



Missouri Board of Geologist Registration

Volume 4, Issue 1

September 2003

Governor

The Honorable Bob Holden

Department of Economic Development

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Division of Professional Registration

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Missouri Board of Geologist Registration

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MISSOURI

DEPARTMENT OF ECONOMIC DEVELOPMENT

This is an official publication of the Division of Professional Registration. Submit articles to: Missouri Board of Geologist Registration, P.O. Box 1335, Jefferson City, MO 65102.

Comments from the Immediate Past Chair

LET'S CLEAR THE AIR ABOUT THE MEMORANDUM OF UNDERSTANDING.....

As you are all aware, the Missouri Board of Geologist Registration (MBGR) recently signed a Memorandum of Understanding (MOU) with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects (APELSLA). The



John Howard

MOU came about as a result of the members of the engineering community feeling that, legal enforcement of the Missouri Geologist Registration Act (GRA) by the Missouri Department of Natural Resources (MDNR) would exclude them from performing work that they had traditionally performed. Specifically, the MDNR Underground Storage Tanks (UST) Section began to require a Missouri Registered Geologist (RG) signature and seal on some documents related to underground

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storage tank work. As early as 1996, members of both the geologic and engineering communities attempted to promote more professionalism into the UST work in Missouri. However, no formal agreement was ever reached. Consequently, members of the engineering community looked upon the enforcement of the GRA as limiting their ability to do UST work. The result was a very public confrontation in the 2002 Missouri General Assembly. Members of both the Missouri House and Senate STRONGLY encouraged members of both professional communities to work together to resolve the differences of cross practice, outside of the legislature and within the framework of the licensure boards and regulatory bodies. Following that confrontation, both the MBGR and the APELSLA came together to develop a plan to address the issue of cross practice by engineers and geologists in the performance of their normal work practices.

In June, 2002, members of both boards, representatives from the professional organizations representing both engineers and geologists, representatives from the MDNR, and the Attorney General's office met to discuss the issue. The outcome of that meeting was the MOU that states the two boards will work together to address any issues/complaints of unlicensed or negligent practice by a member of either licensed profession as it relates to the other's profession. A copy of the actual MOU and its legal interpretation by the MGRB's Assistant Attorney General are reprinted in this newsletter for your review.

Now that you have the background on the issue, albeit limited, let me tell you what my thoughts are regarding this issue and how I see things:

The whole issue of cross practice between engineers and geologists has only recently become an issue on a national level. This is primarily due to several factors.

1. This is not just a UST only issue. The work by both engineers and geologists involves nearly all aspects of the environmental work conducted in the state whether it is mandated by federal, state, or municipal law.
2. The environmental work that is done to assess and remediate public hazards has long been conducted by interdisciplinary companies or project teams where both professions have maintained an integral part of the work scopes. As the environmental field continues to evolve and the amount of work diminishes, there is less work to be distributed among the professions and companies.
3. Engineers have a long history of professional registration and licensure by states, including Missouri. Only within the last 10 to 15 years have the geologists been required to become licensed and demonstrate professional qualifications and competency to perform their work. Again, this is a result of the environmental field, which deals mostly with public health, safety and welfare issues.

What has, and is happening in Missouri, mirrors the national trend. There is less work in the environmental field than in the late 80's and early 90's. Secondly, more firms, whether they are engineering or environmental consulting firms, are chasing fewer projects, resulting in a much more competitive marketplace.

The dynamics of the evolving marketplace has seen the genesis of the smaller, local or regional firms that have a niche in their geographic areas. As a result, some of these firms are not able to employ both engineers and geologists to offer the interdisciplinary project teams that were the norm during the heyday of the environmental boom. Unfortunately, the smaller/niche firms may not have the financial capability to employ the licensed professional project staff necessary to perform the work scopes. Further, the desire to be an all-encompassing consulting firm,

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Comments from the Immediate Past Chair (Continued)

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that can serve the needs of the client, has been one of the primary contributing factors to the cross practice conflicts between the professions.

What does all this mean and how does the MOU between the boards affect the licensed practice of geology in Missouri? Let's clear the air and stop putting our own spin on what the MOU says or does not say once and for all.

The MOU says, *"that the two boards will work together to address issue of cross practice."*

It also says, *"The Boards agree section 256.471.3 will be interpreted to mean that engineers will be exempt from geologist registration requirements because the APELSLA will discipline their practitioners as appropriate in consultation with the Board of Geologist Registration. It is further agreed that matters of professional competency are within the statutory and/or regulatory authority of the respective boards."*

What does this mean exactly? The board, in consultation with our Assistant Attorney General, interprets it to mean that an engineer may practice geology related to the collection and interpretation of geologic data as it relates to engineering design activities. This is NOT anything new or different. RSMo 256.471.3 has been in place since the GRA was signed into law.

