



h RPG News h

The Official Publication of the Mississippi State Board of Registered Professional Geologists

Protecting the Public's Health, Safety, and Welfare

Spring, 2003

Members of the Board: Les Aultman, President (Mining - Mineral Extraction); Charles Swann, Vice President (At Large); David Patrick (Academia); Patricia Phillips (Government); and Winston Russell (Environmental).

ASBOG Annual Meeting a Success

The Annual 2002 meeting of the Association of State Boards of Geology was held in Biloxi, MS in November. Former MS RPG board member Dr. Darrel Schmitz officiated the meeting as President for the ASBOG organization. In addition to the workshops held by the Council of Examiners, who represent the Subject Matter Experts (SMEs) that reviewed the Fall's ASBOG exams, other activities included meetings of the ASBOG Executive Committee, the ASBOG annual business meeting, and the hosting of an offshore field trip and shrimp boil by the Mississippi Board,

Overall the meeting was very successful. Below are photos of some of the activities that took place during the meeting. The Board again wishes to thank all of those who helped with contributions in arranging the meeting, field trip, and shrimp boil. Special thanks go out to Mr. Steve Oivanki, who led the field trip and Jonathan Harris and his wife Melanie, who graciously hosted the shrimp boil at their home. Again, thanks to all for all of their hard work and hospitality.



Scene from the offshore field trip (left to right): Lisa Hosey (Board member, MO), Frank Turek (Past President, ASBOG, AZ), Darrel Schmitz (President, ASBOG, MS), Steve Oivanki (MS RPG, field trip leader) and unidentified field trip attendee.



Another photo of the field trip group, offshore Biloxi, MS.



ASBOG President Schmitz accepting a plaque of recognition and appreciation for serving as ASBOG President from President-elect Dorian Kuper (OR).



Mississippi Board member Winston Russell (right) and Wyoming Board member Woody Herrod discussing some of the more salient geologic features of the MS Gulf Coast.



Scene from the annual meeting's general session, Saturday, November 9, 2002.

In addition to the general business of the meeting, member boards were also informed of the circumstances and details concerning a court challenge of the ASBOG exams in Florida (see section on court challenge).

The MSBRPG thanks the following for their support of the ASBOG Field Trip:

*Aquaterra Engineering
Association of Engineering Geologists
Burns Cooley Dennis, Inc.
Compton Engineering
Department of Geosciences, Mississippi State University
Environmental Management Services, Inc.
Harris Outdoors
Hazclean
Malcolm Pirnie
Southern Earth Sciences*

Court Challenge of ASBOG National Exam in Florida

Another matter which was discussed during the Annual ASBOG meeting in Biloxi concerned the details of a recent court case heard in Florida. The suit was brought by an examinee who had failed the examination for the third time.

A total of seventeen questions were challenged. It is noted here that in the defense of any qualifying examination proof must be provided that the "correct" answer is indeed correct. Not only does that proof have to be provided for correct answers but it must also be provided as to why the incorrect answers (distractors) are factually incorrect. In defense of the ASBOG exams were an expert witness and one of the two psychometricians utilized by ASBOG.

During the hearing, the Administrative Law Judge filed a Recommended Order with the Clerk of the Division of Administrative Hearings in June, 2002. Under Conclusions of Law Judge Clark stated:

..."the evidence revealed that Respondent, as authorized by Subsection 455.217 (1)(d), Florida Statutes, utilizes a national examination which is carefully prepared by the National Association of State Boards of Geology to ensure quality and fairness. This organization utilizes panels of expert professional geologists to prepare the examinations which measure the competency of the candidates for licensure who take the examinations.... No evidence was presented that would indicate that Petitioner should be given credit for her answers to any of the questions she challenged."

As a result of the ruling of the Judge in favor of ASBOG in this landmark case, the process used by ASBOG in validating exam questions throughly, through its Council of Examiners and psychometricians, has been resoundingly affirmed.

Board Nominees Announced

The Board's Nominating Committee is pleased to announce its slate of nominees for the Mining-Extractive Minerals Sector board position which becomes vacant after Mr. Les Aultman's second term expires as board member and Board President.

The nominees for the board from this sector of professional practice are as follows:

Ed Hollingsworth

Charles A. Morrison

Tony Stuart

You will be receiving ballots, with brief biographies of each nominee shortly for your consideration and vote. This shall serve as notice, other nominations may be made pursuant to §73-63-9 (Mississippi Code, Amended 1972).

Enforcement/Disciplinary Actions - Board reaches agreement with non-registrant

In response to a complaint filed with the Board it has reached an agreement with a non-registrant for using a title which implied that they were registered and for the unlicensed practice of geology. A consent letter, whose terms and conditions were agreed to by the non-registrant, specify that they no longer use said title. It further specifies that any work considered to be the practice of geology by the MS RPG board be signed and stamped by a RPG registered to practice in the state of Mississippi.

As always, it is a standing request and obligation of you as Registered Professional Geologists, Geologists-In-Training and the Public to report to the Board through formal complaints or verbal notifications if you feel that there is or has been a violation of the RPG Act of 1997.

