

# **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**



## **ANNUAL REPORT FY 2011**

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## Mississippi State Board of Registered Professional Geologists

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January 3, 2012

**Re: 2011 Annual Report  
Mississippi State Board of Registered Professional Geologists**

In accordance with Mississippi Code 1972, Annotated, §27-101-1 and §27-101-3, (amended by Mississippi Legislature, Regular Session 2009, Senate Bill 2745) and §73-63-19, the following link is provided to the electronic version of the 2011 Annual Report of the Mississippi State Board of Registered Professional Geologists. This document summarizes the agency's activities for the period of July 1, 2010 to June 30, 2011.

<http://www.msbrpg.state.ms.us/annual.pdf>

If you wish to receive a paper copy of this report, please contact me at 601/354-6370 or via email at [geology@msbrpg.state.ms.us](mailto:geology@msbrpg.state.ms.us)

For and on behalf of the Board,

Rick L. Ericksen, RPG, CPG  
Executive Director

RLE:ms

## **INTRODUCTION**

The Board of Registered Professional Geologists is charged with the responsibility of determining those areas of geology that impact the public's health, safety, and welfare. The Board through its Rules and Regulations and Guidance Opinions and Recommendations, as well as a complete and thorough registration process, ensures that each of its registrants is properly qualified to publicly practice the geologic profession in the state of Mississippi. During FY 09, the Board continued to enroll new Geologists In Training (GIT) and Registered Professional Geologists through reciprocity agreements with other states that include Alabama, Georgia, Texas, and Arkansas; through other application reviews of those who meet the requirements of GIT or RPG via experience and examinations, all of which add to those that initially "grandfathered," and others who have previously gone through the Board's review in years previous to FY 11. The Board continues its examination administration (approximately every six months).

## **HISTORY OF THE BOARD**

The Board was established in 1997 by the Legislature and its first Board was appointed and sworn in July, 1997. The first Board developed and, upon due and proper notice, adopted Rules and Regulations of Procedure and also formalized and approved the application and related forms for those who wished to be registered with this Board. Subsequently, the Board reviewed and registered or enrolled a majority of its registrants during the time frame of 1997 through 2000. In 1997 the Board became an Associate Member of the National Association of State Boards of Geology (ASBOG®) —the organization that developed and maintains the two national geologic competency examinations. Later in 1999 the Board became a full member of that organization.

Of note, Dr. Darrel W. Schmitz (currently Head of the Department of Geosciences at Mississippi State University) who served on the initial Board became heavily involved with the ASBOG® organization. His involvement led the way for his election to the ASBOG® Executive Committee and there he served as its Secretary, Treasurer, and later as President for the organization during 2002. In November, 2011 during the Annual Meeting of ASBOG® Dr. Schmitz was bestowed with the highest honor of ASBOG® receiving the Sherman Award for his previous and ongoing work with the organization. We are very proud of his accomplishment.

The Board administered its first ASBOG® qualifying examination in March,

1999 and it continues to do so every six (6) months for those desiring to become either a Geologist-In-Training or Registered Professional Geologist within the State of Mississippi. The Board has offered and continues to offer the first of the two (2) geology examinations to senior level geology students at all of the institutions of higher learning in Mississippi offering degrees in geology. This provides those who are attending our state's universities an opportunity to enter into the qualifying process and become a Geologist-In-Training. As a designed result, the participation of the universities in Mississippi who have degree programs in geology allows the faculty and those institutions to assess their degree programs that are being offered in geology.

It is important to note that all of the states in the southeastern US now have some form of geologic registration or licensure. The southeastern states include Florida, Georgia, Alabama, Tennessee, Arkansas, Kentucky, North Carolina, South Carolina, Louisiana, and Texas. On a national basis 31 states and one US territory have geologic licensure or registration laws in place.

The Board operated without a full time staff until FY 2001 when it hired an Executive Director, which is the agency's first and only full-time employee. Legal counsel for the Board is provided for by the Attorney General's legal staff.

