

Report on the

# Board of Licensure for Professional Geologists

Montgomery, Alabama



## Department of Examiners of Public Accounts

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*Rachel Laurie Riddle, Chief Examiner*





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August 19, 2020

Representative Howard Sanderford  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Licensure for Professional Geologists in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Licensure for Professional Geologists, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle  
Chief Examiner

**Examiner**

Troy A. Eastman

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# **PROFILE**

## **Purpose/Authority**

The Board of Licensure for Professional Geologists was created by Act No. 399, Acts of Alabama 1995 to license and regulate the professional practice of geology in Alabama. Current statutory authority for the Board is found in the *Code of Alabama 1975*, Section 34-41-1 through 34-41-24.

There was no legislative activity since the last Sunset Review.

<b><u>Characteristics</u></b>	
<b>Members and Selection</b>	<p>Seven members appointed by the Governor from a list of nominees provided by the Board or any entity designated by the Board. Membership must include at least one representative member from each of the following professional subgroups of geologists:</p> <ul style="list-style-type: none"><li>• Faculty of the departments of geology at colleges and universities in the State of Alabama that grant degrees in geological sciences</li><li>• Governmental agencies employing geologists</li><li>• Businesses, exclusive of those exempted in Section 34-41-7</li><li>• Mining industry</li><li>• Petroleum industry</li><li>• Geotechnical and/or environmental engineering firms</li><li>• Independent geological consultants</li></ul> <p><i>Code of Alabama 1975</i>, Section 34-41-4</p>
<b>Term</b>	<p>Three-year staggered terms No more than two consecutive three-year terms.</p> <p><i>Code of Alabama 1975</i>, Section 34-41-4</p>
<b>Qualifications</b>	<ul style="list-style-type: none"><li>• Licensed professional geologist</li><li>• Citizen of the United States</li><li>• Resident of Alabama at least five years immediately preceding appointment</li><li>• Reside in Alabama during the term of office</li><li>• At least 25 years of age</li></ul> <p><i>Code of Alabama 1975</i>, Section 34-41-4</p>

<b>Consumer Representation</b>	No statutory requirement.
<b>Racial Representation</b>	No statutory requirement. No minority members serving.
<b>Geographical Representation</b>	No statutory requirement.
<b>Other Representation</b>	Whenever possible the membership of the Board shall be inclusive and reflect the racial, gender, urban/rural, and economic diversity of the State.  <i>Code of Alabama 1975</i> , Section 34-41-4
<b>Compensation</b>	Each member receives \$100 compensation for each day engaged in the discharge of official duties. Travel expenses are reimbursed in the same amount as provided for State employees.  <i>Code of Alabama 1975</i> , Section 34-41-4
<b>Attended Board Member Training</b>	Six board members Twelve Warren & Co. staff members Executive Secretary
<b><u>Operations</u></b>	
<b>Administrator</b>	The Board contracts with Warren & Company, Inc. a private management firm, to provide administrative services, facilities and equipment, investigative services and logistical support. Keith Warren, president of Warren & Co. serves as the Board's Executive Secretary. The current annual contract amount through March 31, 2021 is \$41,400.00.  <i>Code of Alabama 1975</i> , Section 34-41-4
<b>Location</b>	2777 Zelda Road Montgomery, AL 36106 Office hours: Monday through Friday 8:30 – 4:30
<b>Employees</b>	None.
<b>Legal Counsel</b>	Bill Garrett, an employee of the Attorney General's office.

<b>Subpoena Power</b>	Yes, for witnesses and evidence.  <i>Code of Alabama 1975</i> , Section 34-41-5
<b>Internet Presence</b>	<a href="http://www.algeobd.alabama.gov">www.algeobd.alabama.gov</a> . <ul style="list-style-type: none"> <li>• Board Members</li> <li>• Meeting calendar</li> <li>• Statute and Administrative Rules</li> <li>• Licensee\applicant forms and information</li> <li>• Consumer information</li> <li>• Geological Science degree information</li> <li>• Official Meeting Minutes</li> <li>• Licensee search</li> <li>• Geological societies and continuing education information</li> </ul>
<b><u>Financial</u></b>	
<b>Source of Funds</b>	Licensure fees and fines.  <i>Code of Alabama 1975</i> , Section 34-41-5
<b>State Treasury</b>	Yes, Special Revenue Fund 0912  <i>Code of Alabama 1975</i> , Section 34-41-6
<b>Required Distributions</b>	No statutory requirement.
<b>Unused Funds</b>	Retains unused balances for subsequent years' expenditures.  <i>Code of Alabama 1975</i> , Sections 34-41-6
<b><u>Licensee Information</u></b>	
<b>Licensees</b>	As of January 17, 2020  Active Professional Geologists      554 Active Geologists-In-Training      13 Active Temporary <u>1</u> Total    568  <i>Source:</i> Administrator