Remember, you are the eyes and the ears of the Board. If you are aware of any practice violation do not hesitate to either file a complaint (found at the Board's web site or by calling for a copy) or by contacting the Board's Director. The Board is responsible for these matters and initiates investigations almost immediately once they are received. Remember that the public practice of geology must be done by or under the supervision of a Mississippi Registered Professional Geologist who takes full responsibility for that work. Please notify the Board of any appearance of or documentable evidence of violations to the RPG Act of 1997.

Voluntary Continuing Education and Professional Development Program is formally adopted

At the December 10, 2002 regularly scheduled meeting of the Board, it formally adopted the guidelines for participation in its "Voluntary Continuing Education and Professional Development Program." The Board initiated offerings of seminars and presentations several years ago and now has formally adopted the guidelines by which the program is structured. These offerings have seen high attendances and in view of those that feel that continuing education plays an important part in their careers and profession the Board has seen fit to acknowledge those efforts. An enrollment letter can be filled out (found on the Board's web site at www.msbrpg.state.ms.us). Once enrolled in the program the registrant's participation will be noted in the Official Roster of the Board - an acknowledgment to and for those who are so enrolled.

The Board would like to thank Mr. Tommy Dunlap who helped craft much of the guidance document while chairing the Board's Advisory Committee. Again, to enroll go to the Board's web site and download the program participation letter.

Another Update on Salaries

Again at the request of the Mississippi State Personnel Board and in the interests of geologists employed by state agencies of Mississippi, the MSBRPG recently completed its salary survey of geologists employed by the private sector and state agencies of the four contiguous states to Mississippi, and those employed with federal agencies. The following represents the salaries which have been approved by the Personnel Board. The Geologist-In-Training position requires a degree in geology, passage of the Fundamentals of Geology, and enrollment with the MSBRPG. The Geologist I

position (state designation) requires a minimum of a degree in geology, four (4) years of geologic experience, and registration with the MSBRPG. Note that all other geologist positions listed require a minimum of licensure with the MSBRPG.

The noted salaries are as follows:

Geologist-In-Training:	\$32,197.99
Geologist I:	\$40,661.54
Geologist II:	\$44,717.07
Geologist III:	\$48,593.21
Geologist IV:	\$53,052.86
Geologist Admin:	\$58,091.66

Mississippi's Department of Archives and History and Department of Transportation

In its ongoing efforts to educate other state agencies and those in the private sector of the areas in which the RPG Act of 1997 impacts, the Board's Director recently met with officials with the Mississippi Department of Transportation and the Department of Archives and History. In both agencies, upon a review of various site assessments which are being submitted to them, it was determined by the Board that a majority of the reports contained information and/or sections dealing with geology which fall under the jurisdiction of the MSBRPG. These documents (Phase I, II, and III) which are submitted to these agencies, pursuant to Section 106 as required under federal guidelines, also fall under the auspices of the RPG Board's jurisdiction and those sections which are concerned with geology and geologic settings must be submitted by a Registered Professional Geologist licensed to practice in the state of Mississippi. Further, these submissions must be so signified by the registrant's signature and stamp or seal if allowable within the format of the report. Alternatively, affirmation that the work was performed by a MS RPG may be noted by the subtitling of the appropriate section and noting the registrant's name and their MS registration number.

As noted in the previous RPG Newsletter concerning state agency rules and regulations — many Mississippi state agencies have yet to update their existing guidelines to accurately reflect the provisions of the RPG Act of 1997. Just because these guidelines have yet to be updated does not negate the RPG law which takes precedence over agency rules, regulations, and guidelines.

If you have any questions concerning these or similar issues or are aware of any violations of the RPG law do not hesitate to contact the Board.

Congratulations to those who recently passed the ASBOG FG and PG Exams

The following examinees are congratulated on passing the Fundamentals of Geology (FG) exam administered in October, 2002:

Mr. Thomas Burns	Mr. Brandon Conner
Mr. Thomas McCaffery	Mr. Curtis Odom
Mr. Trey Welch	

Also to be congratulated for passage of the Practices of Geology exam, also administered on March 15, 2002 is:

Mr. Bradley Martin

ASBOG exams for the Fall will be offered on October 3, 2003. The deadline for receipt of ASBOG exam orders and fee payments to the MSBRPG is 8/12/03. Any requests for exams after this date will be returned.

More on the ASBOG Exams

Results of the last ASBOG exams administered in October of last year have revealed an overall passage rate of 41%. This passage rate includes those taking the FG exam as an exit exam and for those taking the exam for enrollment with the Board as a GIT. The national passage rate on the FG exam for this same offering was 57%.

It is very interesting to note that the passage rate for the Practice of Geology (PG) exam in Mississippi has been consistently higher, barring one exception, than the national rate. Matter of fact — since the MSBRPG has been offering the exams starting in 1999 there has only been one failure of this exam by all those who have taken it.

