. The purpose of the Information Package was (is) to provide recommendations for guidance purposes to these entities.
- **September 13, 1998** - PE/PLS Board sends letter to RPG Board rejecting generic MOU.
- **September 24, 1998** - the Council of Engineering Consultants (CEC) through their Executive Director advises its members that the Geologists Practice Act of 1997 needs to be repealed citing misinformation to prove the merits of the requested action. The CEC further requests its members to send copies of an attached form letter to all state legislators and the Governor asking them to repeal the Geologists Practice Act of 1997.
- **Early September, 1998** - PE/PLS Board requests that the State's Attorney General issue an opinion concerning the Information Package sent out by the RPG Board.
- **October 8, 1998** - RPG Board corresponds with the PE/PLS Board and requests a meeting of the two boards to resolve issues; the PE/PLS Board does not respond.
- **October 13, 1998** - After being contacted by staff from the Office of the Governor, 5 members of the PE/PLS Board and 2 members of the RPG Board hastily meet with staff of the Governor. Three (3) members of the RPG Board cannot attend meeting. The president of the PE/PLS Board states that a Joint Letter from both boards, to be drafted by the RPG Board, is to be sent to those who received the RPG Board's Information Package, then MOU discussions could resume.
- **October 14, 1998** - the CEC Executive Director issues another fax to its members noting that the two boards had met at the Governor's Office. The CEC fax goes on to materially misrepresent much of the contents of the meeting.
- **October 15, 1998** - RPG Board submits to PE/PLS Board the first draft of a Joint Letter written on behalf of both boards. The Joint Letter was written in an attempt to clarify matters related to the Information Package sent out by the RPG Board which the PE/PLS Board thought may have created confusion. Prior to sending this first draft, it was reviewed for the RPG Board by both the Attorney General's Office and the Governor's staff for their comments and suggestions.
- **October 23, 1998** - the PE/PLS Board submits to the RPG Board suggested revisions to the October 15, 1998 RPG Board draft. A portion of the suggested changes are incorporated into a new draft of the Joint Letter.
- **October 23, 1998** - the CEC Executive Director issues yet another fax requesting its members to send another letter to Lt. Governor Musgrove utilizing the same form letter which was sent to the Governor and state legislators requesting the repeal of the Geologists Practice Act.
- **November 24, 1998** - RPG Board submits the second draft of the Joint Letter to the PE/PLS Board. As before, the Joint Letter was sent to the PE/PLS Board after the draft had been reviewed by the RPG Board's legal counsel with the Attorney General's Office and the staff of the Governor's Office, along with a cover letter requesting the re-opening of MOU discussions even if the Joint Letter is rejected by the PE/PLS Board.
- **December 1, 1998** - PE/PLS Board rejects the Joint Letter and further rejects any attempts to renew MOU discussions.
- **December 10, 1998** - RPG Board receives copy of Attorney General's Opinion which was requested by the PE/PLS Board. The opinion indicates that the RPG Board is vested with the determination and application of guidelines of what may constitute geologic practice, consistent with the materials supplied in its Information Package.
- **January 27, 1999** - the RPG Board sends a letter to Senator Vince Scoper concerning the amendment proposed by Senator Brad Carter (Senate Bill 2627). The proposed amendment would have allowed engineers to perform geologic work. The Carter amendment subsequently died in committee (02/02/99).
- **February 16, 1999** - the RPG Board votes to exclude the Task Listing for those entities who have not yet implemented same as per the letter to Senator Scoper.

3) The Board has approved a set of rules governing Board procedures and conduct and procedures for registered geologists. The topic of the rules vary widely, from complaint procedures to approved use of your seal. We urge you to become familiar with the rules and procedures. Call the office if you require a complete set. The complete set of Rules & Procedures will be found at its web site, once it is updated.