<p><b>Licensure Qualifications</b></p>	<ul style="list-style-type: none"> <li>• Good moral character</li> <li>• Degree in geology, engineering geology, or one of the related geological sciences if the applicant has completed a minimum of 30 semester hours or their equivalent of coursework in geological science.</li> <li>• At least five years of full-time professional geologic work after receipt of bachelor's degree, either as a geologist-in-training or in geological work related to the public practice of geology.</li> <li>• Passed a knowledge and skills examination.</li> <li>• A citizen of the United States or legally present.</li> </ul> <p><i>Code of Alabama 1975, Section 34-41-10</i></p>																								
<p><b>Licensee Demographics</b></p>	<p>The Board began collecting demographic data January 2019.</p> <p>As of January 17, 2020, the Board had demographics for 324 licensees:</p> <table border="1" data-bbox="673 821 1200 1129"> <tr> <td colspan="2"><b>Male:</b></td> </tr> <tr> <td>Caucasian</td> <td>279</td> </tr> <tr> <td>African American</td> <td>2</td> </tr> <tr> <td>Hispanic</td> <td>1</td> </tr> <tr> <td>Non-disclosed</td> <td>1</td> </tr> <tr> <td colspan="2"><b>Female:</b></td> </tr> <tr> <td>Caucasian</td> <td>40</td> </tr> <tr> <td>African American</td> <td>1</td> </tr> </table> <p><i>Source:</i> Administrator</p>	<b>Male:</b>		Caucasian	279	African American	2	Hispanic	1	Non-disclosed	1	<b>Female:</b>		Caucasian	40	African American	1								
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<p><b>Examinations</b></p>	<p>Applicants must pass a two-part exam prepared by the National Association of State Boards of Geology (ASBOG). Warren &amp; Company, Inc. administers the exam twice each year (March and October) in Montgomery and ASBOG grades the exam.</p> <table border="1" data-bbox="597 1507 1386 1734"> <thead> <tr> <th colspan="4"><b>Fundamentals of Geology</b></th> </tr> <tr> <th><b>Calendar Year</b></th> <th><b># Taken</b></th> <th><b># Passed</b></th> <th><b>% Passed</b></th> </tr> </thead> <tbody> <tr> <td><b>2019</b></td> <td>24</td> <td>11</td> <td>46%</td> </tr> <tr> <td><b>2018</b></td> <td>32</td> <td>15</td> <td>47%</td> </tr> <tr> <td><b>2017</b></td> <td>37</td> <td>9</td> <td>24%</td> </tr> <tr> <td><b>2016</b></td> <td>28</td> <td>11</td> <td>39%</td> </tr> </tbody> </table>	<b>Fundamentals of Geology</b>				<b>Calendar Year</b>	<b># Taken</b>	<b># Passed</b>	<b>% Passed</b>	<b>2019</b>	24	11	46%	<b>2018</b>	32	15	47%	<b>2017</b>	37	9	24%	<b>2016</b>	28	11	39%
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<b>Examinations (cont.)</b>	<b>Practice of Geology</b>			
	<b>Calendar Year</b>	<b># Taken</b>	<b># Passed</b>	<b>% Passed</b>
	<b>2019</b>	12	6	50%
	<b>2018</b>	11	9	82%
	<b>2017</b>	19	10	53%
	<b>2016</b>	21	9	43%
	<p>Pass/fail rates for graduates of Alabama public institutions of higher learning were not available.</p> <p><i>Code of Alabama 1975</i>, Section 34-41-10 and 34-41-11  <i>Source:</i> Administrator</p>			
<b>Reciprocity</b>	<p>The Board shall approve licensing through comity for any individual already licensed as a professional geologist or the equivalent in any other state, territory, or possession of the United States, or the District of Columbia, if the license is current and, in the opinion of the board, the license was issued in compliance with licensing requirements that are substantially the same as, or more stringent than, Alabama's requirements.</p> <p>The Board has agreements with Mississippi, Louisiana, and Texas.</p> <p><i>Code of Alabama 1975</i>, Section 34-41-5</p>			
<b>Renewals</b>	<p>Licenses are renewed biennially and expire two years from the date of issuance. The right to renew without penalty is sixty days past the renewal date. The license is renewed or restored if the licensee meets all other statutory requirements and pays a penalty or restoration fees.</p> <p>As of 1/17/2020:  68% of renewals were processed online.</p> <p><i>Code of Alabama 1975</i>, Section 34-41-12  <i>Administrative Rule</i> 364-X-13-.03</p>			
<b>Continuing Education</b>	<p>Minimum of 30 hours per biennial period, except for the carryover permitted. The number of hours which may be carried forward to the next biennial period cannot exceed 15 hours.</p> <p><i>Code of Alabama 1975</i>, Section 34-41-12  <i>Administrative Rule</i> 364-X-13-.02</p>			

## **SIGNIFICANT ISSUES**

**Significant Issue 2020-01 – The Board has not submitted nominations to the Governor for the petroleum industry board member whose term expired September 30, 2015.**

The member continues to serve.

The *Code of Alabama 1975*, Section 34-14-4(b) states, “The board shall consist of seven members appointed by the Governor from a list of nominees submitted by the board, or any entity designated by the board.”

**Board’s Response** – The Board is experiencing tremendous difficulty with nominations for a petroleum industry board member. This field of geology is exempt from licensure under the enabling statute therefore, there are very few practicing petroleum geologists in the state. The Board continues to work to identify a licensed individual to serve in this capacity. The Board has even discussed introducing legislation to change the designation of geologists serving on the Board. This significant issue continues.