Further, the MOU provides a mechanism for both boards to work together to address the unlicensed practice of geology by an engineer who may not be using the geologic data solely for the application of engineering design. More importantly, the MOU does not absolve any engineer or geologist from the negligent or incompetent practice of geology. Once again, the MOU allows both boards to work together to address whether an engineer was practicing outside of their "area of expertise" and therefore, in violation of not only the GRA, but also the statutes and rules that govern the licensing and practice of engineering in Missouri.

I would encourage each of you to be vigilant and if you feel that a violation of the GRA has occurred by anyone, please report it to the MBGR and let the board investigate the complaint. Unless an individual makes the board aware of the unlicensed, negligent, or incompetent practice of geology, we cannot act upon them and therefore, cannot protect the citizens of Missouri.

Complaint Statistics							
July 1 - June 30	FY97 96-97	FY98 97-98	FY99 98-99	FY00 99-00	FY01 00-01	FY02 01-02	FY03 02-03
Complaints	1	1	0	2	1	0	2

Message from Division Director



It is no secret that the State is in a financial crisis. Governor Holden has worked diligently to see that essential state services are funded for children and our most vulnerable citizens. The good news, however, is that the Governor's budget included a pay increase of \$600 for all state workers making \$40,000 or less. This increase will be effective July 1. In addition, the Division of Professional Registration is fortunate to be funded through professional licensing fees that are deposited into dedicated funds. The Division, therefore, does not have to rely on general revenue funds for its operation. Our budget was approved as submitted in House Bill 7.

House Bill 600, which was signed into law with an emergency clause making this legislation effective July 1, 2003, affects all licensees within the Division of Professional Registration. Effective July 1, 2003, all persons and business entities applying for or renewing a professional license with the Division of Professional Registration are required to have paid all Missouri income taxes, and also are required to have filed all necessary state income tax returns for the preceding three years. If licensees have failed to pay their taxes or have failed to file their tax returns, their licenses will be subject to immediate revocation within 90 days of being notified by the Missouri Department of Revenue of any delinquency or failure to file. This requirement was enacted in House Bill 600 of the 92nd General Assembly (2003), and was signed into law on July 1st by the Governor. My Administrative Staff and the Division's Management Information System staff are working with the Department of Revenue and the Attorney General's Office to establish the necessary procedures for implementing this bill.

Finally, my Administrative Staff along with the Division's Management Information System staff have been working toward making online renewal a reality. We have just awarded the credit card contract and are hoping to start pilot boards renewing online this fall.

Yours truly,

A handwritten signature in cursive script that reads "Marilyn Taylor Williams".

Marilyn Taylor Williams
Division Director

Central Office Staff



Pamela Groose
Executive Director



Roxy Brockman
Clerk IV



Tammy Mouden
Licensure Technician II

Know Your Board Members



Cynthia Brookshire -
Chairperson
Geologist-State Employee
Springfield, MO
Term Expires: 4/11/04



John Holbrook - Vice-Chairperson
Sedimentary Geologist
Jackson, MO
Term Expires: 4/11/05



John Howard - Secretary
Hydrogeologist
Saint Louis, MO
Term Expires: 4/11/04



Mimi Garstang - Ex-officio
State Geologist
Rolla, MO



Lisa Hosey - Member
Environmental Geologist
Fenton, MO
Term Expires: 4/11/04



Larry Hendren - Member
Engineering Geologist
Columbia, MO
Term Expires: 4/11/03



Michelle Smart - Public Member
Public Member
Saint Louis, MO
Term Expired: 4/11/03