**BOARD MEMBERS**  
(AS OF 12/31/11)

**DR. DARREL W. SCHMITZ, RPG**  
**PRESIDENT**  
**ACADEMIC SECTOR**  
**STARKVILLE**

**MR. MICHAEL J. WRIGHT, RPG**  
**VICE PRESIDENT**  
**At-Large**  
**Brandon**

**MR. MAURICE N. BIRDWELL, RPG**  
**Mining/Extractive Mineral Industry Sector**  
**Brandon**

**MR. EVERETT J. FERRIS, RPG**  
**Government Sector**  
**Ocean Springs**

**MR. KENNETH D. RUCKSTUHL, RPG**  
**GEOTECHNICAL/ENVIRONMENTAL INDUSTRY SECTOR**  
**BRANDON**

## **FUNCTIONS AND AUTHORITIES OF THE BOARD**

The Board of Registered Professional Geologists was established and operates in accordance with the authority of Title 73, Chapter 63, Sections 1 - 57 of the Mississippi Code of 1972, as amended.

The Board is enabled through these statutes and has the authority to:

1. Provide guidelines as to those geologic activities which may impact the public's health, safety, and welfare;
2. Provide the enforcement of the provisions of this chapter, and the Bylaws, Rules, and Regulations of the Board, as well as the enforcement of all other applicable laws of the State of Mississippi;
3. Provide appropriate Rules and Regulations, within and consistent with the provisions of this chapter, which contain procedures for implementing disciplinary actions as provided for in §73-63-43 (Mississippi Code, Amended 1972), including the imposition of fines as provided for therein;
4. To administer and proctor ASBOG® (Association of State Boards of Geology) national examinations. The ASBOG® examinations (geologic competency examinations) represent a pervasive, legally defensible system of standards and practices in the public practice of the geological profession and geological registration/licensure;
5. Investigate and where warranted: admonish, prosecute or initiate prosecution for violation(s) of the laws of this state pertaining to the public practice of geology, or matters related thereto;
6. Adopt and promulgate reasonable and necessary bylaws, rules, and regulations for the proper and appropriate fulfillment of its duties consistent with state laws pertaining thereto;
7. Promote and encourage continuing education of its registrants;
8. Establish and enforce standards of professional conduct and ethics;
9. Institute proceedings in its own name.

## **APPOINTMENT OF BOARD MEMBERS**

The State Board of Registered Professional Geologists consists of five (5) registered professional geologists, appointed by the Governor from three (3) nominees submitted for each sector of geological practice noted below. With the exception of the first appointed board, all subsequent nominees are nominated and submitted to registrants for their confirmation and ranking by the number of votes cast by registrant balloting. These nominees, ranked from highest number of registrant votes to least, are then submitted to the Governor for consideration and appointment. The terms of appointees, with the exception of the first board, are four (4) years in duration, on staggered terms.

The board has one (1) member, to the extent practicable, from each of the following sectors:

- 1) Government;
- 2) Mining/Extractive Mineral Industry;
- 3) Academia;
- 4) Geotechnical/Environmental Industry;
- 5) At-large (any sector).

## **ROSTERS**

Complete listings of Registered Professional Geologists (RPGs) and Geologists-In-Training (GITs) are available upon request. These rosters are also available at no charge on the Board's web site located at the following web site address:

<http://www.msbrpg.state.ms.us>

## **“GRANDFATHERING” PERIOD**

The Board has its review of applicants who qualified under the “grandfathering” provisions of 73-63-1 *et seq* (Mississippi Code, Annotated 1972) as Registered Professional Geologists who applied to the Board prior to the end of December 31, 1998. All those applicants who failed to supply required information have had their files permanently closed after they were so notified. Since the termination of the “grandfathering” period, all applicants must take and successfully pass two competency examinations, (ASBOG examinations), administered under the auspices of this Board in order to

qualify for registration and the public practice of geology or qualify under the terms and conditions of reciprocity-comity agreements the Board has entered into with other states which have similar geologic registration-licensure laws and requirements as those of this Board and its enabling legislation.

It is of further importance to note that the RPG Act of 1997 also provided for the “grandfathering” of professional engineers who had minimal qualifications to publicly practice geology. These minimum qualifications consisted of 15 semester hours or 20 quarter hours in geological course work and ten (10) years of verifiable geologic work experience. Of all of those engineers in the state to which this applied, three (3) engineers applied with the Board to be accepted under these grandfathering terms. Several of our registrants, approximately 12 in number, hold degrees in both geology and engineering, and were subsequently registered as professional geologists on the basis of their degrees in geology, work experience, and references.