**Significant Issue 2020-02 - The Board’s expenditures have exceeded revenues for the past four fiscal years.** Expenditures have exceeded revenues by the following amounts:

- Fiscal year 2016 - \$ 13,777.36
- Fiscal year 2017 - \$ 813.30
- Fiscal year 2018 - \$ 19,379.56
- Fiscal year 2019 - \$ 942.91

The Board’s cash balances at the end of the past four fiscal years are also declining. The cash balance at the end of fiscal year 2016 was \$51,031.34 and the cash balance at the end of fiscal year 2019 was \$29,894.57, a decrease of \$21,136.77 (41%).

According to the *Code of Alabama 1975*, Section 34-41-5(e), “The expenditures shall not exceed the revenues of the board during any fiscal year.”

**Board’s Response** – The Board is exploring options to correct the decline in revenues and to reduce expenditures to eliminate this issue. There are several possibilities the Board is exploring to act on prior to the 2021 license renewal period. The Board is extremely aware of this issue and is its number one priority to resolve.

## **STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES**

**Significant Issue 2016-01 – Board records indicate a significantly high failure rate of potential licensees on the Fundamentals of Geology Exam (FGE).** The FGE is the first part of a two-part examination. The test is prepared by the National Association of State Boards of Geology (ASBOG). Warren & Company, Inc. administers the exam in March and October in Montgomery for Alabama applicants. Examination statistics for prior sunset reports covering fiscal years 2005-2011 also revealed a low passing rate on both parts of the examination as shown in the tables below:

Calendar Year	Fundamentals of Geology					Practice of Geology			
	Taken	Pass	Fail	Pass %		Taken	Pass	Fail	Pass %
2005	30	13	17	43%		13	9	4	69%
2006	22	9	13	41%		8	6	2	36%
2007	33	9	24	27%		15	9	6	60%
2008	26	12	14	46%		12	7	5	58%
2009	14	5	9	36%		15	8	7	53%
2010	22	9	13	41%		11	7	4	64%
2011	18	8	10	44%		7	5	2	71%
2012	25	10	15	40%		6	3	3	50%
2013	22	10	12	45%		8	6	2	75%
2014	31	14	17	45%		8	7	1	88%
2015	27	8	19	30%		13	7	6	54%
2016 (Mar)	13	7	6	54%		10	3	7	30%
Average	283	114	169	40%		126	77	49	61%

The sections may be taken on the same day or separately.

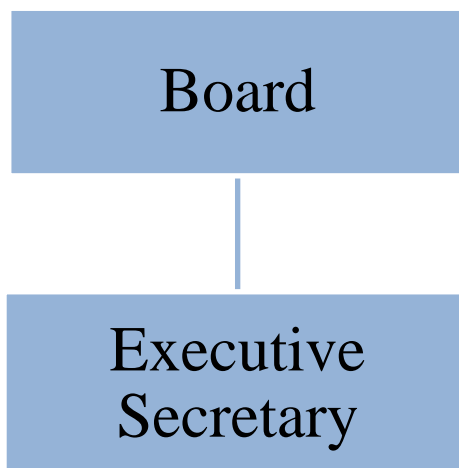
According to the Candidate Handbook 2016 (Handbook), the FGE consists of 140 questions and the PGE consists of 110. Both parts of the examination are scored by summing the number of correct responses. The Handbook states “passing scores are adjusted (scaled) based on the difficulty level of each question in each examination so that candidates have the same probability of passing any version of the examinations.” A scaled score of 70 is established as a standard of minimum competency. However, the legal authority for making registration/licensure decisions rests solely with the individual licensing boards. The Alabama Board of Licensure for Professional Geologists set the passing score as 70 in its *Administrative Rule* 364-X-8-.07.

**Current Status** - Examination statistics for this review period continue to show low passing rates on both parts of the examination as shown in the tables below:

Calendar Year	Fundamentals of Geology					Practice of Geology			
	Taken	Pass	Fail	Pass %		Taken	Pass	Fail	Pass %
2016	28	11	17	39%		21	9	12	43%
2017	37	9	28	24%		19	10	9	53%
2018	32	15	17	47%		11	9	2	82%
2019	24	11	13	46%		12	6	6	50%
<b>Totals</b>	<b>121</b>	<b>46</b>	<b>75</b>	<b>38%</b>		<b>63</b>	<b>34</b>	<b>29</b>	<b>54%</b>

**Board’s Response** – The Board has addressed this issue with the National Association of Geology and has designated a Board member to attend the Council of Examiners meetings held biannually to involved in the examination process. However, this is a trend across the United States regarding low scores and it is in the control of the association and not that of the Board. This significant issue continues.

## **ORGANIZATION**



## **PERSONNEL**

The Board contracts with Warren & Company, Inc. of Montgomery, Alabama to provide administrative and investigative services, as well as an executive secretary. The current contract compensates Warren & Company Inc. \$41,400 annually to be paid in monthly installments of \$3,450.00. The contract expires March 31, 2021.

### **Legal Counsel**

Bill Garrett, Assistant Attorney General for the Attorney General's office, provides legal counsel to the Board.