Vacant - Public Member

Association Meeting Dates

Association of Missouri Geologists

Springfield, MO
September 26-27, 2003

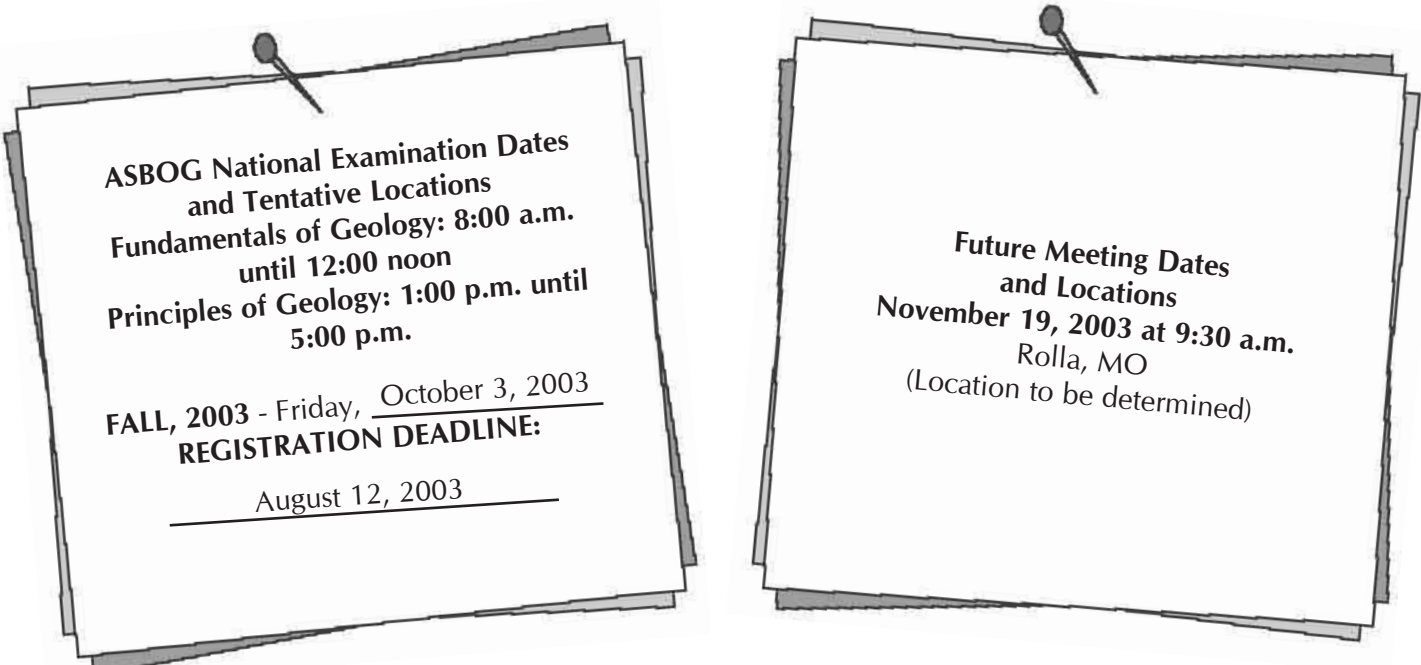
American Institute of Professional Geologists

40th Annual Meeting
Glenwood Springs, CO
October 4-9, 2003

Association of Engineering Geologists

46th Annual Meeting
Vail, CO
September 15-21, 2003

State Board Meeting/Examination Dates



**ASBOG National Examination Dates
and Tentative Locations**
Fundamentals of Geology: 8:00 a.m.
until 12:00 noon
Principles of Geology: 1:00 p.m. until
5:00 p.m.

FALL, 2003 - Friday, October 3, 2003
REGISTRATION DEADLINE:
August 12, 2003

**Future Meeting Dates
and Locations**
November 19, 2003 at 9:30 a.m.
Rolla, MO
(Location to be determined)

Conference Calls will be scheduled and announced according to need.

Things to Know...

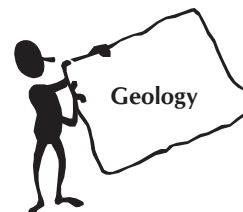


ADDRESS CHANGE - All licensees are required to notify the Board of Geologist Registration within 60 days of an address change. The notification can be submitted in writing to the State Board of Geologist Registration, P.O. Box 1335, Jefferson City, Missouri 65102, by fax to (573) 526-3489 or by telephone to (573) 526-7625.

DUPLICATE LICENSE - Licensees can be issued a duplicate annual renewal license by submitting a completed Application for Duplicate Registration Certificate to State Board of Geologist Registration, P.O. Box 1335, Jefferson City, Missouri 65102 or by fax to (573) 526-3489.

WALL-HANGING LICENSE - Licensees can request a duplicate wall-hanging license by submitting a written request for a duplicate wall-hanging license to the Board of Geologist Registration, P.O. Box 1335, Jefferson City, Missouri 65102. A \$15.00 fee made payable to the State Board of Geologist Registration must accompany the letter.

LICENSURE VERIFICATION TO ANOTHER STATE - Licensees must submit the required verification/certification form from the state in which licensure is being requested along with the required \$10.00 fee to the State Board of Geologist Registration, P.O. Box 1335, Jefferson City, Missouri 65102.



