

## MINUTES

### UTAH PROFESSIONAL GEOLOGISTS LICENSING BOARD MEETING

June 22, 2011

Room – 402, 4<sup>th</sup> Floor – 2:00 P.M.  
Heber Wells Building  
160 East 300 South  
Salt Lake City, Utah

**CONVENED:** 2:07 P.M.

**ADJOURNED:** 5:00 P.M.

**Bureau Manager**  
**Bureau Secretary**

Richard J. Oborn  
Lee Avery

**BOARD MEMBERS PRESENT**

William Loughlin, Acting Chairperson  
William Lund  
Daniel Horns  
Richard Allis

**Board members absent:**

Dan Matthews

**DOPL Staff Present:**

Kent Barnes, Compliance Manager

**Guests:**

Niall Henshaw  
David Friz  
John Menatti, Utah Dept. of Environmental Quality  
Theron Blattes  
Brent Everett

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

**MINUTES**

The Board reviewed the minutes dated February 10, 2011. Mr. Allis motioned to approve the minutes with changes, seconded by Mr. Lund. The motion carried unanimously.

**Compliance Report**

Mr. Barnes reviewed the role that the compliance unit has in tracking individuals with a professional license that has been placed on probation with the Division.

#1. Torrey Copfer is a new probationer. He submitted 2 employer report forms, 2 therapy reports and the CV for his proposed therapist, Molly G. Prince, LCSW. Mr. Copfer is currently not working as a geologist.

## APPOINTMENTS:

Lance Weaver, application review

Mr. Weaver met with the Board. The Board reviewed the Professional Geologist Licensing Act and Rule. Mr. Allis, Mr. Lund, and Mr. Horns noted that Mr. Weaver works at the same facility they work at. The Board reviewed Mr. Weavers application and the following Professional Geologist Statute and Rule:

**58-76-102. Definitions.**

*(3) "Practice of geology before the public" means the performance of geology including but not limited to consultation, investigation, evaluation, planning, geologic mapping, interpretation of geologic data, preparation of geologic reports, geologic cross-sections and geologic maps, inspection of geological work, and the responsible supervision thereof, the performance of which is relevant to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided this chapter.*

**R156-76-102. Definitions.**

*(3) "Qualified individual", as used in Section R156-76-302c, means a person who is licensed as a professional geologist in a recognized jurisdiction, or who otherwise meets the requirements for licensure as defined in Sections 58-76-302 and R156-76-302b and R156-76-302c.*

The Board noted that the statutes and rules indicate that a supervisor who is a "qualified individual" must be licensed as a geologist or they need to meet the requirements for a Utah Geologist license. The Board noted that the rule may need to be modified to be more in line with the industry and create a 2<sup>nd</sup> track for licensure. The Board tabled this discussion until the next Board meeting.

Torrey Copfer, new probation interview

Mr. Copfer met with the Board. Mr. Loughlin conducted the interview. Mr. Lund noted that he has a professional relationship with Mr. Copfer. Mr. Horns motioned to close the meeting at 3:18 P.M., to discuss the character, professional competence, or physical or mental health of an individual, seconded by Mr. Lund. A recording was not made. Written notes were not taken. The meeting opened at 3:33 P.M. Mr. Copfer advised the Board that he was terminated from his employment

as a geologist September 21, 2010 and has been unable to find another geologist job. Mr. Allis motioned to approve Ms. Molly G Prince, LCSW as Mr. Copfer's therapist, seconded by Mr. Lund. The motion carried unanimously. Mr. Lund motioned to modify Mr. Copfer's stipulation to work up to 60 hours a week or approved by the Board or the Division, seconded by Mr. Allis. The motion carried unanimously. The Board asked to see Mr. Copfer October 13, 2011. **Mr. Copfer is in compliance with his stipulation.**

Niall Henshaw, report from the Short Course on May 17, 2011

Mr. Henshaw met with the Board. Mr. Henshaw advised the Board that he will submit receipts to DOPL within the next couple of weeks. Mr. Henshaw discussed providing another short course and possible topics. The Board noted that these types of short courses are needed in Southern Utah. The Board noted that the Association of Environmental and Engineering Geologists (AEG) National Convention is in September 2012. For this reason, it would be appropriate to have another short course in February 2012 or February 2013. The Board recommended that more courses providing training in technical practice be provided. The Board thanked Mr. Henshaw for his assistance in providing these courses.