## **PERFORMANCE CHARACTERISTICS**

### **Number of Persons per Licensee in Alabama and Surrounding States**

	<b>Population (Estimate)*</b>	<b>Number of Active Professional Geologist Licensees</b>	<b>Persons Per Licensee</b>
<b>Alabama</b>	<b>4,903,185</b>	<b>554</b>	<b>8,851</b>
Florida	21,477,737	1,716	12,516
Georgia	10,617,423	990	10,725
Mississippi	2,976,149	554	5,372
Tennessee	6,829,174	1,641	4,162

\*Source: U.S. Census, December 2019 Population Estimates

**Operating Disbursements per Active Licensee as of September 30, 2019** - \$111.27

### **Fines/Penalties as a percentage of Operating Receipts**

The Board did not assess or collect any fines or penalties during this review period.

### **Notification of Board decisions to Amend Administrative Rules**

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Notice is also posted on the Board's website. Licensees are not specifically notified of proposed changes.

## **COMPLAINT HANDLING**

The Board's *Administrative Rule 364-X-16* provides procedures for documentation, receipt and investigation of complaints related to Board licensees.

<b>Initial Contact/Documentation</b>	Any person, business or other entity, including Board members, can submit a complaint. A special form is not required; however, one is provided on the Board's website. Complaints must be submitted in writing, sworn to, and signed. Complaints can be mailed, emailed, faxed or videotaped. A letter is mailed to the complaint notifying them of receipt of the complaint.
<b>Anonymous Complaints Accepted</b>	No
<b>Investigative Process / Probable Cause Determination</b>	Complaints are referred to an investigative committee, consisting of one board member, board investigator, executive secretary, and board's attorney. The investigative committee submits a report of the validity or merit of the complaint or charge to the Board.
<b>Negotiated Settlements</b>	Yes
<b>Notification of Resolution to the Complainant</b>	Yes, a letter of complaint resolution is sent to the complainant.

*Source:* Staff

The Board has not received any complaints for the past four years.

## **REGULATION IN CONJUNCTION WITH OTHER ENTITIES**

There is no direct overlap of regulation with other state or federal agencies.

## **FINANCIAL INFORMATION**

**Source of Funds** – licensing fees, fines and penalties.

### **Fund**

The Board operates from Special Revenue Fund 0912, maintained in the State Treasury, authorized by the *Code of Alabama 1975*, Section 34-41-6. The Board cannot expend funds without an appropriation from the Legislature. Year-end balances remain on hand for subsequent appropriation and expenditure.

### **Schedule of Fees**

The Board's enabling statutes do not set the fees nor do the statutes establish a range for the fees. The Board's fees are set in *Administrative Rule* 364-X-4-.02.

<b>FEE TYPE/PURPOSE</b>	<b>STATUTORY AUTHORITY</b>	<b>AMOUNT COLLECTED</b>
Application	34-41-9	\$150.00
License	34-41-12(a)	\$150.00
Geologist-In-Training	34-41-12(a)	\$75.00
Seals and Stamps	34-41-14	\$75.00
Biennial Renewal	34-41-12(b)	\$150.00
Late Renewal (Restoration fee)	34-41-12(b)	\$100.00
Temporary License	34-41-5(g) 34-41-14(b)	\$200.00
Fundamentals of Geology Exam (Paid to ASBOG*)	34-41-11	\$150.00
Practice of Geology Exam (Paid to ASBOG*)	34-41-11	\$250.00
Roster	34-41-16	\$25.00
License Replacement	34-41-12(d)	\$10.00

\*ASBOG – National Association of State Boards of Geology

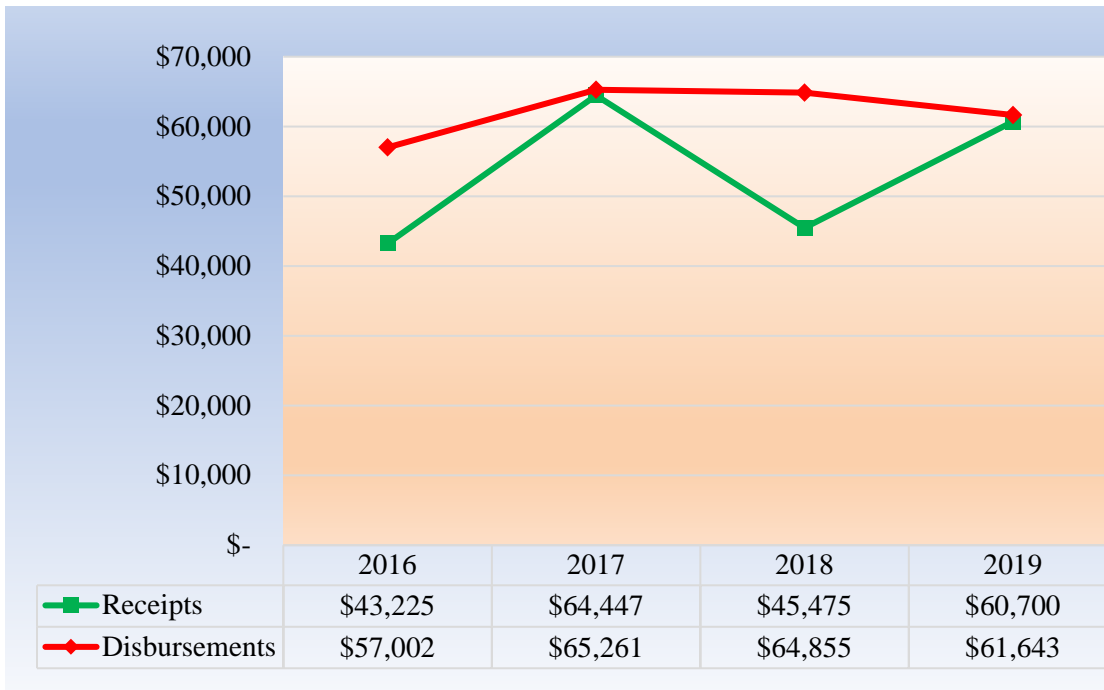
**Schedule of Receipts, Disbursements and Balances**