RENEWALS - Renewals are mailed to all current licensees on or around February 1 of each year. Renewals are mailed to the most current address on file with the Board of Geologist Registration. The renewal license is valid for 1 year, May 1 to April 30.

Please send your comments/suggestions regarding the Newsletter to the Executive Director, State Board of Geologist Registration, P.O. Box 1335, Jefferson City, MO 65102 or you can e-mail to pgroose@mail.state.mo.us or to geo@mail.state.mo.us. Your comments/suggestions are welcomed and encouraged.

Visit Our Web Page

Go to ecodev.state.mo.us/pr/geo to view the State Board of Geologist Registration's web page. You will find information relating to the following:

- Current Board members
- Staff Members
- Upcoming meeting and examination dates
- Open meeting minutes
- Geology laws and rules
- Related links

New Geologist Licenses Issued

between June 1, 2002 and April 30, 2003

Charles B Andrews
James Bryant
Eric P Bunnell
Terry L Cochran
Robert L Deal
Chad M Ferguson
Matthew R Foresman
John C Greer

Terry L Hawkins
Paul E Hilchen
Ruth A Hummel
Jessica L Kidwell
Michael J McGuire
Bruce E McKenzie
Wendy Noe
Jason F Prosser

Robert S Ralls
George Harley Richardson
Shannon Michael Todd
Rick H Whitney
James Wiswall
Glen J Young

Geologist Licenses Lapsed as of April 30, 2003

Deborah L Ballard
David M Borrok
Roger D Breeden
Jose A Cercone
Michael A DeCillis
Verne E Dow
Roger B Durham
Kathryn Epp
Sally N Gaines
Harold E Gill
R. V Hall
Delbert D Harper
Robert C Hendricks
Patrick J Higgins
John M Holbrook

Joseph A Klemp
Stephen Knippers
George D Komisarek
Howard Lamkin
Shane A Lyle
Gordon S Magenheim
Emmanuel M Manalang
Joseph J Mark
Duston D Marlow
Denise B May
James A Meier
John K Mikels
Shawna M Murray
Xavier D Nehus
Douglas J Newton

Steven S Persons
Arthur C Pincomb
Robert C Ray
Michael P Sellens
Mark A Sellers
Christopher S Srock
Robert R Tarver
Douglas J Van Brunt
Sean D Vincent
William H Waldschmidt
Robert A Warner
Frank R Weaver
Marc A Willis
Thomas G Yarbrough

What Does the MOU Really Mean?

In the Fall of 2002, the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects ("APELSLA") and the State Board of Geologist Registration ("Geologist Board") entered into a Memorandum of Understanding (the "MOU") to clarify the role of licensed professional engineers with regard to Section 256.471.3, RSMo 2000.

The text of the MOU is as follows:

We, the undersigned, agree to work together in good faith to resolve the issues related to overlapping practice areas between registered geologists and licensed engineers. We recognize that by working together to address these issues, we will best serve the needs and goals of the public, our respective professions, licensees, members, and constituents.

The Board of Geologist Registration and the Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects acknowledge that there is an overlap in expertise between certain geologists and engineers. The Boards agree section 256.471.3 will be interpreted to mean that engineers will be

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What Does the MOU Really Mean? (Continued)

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exempt from geologist registration requirements because the APELSLA will discipline their practitioners as appropriate in consultation with the Board of Geologist Registration. It is further agreed that matters of professional competency are within the statutory and/or regulatory authority of the respective boards.

What the MOU Does:

* The MOU expresses an understanding between the Geologist Board and APELSLA to work together when there is a complaint filed with either Board involving an individual licensed by the other Board. For example, if the Geologist Board receives a complaint about a licensed professional engineer practicing geology without registration, the Geologist Board will work with APELSLA to address the discipline issues. This process of working together may include inviting the other Board to attend and participate in the investigation and hearing processes.

* The MOU clarifies that the Geologist Board and APELSLA agree to interpret Section 256.471.3, RSMo as allowing licensed professional engineers to engage in "the acquisition of engineering data involving soil, rock, groundwater, and other earth materials and the use of these data for engineering analysis, design, and construction . . ." If a licensed professional engineer's actions with regard to these acts results in a complaint being filed with either Board, APELSLA will take disciplinary action as it determines is appropriate against the license of the licensed professional engineer.

* The MOU expresses the desire of both Boards to work together to address whether a licensed professional engineer is practicing outside his or her area of expertise.