## **GEOLOGIC COMPETENCY EXAMINATIONS - NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY (ASBOG®)**

The Board maintains membership with the Association of State Boards of Geology (ASBOG®). In addition to the ASBOG® qualifying examinations, this Board’s affiliation with ASBOG® provides an essential mechanism by which Mississippi, the Board and its membership, and the geologic educational leaders of this state are kept aware of national trends in the professional practice of geology and related areas. Importantly, in calendar year 2005, ASBOG® adopted a Model Geologist Licensure Law. The Model Law is intended for the use of those states going through sunset review and also for states that intend on introducing geologic licensure/registration legislation. The adoption of this Model Law was a milestone for the professional practice of geologists in the U.S. In November, 2011, the ASBOG® organization adopted, as a companion to the Model Law, companion Model Rules and Regulations that may be utilized by boards of registration/licensure as appropriate.

Our Board has been represented in the ASBOG® organization, as previously noted, by Dr. Schmitz and also by Mr. Rick Ericksen (Board's Executive Director), Dr. Terry Panhorst (professor of geology at the University of Mississippi), Dr. David Patrick (professor of geology at the University of Southern Mississippi), Dr. John Mylroie (professor of geology at the Mississippi State University), Dr. Lisa Goggin (Board Subject Matter Expert), Mr. Keith Goggin (Board Subject Matter Expert), and Dr. James Harris (Chair,

Department of Geology at Millsaps College). Mr. Ericksen continues to participate in various capacities with ASBOG® including chairing both the ASBOG® Public Relations Committee and the ASBOG® Uniform Procedures Committee and also serves as a member on the ASBOG® Finance Committee.

This Board's continuing participation with ASBOG® assures both the Board and the State of Mississippi a solid and proactive role of professional and educational leadership and governance at the national and international levels. The primary function of ASBOG® is to provide valid, legally defensible geologic examinations that test the applicant's knowledge and understanding of the geologic profession. These examinations are offered on a local, state-basis and in turn are graded on national-basis. ASBOG® also serves as a facilitator in related geologic-professional practice areas including the identification of geologic tasks normal to the practice of geology on the national and international level, as well as addressing other areas of professional practice and significance including professional ethics, the issuance of a Model Geologist Licensure Law, and the accompanying Model Rules and Regulations for geologic licensure/registration boards (the noted documents can be viewed at the following web site: <http://www.asbog.org>). It is of further interest to note that the first of the two (2) geologic competency examinations (the Fundamentals of Geology) was offered in Canada as an initial qualifying examination. Canada requires that all geoscientists be licensed in each of their provinces/territories.

Of further interest, in late August of 2011, Mr. Ericksen and other, select ASBOG® officials met with government representatives of the People's Republic of China and discussed the use of geologic competency examinations in China. The Chinese entourage noted that officials with the Central Government had mandated that, based on the severity and number of geoscience related, natural and man-made disasters that have occurred in China over the past, that it was essential that the Chinese government institute geologic competency examinations to ensure that work and work activities being performed in China be accomplished via thoroughly trained and competent geoscientists.

## **GEOLOGY COMPETENCY EXAMINATIONS**

The Board has the responsibility of administering examinations prepared by the Association of State Boards of Geology. Examinations were first offered in Mississippi in March, 1999. These qualifying examinations, the "Fundamentals of Geology" and "Practice of Geology" examinations, are

offered twice yearly. In conjunction with the implementation of geologic examinations, all of the state's universities that offer degrees leading to a degree in Geology have and continue to participate with the Board in the administration of the ASBOG® examinations. These universities have implemented the ASBOG® examination (Fundamentals of Geology) as an "exit" examination in their degree programs and require those in their programs of Geology to take the FG exam prior to graduation. Mississippi was the first state in the US to utilize this examination for this purpose and several other states have begun to follow Mississippi's lead in using this examination for the same purposes (other states considering its use in this fashion now include Arkansas (anticipated implementation in 2011-12), Alabama, California (anticipated implementation 2011-12), Illinois, Wyoming, and Texas. The state of Kentucky has implemented the FG exam as an "exit" examination). The universities in Mississippi participating in this examination process include the Geology departments of the University of Mississippi, Mississippi State University, and the University of Southern Mississippi.