October 1, 2015 through September 30, 2019

	<b>2018-2019</b>	<b>2017-2018</b>	<b>2016-2017</b>	<b>2015-2016</b>
<b><u>Receipts</u></b>				
Licensing Fees	\$ 60,700.00	\$ 45,475.00	\$ 64,446.75	\$ 43,225.00
<b><u>Disbursements</u></b>				
Personnel Costs	1,722.95	1,600.00	2,000.00	1,400.00
Employee Benefits	121.72	142.76	179.82	118.29
Travel-In-State	3,332.90	3,641.06	1,809.51	2,431.35
Travel-Out-of-State	-	1,939.48	1,097.71	-
Rentals and Leases	1,500.00	1,500.00	1,180.00	2,362.98
Utilities and Communications	854.90	586.74	924.04	638.40
Professional Services	46,304.81	46,181.63	49,636.20	42,900.10
Supplies, Materials and Operating Expenses	5,370.03	6,982.75	6,688.30	6,615.59
Other Equipment Purchases	2,435.60	2,280.14	1,745.47	535.65
Total	<u>61,642.91</u>	<u>64,854.56</u>	<u>65,261.05</u>	<u>57,002.36</u>
(Deficiency) of Receipts Over Disbursements	(942.91)	(19,379.56)	(814.30)	(13,777.36)
Cash Balances at Beginning of Year	<u>30,837.48</u>	<u>50,217.04</u>	<u>51,031.34</u>	<u>64,808.70</u>
Cash Balances at End of Year	29,894.57	30,837.48	50,217.04	51,031.34
Reserve for Unpaid Obligations	<u>(11,521.00)</u>	<u>(4,656.85)</u>	<u>(2,143.23)</u>	<u>(18,711.33)</u>
Available Cash Balances at Year End	<u>\$ 18,373.57</u>	<u>\$ 26,180.63</u>	<u>\$ 48,073.81</u>	<u>\$ 32,320.01</u>