What the MOU does NOT do

* The MOU does not give professional engineers the right to obtain geologist registration without meeting the statutory criteria to be a registered geologist.

* The MOU does not give professional engineers the right to engage in any and all types of geologic practice.

* The MOU does not give any licensed professional engineer or registered geologist the right to engage in the negligent or incompetent practice of geology.

* The MOU does not change, take away or add any new authority for either Board.

Multiple Seals

Three amendments to the Missouri Board of Geologist Registration general rules and licensure requirements were filed earlier this year. Two of the proposed amendments allow the Board to separate forms for application for licensure (4 CSR 145-1.030) and post-baccalaureate experience in geology (4 CSR 145-2.030) from the regulations. These changes will permit the board to update the forms as needed to more adequately address application issues.

The third proposed amendment clarifies the need for multiple seals when plans, reports, etc. are being prepared by more than one licensed professional. The proposed new language in 4 CSR 145-2100 (3) (C) states:

If a set of multiple page plans, reports, maps, drawings or other documents or instruments ("documents") contains the seals of more than one (1) licensed or registered professional, the registered geologist should certify, on the title or index page, that his/her seal only relates to the portions of the documents that involve the practice of geology, as defined in section 256.453(7), RSMo. The registered geologist should identify, on the title page or index, the geologic portions of the documents that he/she, or someone under his/her immediate personal supervision prepared. The registered geologist may identify those portions of the documents that neither he/she nor someone under the registered geologist's immediate personal supervision prepared.

The Missouri Board of Geologist Registration felt that a mechanism was needed to allow for multiple seals on a document prepared by more than one licensed professional. Current rules allow for the signing and sealing of a title or index page of a report providing the ENTIRE report was prepared by or under the direct supervision of the registered geologist. The amendment adds the ability for a registered geologist (RG) to certify on the title or index page ONLY the portions of the documents that involve the practice of geology and were prepared by or under the supervision of the RG. The language also allows for the RG to identify those portions of the report that he/she did NOT prepare or supervise.

The Board is currently exploring the possibility of creating a sample, generic certification statement or form for use in professional reports and documents that would exercise the authority granted by this amendment.

All three proposed amendments will become effective on September 30, 2003.



Association Contact Information

AMERICAN INSTITUTE OF PROFESSIONAL GEOLOGISTS (AIPG)

8703 Yates Drive, Suite 200
Westminster, CO 80031-3681
7:30 AM - 4:30 PM MDT; M-F
Telephone: [303]-412-6205
Fax: [303]-253-9220
<http://www.aipg.org>
E-mail: aipg@aipg.org

Missouri Section

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Fax: [816]-421-8444
E-mail: rrohlfsatbgkcmo.com

ASSOCIATION OF ENGINEERING GEOLOGISTS (AEG)

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Fax: [303] 757-2969
<http://aegweb.org>

St Louis Section

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[314] 205-0275
Fax: [314] 997-2067
<http://www.umn.edu/~aeg/aegstl.html>
E-mail: dtk@geotechnology.com

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John Caoile
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[913] 432-9961
Fax: [913] 432-0670
E-mail: jcaoile@sprintmail.com

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Rob Rohlfs, Treasurer

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Rolla, MO 65401-0250
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Fax: [573] 368-2111
<http://www.dnr.state.mo.us/geology/homegsrad.html>
Email: dnrgsrads@mail.dnr.state.mo.us

NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY (ASBOG)

PO Box 11591
Columbia, South Carolina 29211-1591
Telephone: [803] 799-1047
Fax: [803] 252-3432
<http://www.asbog.org>
Email: asbog@asbog.org

SOCIETY FOR MINING, METALLURGY AND EXPLORATION

8307 Shaffer Parkway
Littleton, Colorado 80127
Telephone: 800-763-3132
303-973-9550
Fax: 303-973-3845
<http://www.smenet.org/>
E-mail: sme@smenet.org



Division of Professional Registration
Missouri Board of Geologist Registration
PO Box 1335
Jefferson City MO 65102-1335

PRSTD STD
U.S. POSTAGE
PAID
Permit 237
Jefferson City, MO

Have You Moved Recently?

Board rules require all licensees notify the Board of all such changes by sending a letter to the board's office in Jefferson City, Missouri, within sixty (60) days of the effective date of the change. Please include a street address to facilitate any express mail deliveries.

Name: _____

Home Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ (Home) _____ (Work)

Work Address: _____

City: _____ State: _____ Zip Code: _____

E-mail Address: _____

Mail to:
Missouri Board of Geologist Registration
P.O. Box 1335
Jefferson City, Missouri 65102-1335