**DISCUSSION:**

1. Question of whether practice as an Underground Storage Tank Consultant requires a geologist license under the Geologist Licensing Act and Geologist Licensing act Rule

Mr. Oborn informed the Board that the Division was recently asked whether practice as an Underground Storage Tank Consultant requires a geologist license under the Geologist Licensing Act and Geologist Licensing act Rule. Mr. John Menatti from the Utah Dept. of Environmental Quality (DEQ) participated in the discussion. Mr. Oborn noted that when a Underground Storage Tank Consultant conducts professional interpretations on a ground water gradient map, they would either need to be licensed as a geologist or the interpretation would need to be stamped by a geologist. The Board noted that it may be helpful to clarify the statute.

2. ASBOG exam fee increase

The Board reviewed the ASBOG exam fee increase. The current fee is now \$190.00.

3. Possible changes to criteria for waiving ASBOG FG and PG exam requirement

The Board reviewed the Professional Geologist Licensing Act Rule for possible changes to the

criteria for waiving the ASBOG FG and PG exam requirements.

R156-76-302d (3)

*(3) The ASBOG FG and PG Examinations shall not be required for an applicant who:*

*(a) has practiced as a principal for five years during the last seven years preceding the date of the license application;*

*(b) has been licensed for 20 years preceding the date of the license application; and*

*(c) who was not required to pass the ASBOG FG and PG Examination for initial licensure from the recognized jurisdiction the applicant was originally licensed, but was required to pass a predecessor exam established by the recognized jurisdiction.*

The Board discussed how the requirement that an applicant who never took the ASBOG examination be licensed for not less than 20 years preceding the date of application is overly restrictive. Mr. Lund motioned to delete Utah Admin. Code R156-76-302d (3) (b) and to replace it with a requirement for current licensure in good standing in a recognized jurisdiction. Applicants requesting a waiver of the ASBOG examinations would still be required to verify that they have been a principal for at least 5 of the last 7 years and that they passed whatever predecessor exam was in place before the ASBOG exam in the state whether they were initially licensed. The motion was seconded by Mr. Horns. The motion carried unanimously.

#### 4. 2011 Legislative Session

Mr. Oborn shared with the Board that due to recent statute changes during the last legislative session. Board members whose terms are scheduled to end will be invited back to the Board until their replacement is appointed.

Mr. Oborn advised the Board that all State offices will be open 5 days a week starting September 6, 2011.

#### 5. Inactive license possibility for geologists

The Board reviewed the statute/rule regarding inactive licenses. The Board noted that because professional geologists are not required to obtain CE hours, an inactive license for professional geologists would not be helpful.

6. GPS technologies being used by geologists for research purposes. The Board discussed this issue for a short time. Mr. Oborn stated that he would discuss it with the Professional Engineer and Land Surveyor Licensing Board at their next meeting. The Board tabled further discussion of this item until the next Board meeting.

**NEXT MEETING SCHEDULED:** October 13, 2011 at 2:00 P.M.

**2011 Board meetings have been scheduled:**  
October 13

**ADJOURN:** The Board meeting adjourned at 5:00 P.M:

*Note: This report is not intended to be a verbatim transcript, but is intended to record the significant features of what was discussed in the meeting. Discussed items are not necessarily arranged in chronological order*

November 15, 2011  
Date:

(ss) Dan Matthews  
Chairperson, Utah Professional Geologist Licensing Board

November 15, 2011  
Date:

(ss) Richard J. Oborn  
Bureau Manager, Division of Occupational and Professional Licensing