4) The Board has become a full member in the National Association of State Boards of Geology (ASBOG). This organization is responsible for competency testing of geologists on a national level. We will be using their exams for our testing requirements. All of the State's major universities and colleges (public and private) with a geology degree program have supported this testing and will be using it to monitor their teaching effectiveness. Mississippi will be the only state in the nation which will use the ASBOG exams as a measure of teaching effectiveness. This teaching initiative is supported by ASBOG, and they will be working with us closely. Dr. Darrel Schmitz, Board member and professor of geology at Mississippi State University, has recently been elected as national Secretary for ASBOG. We congratulate Dr. Schmitz, and feel his election is an excellent reflection on the State of Mississippi and the professional geologists registered with the Board.

5) Another issue the Board dealt with soon after formation was qualification - based bidding. There was strong feelings both pro and con among the State's geologists. This issue was found to be in violation of Federal law in a Federal court ruling setting a precedent. The ruling stated that allowing only qualification-based bidding was a violation of Federal antitrust laws. The Board felt that it must follow the court's ruling and so no rules were made regarding bidding issues.

6) The Board has been in contact with several states regarding the possibility of establishing reciprocity agreements. There have been no agreements finalized to date; however, an understanding with Georgia and Alabama should be finished in the near future.

Advisory Committee Report :

Steve Ingram, Chairman

The Advisory Committee to the Mississippi State Board of Registered Professional Geologists is an ad hoc committee which serves at the pleasure of the Board. The RPG Board formed the Advisory Committee to establish a grassroots base throughout the state from which the Board can draw upon the practical experience of it's practitioners.

The purpose of the Committee is to serve the Board through review and input regarding the various issues which the Board may address — issues which may effect the practice of geology and the public's health, safety, and welfare.

The Committee is comprised of registrants from several areas of geologic practice and, as much as possible reflects the composition to the Board (industry, government, and academia). The Board has promulgated rules governing the Advisory Committee, which currently has 12 members (there is a 15 member maximum set at this time). In addition, a number of other individuals work closely with the Committee as a *Support Group*. If you would like more information on the Committee and Support Group, please contact Steve Ingram at wk (601) 354-6328.

A Note on Sealing Documents -

With reference to the clarification of sealing practices and the use of your stamp and/or embosser — *Any geologic report, investigation, study, map, cross-section, etc. which may impact the public, directly or indirectly, should be conspicuously sealed by the registrant or a subordinate's work should be sealed by a registrant supervisor, as the case may be, per the Rules promulgated by the Board.* If you have any doubt concerning the potential impact to the public, seal the document(s). These sealing practices may be extended to a geologic document which may be later used by others to affect the public. Again the recommended course of action by this Board is to seal anything you do which is geological in nature and scope and for which you, the registrant, are responsible for.

Fundamentals of Geology Examination given in Jackson

On March 19, 1999, the Board of RPG's administered the ASBOG "Fundamentals of Geology" examination to 17 prospective professional geologists. The examination, which is the first of two examinations which are now required to become a Registered Professional Geologist in Mississippi, was administered at Millsaps College in Jackson, Mississippi. There are currently 23 states who are members of ASBOG. ASBOG is recognized as the only organization which has a geologic testing regime which is both nationally accepted and legally defensible. All four institutions of higher learning which offer degrees in geology were represented among the 17 examinees who took the examination on March 19.

During the examination period, which is four (4) hours in duration, representatives of each of the geology departments and the Board of RPG's had the opportunity to meet and discuss the ASBOG test, future testing locations, and the use of the test at each school. Representatives included the following: Millsaps College, Dr. Jamie Harris, Chair, Department of Geology; Mississippi State University, Dr. Darrel Schmitz, RPG Board member and ASBOG Secretary; the University of Mississippi; Dr. Rick Major, Chair, Department of Geology and Geological Engineering; the University of Southern Mississippi, Dr. Gail Russell, Chair, Department of Geology; Mr. Charles T. Swann, Board member, At-large, and Rick L. Ericksen, Board President.