

North Carolina Board for Licensing of Geologists
Minutes
Tuesday, September 20, 2022
NC State University Club, Raleigh, NC

The meeting was called to order at 9:50 am by Board Chair Steve Stadelman. Dr. Stadelman read the conflict of interest statement. Other Board members present included Rachel Kirkman, Dennis LaPoint, Richard Spruill and Kenneth Taylor. Robert Mensah-Biney was unable to attend. Executive Director Barbara Geiger, Jenna Miller, Board Staff, Board Counsel Sarah Zambon and new Board Counsel Christine Ryan were also present. Neil Gilbert, Lead Investigator for the Board joined the meeting after lunch. Dr. Taylor noted that, as the State Geologist and employee of the NC Department of Environmental Quality, he would refrain from participating in the deliberation or taking any action by the Board with respect to any matter involving an employee of the Department.

Welcome and Introductions

Approval of Minutes

Motion: to approve the minutes of the April 14, 2022, June 7, 2022 and August 18, 2022 meetings as presented was made by Dr. LaPoint, seconded by Dr. Spruill and carried.

Financial Report

Dr. Taylor presented the fourth quarter profit and loss statement and balance sheet. **Motion:** made by Dr. LaPoint to accept the financial report as presented. The motion was seconded by Ms. Kirkman and carried. Board members requested that the Certificates of Deposit be a standing item on the agenda in order to manage investments wisely.

Administrative Report

Individual and Corporate Licensees/Renewal Stats

Ms. Geiger reported that there are currently 1088 active individual licenses and 215 active corporate licenses. She reported that 17 individuals had requested inactive status at July 1, 2022. Staff noted that there were three licensees whose license went on inactive status at July 1, 2017 who were requesting re-approval for another five years. There was discussion regarding the requirement to reapply for inactive status after five years. **Motion:** made by Dr. LaPoint and seconded by Dr. Spruill to approve those requests for Inactive Status.

License Cards

License cards will be sent this year and in future years, licensees will be asked if they desire a license card via mail.

PG Sticker

Motion: made by Dr. Spruill to approve the concept of a sticker for licensees. Drs. Spruill, LaPoint and Taylor will serve on a committee to develop the sticker. The motion was seconded by Dr. LaPoint and carried.

Board Member Reappointment

Ms. Geiger reported that Dr. Spruill had been reappointed to serve a second term on the Board to expire on June 30, 2025.

Request to sit for exam after (3) failures

Motion made by Dr. Spruill and seconded by Dr. Taylor to allow the candidate to take the exam for the fourth time. Motion carried.

Document Storage – Vital Records Control

Motion made by Dr. Taylor to terminate the contract with Vital Records Control and to pay to have the files shredded. The motion was seconded by Ms. Kirkman and carried.

Legal Report and Training

There was nothing to report regarding legislative matters. Ms. Zambon presented legal training to board members regarding Ethics & Lobbying and formal and informal opinions.

Continuing Education

Approval of Committee Report

Motion: to approve the report of the Continuing Education Committee as presented, approving 32 activities, was made by Dr. LaPoint, seconded by Dr. Taylor and carried.

Repeat Course rule/policy

There was discussion regarding the length of time that should lapse between repeating an activity and claiming CE credit for license renewal. It was determined that if the content of an activity does not change, at least five years should pass before the licensee is allowed to claim the activity a second time. This matter will be discussed in greater detail and determined at the during revision of the Board rules.

Requests for extension of time to fulfill CE requirement

Following review of two requests for extension of time/waiver of CE for the 2021-2022 license year, **Motion** was made by Dr. Spruill to allow a 60 day extension of time to November 30 and that the late fee be imposed. Motion was seconded by Ms. Kirkman and carried.

ASBOG®

October 7, 2022 Exam Update: Ms. Geiger noted that there were 58 total candidates registered to take the ASBOG® exam, with 34 taking Part 1 and 30 taking Part 2. There are 6 candidates registered to take both parts of the exam on that day.

Move to Computer Based Testing (CBT)

Ms. Geiger gave an update regarding the migration of the ASBOG® exam to CBT as of March 17, 2023.

Fall Annual Meeting COE/TAS Workshop

Following discussion of the week of October 24 when the ASBOG® Annual Meeting and other activities will take place in Wilmington, NC, **Motion** made by Dennis LaPoint that the Board send up to six people to attend the various activities. Ms. Kirkman seconded and the motion carried unanimously. **Motion** made by Dr. Stadelman to approve up to \$500 for expenses outside of travel and accommodations. Motion seconded by Ms. Kirkman and carried unanimously.

Old Business

Rules Review and Updates: The Chair appointed a Rules committee to include Kenneth Taylor, Rachel Kirkman and Steve Stadelman with guidance from Christine Ryan. Staff will collate suggested edits and revisions and a virtual committee meeting was set for October 13, 2022 at 12:00 noon.

Meetings & Virtual Presentations: The topic was discussed and is an ongoing matter.

Phase II Requirements: The rules committee will frame and suggest rules for how the Board views the practice of geology taking into consideration other agency rules and regulations.

Definition of Responsible Charge: This topic will also be addressed in the rules revision along with digital seals.

The “tasks of professional geologists” as listed on the ASBOG® website was addressed. Drs. Spruill and Stadelman will review and report back to the Board. Mr. Gilbert pointed out that the geologist practicing outside his or her area of expertise should be addressed, as well as groundwater sampling.

Newsletter: The topic was discussed by the Board and is an ongoing issue.

New Business

SB – Eliminate Soil Scientist Apprenticeship: Dr. Stadelman shared information regarding the Senate Bill eliminating the SS apprenticeship, noting that it is currently in legislative committee.

Collier Geophysics – Request for Determination: Following review of the letter from Collier Geophysics regarding their request for determination of work they would like to do in NC, the Board determined that collecting & processing of data is acceptable, but that any interpretation of that data would fall under NC GS § 89E or other professional license, such as NC GS § 89C, the practice of engineering.

Stormwater Regulation Discussion: The Board discussed the information received from a licensee regarding the design and submittal of erosion and sedimentation control plans to the NCDEQ. The rules and the minimum design criteria for Stormwater Control Measures contradict one another. The licensee will be notified of the Board’s opinion that a licensed geologist can submit “fast tracked” SCMs, but that the NC DEQ rules not clear regarding regular SCM applications.

2023 Meetings Schedule: It was determined that the next meeting of the Board would be held on January 12, 2023 and that the next quarterly meeting would be held on April 18, 2023. The Board will set the third and fourth quarter meetings at the November meeting.

Next Meeting – November 3, 2022 – NC State University Geology Department

Per NC GS § 143-318.11(6), **motion** was made by Dr. Stadelman to move into closed session to discuss a matter of unlicensed practice, potentially involving a licensee. The motion was seconded by Dr. LaPoint and carried.

Motion: was made by Dr. LaPoint and seconded by, Dr. Taylor to resume the open session.

There being no further business, on **motion** and second the meeting was adjourned at 3:37 pm.

Respectfully submitted:

Kenneth B. Taylor, Secretary/Treasurer