**Operating Receipts vs. Operating Disbursements (Chart)**

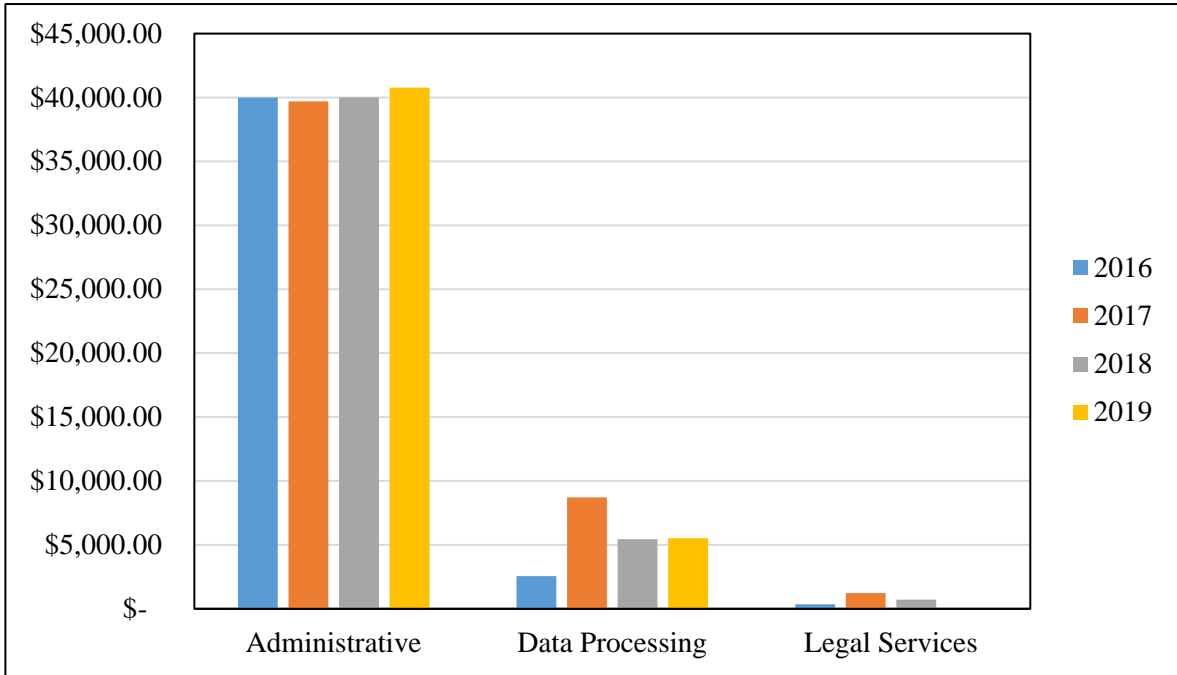


**SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS\***

As of September 30th				
Type of Service	FY 2016	FY 2017	FY 2018	FY 2019
<b>Administrative</b>	\$ 39,994.56	\$ 39,693.52	\$ 40,009.10	\$ 40,776.97
<b>Data Processing</b>	2,555.54	8,717.36	5,452.53	5,527.84
<b>Legal Services</b>	350.00	1,225.32	720.00	0.00
<b>Total</b>	<b>\$ 42,900.10</b>	<b>\$ 49,636.20</b>	<b>\$ 46,181.63</b>	<b>\$ 46,304.81</b>

\*Detailed information presented in the appendix

**Professional Service Disbursement Chart**



## QUESTIONNAIRES

### *Board Member Questionnaire*

A letter was sent to all seven members of the Board of Licensure for Professional Geologist requesting participation in our survey. Five participated in the survey. The percentages, where shown, are based on the number who responded to the question.

#### **1. What are the most significant issues currently facing the Board of Licensure for Professional Geologists and how is the Board addressing these issues?**

**Board Member #1** - "Providing adequate Continuing Education to Professional Geologist. (looking for additional opportunities for Licensees). Encouraging growth in membership through outreach to higher education. (Reaching out to Higher Education including scholarships). Future funding to adequately address the needs of Licensees. (Reducing cost and increasing membership)."

**Board Member #2** - "1. Communicating the significant importance of licensure requirement to University students as they begin their career; and 2. The ability to provide on-going continuing education to the practicing licensed population of the activities of our Board and the issues that effect our profession."

**Board Member #3** - "Explaining to professors at the three Alabama universities that offer degrees in geology the importance of discussing and emphasizing with their students the importance of professional registration and the need to take the exams as soon as possible."

**Board Member #4** - "The currently does not have any significant issues to address."

**Board Member #5** - "Keeping our membership active and licensed"

#### **2. What, if any, changes to the Board's law are needed?**

**Board Member #1** - "Currently none."

**Board Member #2** - "It would be beneficial if the Board's law requiring and governing licensed professionals could be a base requirement for regulations that demand the use of a Geologist, especially in manners where this Geologist is practicing in ways that effect the health and safety of our population and the environment."

**Board Member #3** - "It is difficult to find board members from all of the areas outlined in law such as mining and petroleum. Would suggest that we change the law to allow for more board members from professions that are typically employed in the profession in 2020 such as environmental geologists."

**Board Member #4** - "The laws require that board members be employed in various geologic disciplines. We do not have a large number of petroleum geologists practicing in Alabama making it very difficult to fill that Board slot. The Board should consider a more generic employment category for that position."

**Board Member #5** - "None that I know of at this time"

#### **3. Is the Board adequately funded?**

Yes	5	100%
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**4. Is the Board adequately staffed?**

**Yes                      5                      100%**

**5. Does the Board receive regular reports on the operations of the Board from the Executive Secretary?**

**Yes                      5                      100%**

**Board Member #5** - "Our executive secretary does a great job"

**6. Are you satisfied with the reports the Board receives from the Executive Secretary?**

**Yes                      5                      100%**

**Board Member #1** - "Very Good."

**7. Has the Board experienced any significant changes to its operations?**

**No                        5                      100%**

**Board Member #1** - "I am a new member so there appears to be no changes."

**8. What, if any, changes does the Board plan to make to its operations?**

**Board Member #1** - "No major changes at this point. More outreach is planned to encourage growth in the near future."

**Board Member #2** - "Interact more with legislative representatives and to increase our involvement with the University faculties and chairs."

**Board Member #3** - "None that I am aware of or that I would recommend."

**Board Member #4** - "None other than to comment provided in 2."

**Board Member #5** - "None that I know of"

**Licensee Questionnaire**

A letter was sent to one hundred licensees requesting their participation in our survey. Thirty-four licensees participated in the survey. The percentages, where shown, are based on the number who responded to the question.

**1. Do you think regulation of your profession by the Board of Licensure for Professional Geologists is necessary to protect the public welfare?**

<b>Yes</b>	<b>31</b>	<b>91%</b>
No	2	6%
No Opinion	1	3%

**Respondent #8** - “In some circumstances.”

**Respondent #26** - “Unfortunately I believe it has to be regulated in this day and age to prevent unscrupulous people from taking advantage of those that require geologic services. If we want our profession to be recognized and on a similar level as professional engineers, it has to be regulated in some form.”

**2. Do you think any of the Board’s law, rules, or policies are an unnecessary restriction on the practice of your profession?**

Yes	4	12%
<b>No</b>	<b>30</b>	<b>88%</b>

**Respondent #25** - “Limit on online CEU”

**3. Are you adequately informed by the Board of changes to and interpretations of the Boards’ positions, policies, rules, and law?**

<b>Yes</b>	<b>26</b>	<b>76%</b>
No	3	9%
Unknown	2	6%
No Opinion	3	9%

**Respondent #29** - “I am currently employed by the Federal government. I do not and have not had to practice in the State for years so have not kept up with current rules.”