NEWS FLASH - PUBLIC HEARING SET FOR REVISION OF UST REGULATIONS

More than two years after it was first proposed to the Mississippi Department of Environmental Quality by the MSBRPG, there will be a Public Hearing on the proposed revisions to the Mississippi Groundwater Trust Fund regulations. These regulations govern who may perform work related to Underground Storage Tanks (UST's) in Mississippi. The only significant change to the regulations is simply that geologic work, interpretation, and the responsibility for that work requires a Registered Professional Geologist who holds a valid license to publicly practice geology.

The analogue to this proposed revision is seen in the state's regulations related to Brownfields. In Brownfields work, both a Registered Professional Geologist and a Registered Professional Engineer are required. A copy of the proposed revisions may be viewed on the Board's web site or by requesting that material from the Mississippi Department of Environmental Quality.

All interested geologists are invited to attend the public hearing scheduled to start at 4:00 PM, Tuesday, March 18, 2003 at the Mississippi Department of Environmental Quality's Commission Hearing Room, Southport Center, Jackson, MS. If you are unable to attend the hearing and have comments related to this issue you may submit them to the following for consideration: Mr. Walter Huff, MDEQ UST Branch, 101 West Capitol Street, Jackson, MS 39201. In order to be considered, written comments should be delivered by the end of business on Wednesday, March 19, 2003.

Are You Stamping Your Work? Board Addresses the Issue Again!

We are continuing to receive verbal complaints related to registrants not stamping (or alternatively embossing) and signing reports, maps, X-sections, etc. Any document involving the public practice of geology, submission of documents to a state agency which contain geologic information, reports, maps, etc. are required by law to be prepared by or under the supervision of a Registered Professional Geologist who takes responsible charge for that work then must stamp and sign the document(s).

Be assured that the Board has and is currently dealing with other matters of consequence and it would much rather not have to start sending out letters of education to those who are neglecting to sign their work. Please take the few minutes required to be in compliance with this requirement of public practice. Remember, this is not an option — **it's the law!!!!**

More On Continuing Education

We are currently in the process of finalizing details for the second, expanded content offering of the Geohydrology Seminar which was jointly sponsored with the Petroleum Technology Transfer Council (PTTC) last year. We are pleased to be again offering this seminar in conjunction with the Eastern Gulf Region's PTTC.

This day long seminar will address the following topics: the hydrologic cycle, laws of ground-water flow, porosity, specific yield, specific retention, permeability and the Darcy experiment, seepage velocity, intrinsic permeability, saturated versus unsaturated flow, fracture flow, steady versus transient flow, equations of flow, pumping and pumping tests, well interactions, land subsidence, salt water intrusion, heat transport, aquifers and aquicludes, ground-water regions and environments, interactions with surface waters, topographic effects, potentiometric surface maps and flow nets, composition and chemistry, modeling, and surface and down-the-hole geophysical applications. This portion of the seminar is designed for those individuals who desire a refresher on geohydrology and also for those who desire basic instruction on geohydrologic concepts, theory, and applications (Presenters: Dr. David Patrick and Dr. Darrel Schmitz).

In addition to the preceding seminar topics there are also presentations by oil and gas industry personnel which relate to water-flooding issues associated with secondary oil recover (Presenters: Mr. James Stephens, Hughes Eastern Corporation and Tellus Operating Company).

The cost for the seminar is \$30.00 which includes the seminar, course notes, and a buffet lunch. The date of the seminar is Thursday, May 29, 2003. The seminar will be offered at the Capital Club, 19th floor of the Capital Towers Building, Jackson, MS starting at 8:30 AM and will continue to approximately 3:30 PM. The street address for the Capital Club is 125 South Congress Street. You may register by simply sending your non-refundable check or money order for \$30.00 (\$15.00 for retirees) to the following address by May 26, 2003: MSBRPG, P.O. Box 22742, Jackson, MS 39225-2742.

Or you may register for the seminar by credit card (Visa, MasterCard, American Express or Discover) through Mollyguard/PayPal (Internet service providers) over the Internet at: <http://www.mollyguard.com/enent/4862544>

Board's Web Site

As always, please visit the Board's web site from time to time. On it you can find items such as Memorandum of Understandings (MOUs); Attorney General and Board Opinions; Board meeting dates, times, and agendas; continuing education information; order forms for stamps/embossers, complaint and exam forms, etc. It also has archived issues of this newsletter - the RPG News, as well as other useful information. The web site address is: www.msbrpg.state.ms.us and the Board's e-mail address is: geology@msbrpg.state.ms.us

Also, the Board's phone number is 601/354-6370; fax 601/354-6032; mailing address: P.O. Box 22742, Jackson, MS 39225-2742; and physical address is: Jackson Enterprise Center, Suite 206-A, 931 Hwy 80 West, Jackson, MS 39204.



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Please notify the Board if you have recently moved or changed employment - please include your e-mail address with your new information!

In This Issue.... Annual ASBOG meeting in Biloxi, Nominees to the Board, Salary Survey of Geologists, Adoption of Voluntary Continuing Education Program, Notice of Public Hearing