## **INVESTIGATIONS/DISCIPLINARY ACTIONS**

The Board received three (3) unsubstantiated verbal complaints during FY 2011 that were not investigated as per the Rules and Regulations of the Board require written complaints be submitted. However, since this report spans FYs, it is notable to mention that it has received one (1) complaint with merit that led to an investigation that has already been initiated during FY 12. After its investigation was completed the Board chose to issue a letter of concern as the appropriate course of action.

## **DISCIPLINARY ADJUDICATIONS**

The Board did not issue any adjudications during FY 11. However, as noted in the previous section (Investigations/Disciplinary) the Board has issued one (1) letter of concern during the ensuing FY 2012 so far.

## **CONTINUING EDUCATION/PROFESSIONAL DEVELOPMENT**

The Board formally adopted a voluntary continuing education program in FY 03. As provided for in its enabling legislation, the Board has also proactively been offering, jointly with other professional, geological-oriented organizations, educational seminars, professional training, and other presentations designed to enhance and inform its registrants of new and

developing technologies, professional ethics, and geological topics pertaining to continuing professional development. Through these offerings the Board is providing to its registrants a needed service to ensure their competitiveness but more importantly their competency related to the professional services which they offer to the public.

It is important to note that a large number of the Board's previous educational offerings were done in conjunction with the Eastern Gulf Region's Petroleum Technology Transfer Council (PTTC) that had been associated with the US Department of Energy. While under the auspices of the Department of Energy, the Board co-hosted 12 continuing education seminars through FY 07. The US Department of Energy phased out much of its participation in this program and it now is being sponsored/administered by the American Association of Petroleum Geologists. Based on this transition, there has been no further involvement in such joint offerings as the AAPG is geared towards exploration and production of hydrocarbons and not the environmental geoscience.

Despite no longer being associated with the Eastern Gulf Region's PTTC, the Board continues to inform its registrants of educational offerings as they become known/available and has participated with the Association of Environmental and Engineering Geologists in a field trip held this past Fall. The Board anticipates continuing to publish educational offerings that may benefit its registrants on an ongoing basis.

## **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS AND BOARD OF LICENSED PROFESSIONAL ENGINEERS AND LAND SURVEYORS - LIAISON COMMITTEE**

As a result of discussions between both boards, after the 2006 legislative session, it was agreed that the two should form a committee to meet on a regular basis to discuss professional practice issues that have or may impact both. The two boards formed a liaison committee that regularly meets approximately every six (6) months. These informal meetings have been beneficial to both boards and as such, they have and will continue into the future.

## **RECOMMENDATION(S)**

The Board of Registered Professional Geologists has one (1) continuing recommendation and concern and that is that any and all matters dealing with

unfunded mandates that may be imposed by the Legislature be very carefully considered allowing for how they may or will impact state agencies, especially small state agencies that may or may not be an appropriate entity (versus a large state agency) before they are acted upon.

# **SUMMARY OF FEE TRANSACTIONS**

## **SUMMARY OF CASH RECEIPTS OF BUSINESS TRANSACTIONED BY THE BOARD FOR THE FISCAL YEAR 2011**

Registration (Application-Registration-Renewal- Examinations-Programs).....	\$98,321
Disciplinary.....	\$0
Interest.....	\$2,339
<b>Total.....</b>	<b>\$100,660</b>

# SPECIAL FUND APPROPRIATION FOR THE FISCAL YEAR 2011

## PERSONAL SERVICES

Salaries includes Wages, Fringe, and Per Diems.....	\$88,600
Travel and Subsistence. ....	\$2,000
Contractual Services.....	\$38,314
Commodities.....	\$4,000

## CAPITAL OUTLAY

Other than Equipment.....	\$0
Equipment.....	\$3,000
Subsidies, Loans, Cost Sharing, and Grants. ....	\$0

**TOTAL..... \$135,914**

## DISBURSEMENTS FOR THE FISCAL YEAR 2011

### PERSONAL SERVICES:

Salaries, Wages and Fringe Benefits and per diem. . . . .	\$71,216
Travel and Subsistence. . . . .	\$511
Contractual Services. . . . .	\$18,777
Commodities. . . . .	\$2,219

### CAPITAL OUTLAY:

Other than Equipment. . . . .	\$0
Equipment. . . . .	\$0
Subsidies, Loans, Cost Sharing, and Grants. . . . .	\$0

**TOTAL: . . . . . \$92,723**