**4. Has the Board performed your licensing and renewal in a timely manner?**

<b>Yes</b>	<b>34</b>	<b>100%</b>
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**Respondent #21** - “The board has been very proficient in renewals.”

**5. Do you consider mandatory continuing education necessary for competent practice?**

<b>Yes</b>	<b>20</b>	<b>59%</b>
No	12	35%
Unknown	1	3%
No Opinion	1	3%

**Respondent #21** - "I think it is prudent for the professionals to stay abreast of educational topics in their applicable field."

**Respondent #22** - "yes for those under the age of 65, no for those older"

**Respondent #24** - "The specific area of geology one is working will develop expertise that can not be obtained with CEU along. Expertise is gained by working in the area of interest and should not be governed by CEU credits that have no bearing on performance."

**Respondent #29** - "Active involvement in actual projects is more useful than some of the continuing education options. Attending a professional meeting is useful for awareness but in many cases does not practically improve specific knowledge for a Professional Geologist."

**6. Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?**

<b>Yes</b>	<b>24</b>	<b>70%</b>
No	2	6%
Unknown	4	12%
No Opinion	4	12%

**Respondent #21** - "Typically they have provided at least 8 hours of annual continuing education which has been of excellent content and could also appreciate this service potentially twice a year."

**7. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address this issue(s)?**

**Respondent #1** - "As a state employee we are not encouraged to seek out the PG license. The engineers (PE) are rewarded with a 5% raise and the state will pay for their exams to be taken. It is not necessary to obtain a PG license if seeking employment with the state. It is unfortunate that the state takes this position."

**Respondent #2** - "No opinion or comment"

**Respondent #3** - "Unlicensed geologist having reports signed and sealed by a registered P.G. who may not have actually been on site or present during the investigation they are signifying by signing that they were. One person I know from Georgia who is practicing as a geologist in Alabama never completed a degree. He pays a P.G. to sign and seal his reports. Board members when I asked told me that was not really legal but they could do nothing to stop it."

**Respondent #4** - “Coursework needed for a degree in geology in Alabama does not include some courses that I think are very important to a rounded and big picture view of geology. I am not sure what the ABLPG is able (or willing) to do about it. I admit that I am 'old school'.”

**Respondent #5** - “Sounds like this Committee is considering doing away with Board. That would be a big mistake and a big risk to the people of Alabama.”

**Respondent #6** - “No comment at this time.”

**Respondent #7** - “None”

**Respondent #8** - “For complex projects, how geologists' specific skill sets interface with those of other professions (architects, engineers, soil scientists, etc).”

**Respondent #9** - “Other than mandatory PDHs, I have no issue(s).”

**Respondent #10** - “No issues to address”

**Respondent #11** - “I am satisfied with the Board in its efforts to improve our profession and public over-sight.”

**Respondent #12** - “No comment”

**Respondent #13** - “Not only in Alabama, but throughout the US, there is pressure to reduce or eliminate regulation of professional geologists. I have seen too many examples of people who were not geologists taking on that work, and creating even bigger issues. I support the licensing of the P.G.s, and the Board should be a strong advocate of the same.”

**Respondent #14** - “NA”

**Respondent #15** - “The idea that licensure is a burden to the profession is the most significant issue that is currently facing all boards in States with licenses. The idea that an annual or biannual license fee impacts the free market is absolutely ridiculous, especially when individuals and corporations write these things off as business expenses. The exact same thing could be said about CEUs. I wouldn't go to a heart surgeon who hasn't attended a CEU since completing med school. Why would you trust a geologist who hasn't attended a course since college? The problem with our profession is that the vast majority of our work is hidden and out of site (i.e., underground contaminants). For the public and our politicians, out of site, out of mind. The Board needs to be diligent in pushing for the retention of CEUs and the need for licensure.”

**Respondent #16** - “None”

**Respondent #17** - “I don't often work in Alabama, but I see increased attempts to de-certify the professional registration process in other states, usually by the engineering profession.”

**Respondent #18** - “I think the Board is doing a good job.”

**Respondent #19** - “There are no significant issues currently facing Geoscientists in Alabama that I have never personally or professionally come across that the Board would need to address.”

**Respondent #20** - “The study of geology is broad and crosses over with other disciplines such as hydrogeology. Hydrogeology is taught in several university curriculums, usually under civil engineering. There have been claims in the past by the geology board that civil engineers were practicing in this field and filed complaints to try and block individuals from practicing in this field. This field and possibly others cannot restrict the practice of other licensed, trained and educated individuals. Some of these individuals have Masters and PhDs in this field and hold engineering licenses. I'm not sure how the board, or if the board has fully addressed the issue with crossover fields.”

**Respondent #21** - "Ill informed Legislators working to the detriment of the profession. To the best of my knowledge the board has attempted and tried to inform the professionals of these concerns and their actions to educate representatives to the wise needs of having the board for this profession and the continued registration act for geologist in Alabama."

**Respondent #22** - "No opinion"

**Respondent #23** - "Continuing education. The Board has always accepted sufficient providers."

**Respondent #24** - "No opinion"

**Respondent #25** - "No significant issues. Waiving limit on online training for CEU credit would be beneficial."

**Respondent #26** - "I only intermittently practice in Alabama so I don't have a significant issue that comes to mind."

**Respondent #27** - "Declining budgets for state geological surveys in general are impacting the ability of consultants to perform affordable site-specific studies within a context of up-to-date regional frameworks (stratigraphic, hydrogeological)."

**Respondent #28** - "No opinion."

**Respondent #29** - "Weather patterns world-wide appear to be changing possibly related to the idea of global warming/climate change. The near term impact appears to be in more or less rainfall and perhaps higher temperatures. Managing surface water and groundwater resources becomes more important. For example, what would be the impact of a significant drought similar to that experienced in Australia. Is the Board able to recommend actions in the event that State-wide regulation of water supplies is required."

**Respondent #30** - "None"

**Respondent #31** - "I am not aware of any significant issues currently facing my profession in Alabama."

**Respondent #32** - "NA"

**Respondent #33** - "The licensed engineering profession undertakes to perform some tasks/professional skills that are attributed solely to geologists. I am unaware that the geologist board has successfully worked with the engineering board to separate these responsibilities and tasks based on education and training."

**Respondent #34** - "Performing Environmental Assessments should be conducted only by those certified to do so. A Geologist licensed in good standing within the State of Alabama assures such practice."



# **APPENDICES**

## **Applicable Statutes**

### **Section 34-41-1 Short title.**

This chapter shall be known and may be cited as the "Alabama Professional Geologists Licensing Act."

*(Acts 1995, No. 95-399, p. 820, §1.)*

### **Section 34-41-2 Purposes of chapter.**

(a) The Alabama Professional Geologists Licensing Act is enacted for the following purposes:

(1) To protect life, property, health, safety, public welfare, and the environment through the regulation of the practice of geology in the State of Alabama.

(2) To define the practice of geology as a profession and to establish minimum professional standards for ethical conduct, professional responsibility, education, and experience.

(3) To prevent abuses of the practice of geology by untrained or unprincipled persons.

(b) The intent of this chapter is to ensure that only those persons who are registered and licensed pursuant to this chapter, unless they are exempted from licensing, shall publicly practice, offer, or attempt to publicly practice geology or any specialty thereof, claim any specialty in geology as a professional, business, or commercial identification, title, name, representation, or claim, or otherwise hold themselves out to the public as being qualified to practice geology or any of its specialties. Only those persons licensed pursuant to this chapter may use the term "licensed professional geologist."

*(Acts 1995, No. 95-399, p. 820, §2.)*

### **Section 34-41-3 Definitions.**

When used in this chapter, the following words have the following meanings:

(1) BOARD. The Alabama Board of Licensure for Professional Geologists.

(2) GEOLOGIST. A person who holds a degree in the geological sciences from an accredited college or university.

(3) GEOLOGIST-IN-TRAINING. A person who holds a degree in the geological sciences from an accredited college or university and who has successfully passed the part of the professional examination covering fundamental or academic geological subjects.

(4) GEOLOGY. The science dealing with the earth and its history; its constituent rocks, minerals, liquids, gases, and other materials of which it is composed, and the study of the processes responsible for the development and change in the component parts of the earth, for the benefit of mankind.

(5) GOOD MORAL CHARACTER. Character that tends to ensure the faithful discharge of the professional duties of the licensed professional geologist based on truth and adherence to ethical principles.

(6) LICENSE. A certificate issued by the board recognizing the individual named in this certificate as meeting the requirements for licensing under this chapter.

(7) LICENSED PROFESSIONAL GEOLOGIST. A person who holds a license as a professional geologist under this chapter.

(8) PUBLIC PRACTICE OF GEOLOGY. The performance of geological service or work, including, but not limited to, consultation, geological investigation, surveys, evaluations, planning, mapping, or review of geological work related to the public practice of geology,

or both, in which the performance is related to the public welfare or safeguarding of life, health, property, and the environment except as otherwise specifically provided by this chapter. A person publicly practices or offers to publicly practice geology if the person does any of the following:

- a. Offers to or provides geological work or services to the public in any branch of the profession of geology.
- b. Represents himself or herself to be a licensed professional geologist by verbal claim, sign, advertisement, letterhead, card, or in another way.
- c. Implies that he or she is a licensed professional geologist or that he or she is registered under this chapter through the use of some other title.
- d. Holds himself or herself out as one who performs or is able to perform any geological services or work recognized by the board as the public practice of geology.

This definition shall not be construed to regulate or interfere with the legitimate practice of any licensed professional, other than geologists.

(9) RESPONSIBLE CHARGE OF WORK. The independent control and direction by the use of initiative, skill, and independent judgment of geological work or the supervision of such work.

(10) SPECIALTY. A branch of geology which is recognized as a subdiscipline for purposes of certification after registration as a licensed professional geologist.

(11) SUBORDINATE. A person who assists a licensed professional geologist in the public practice of geology without assuming the responsible charge of work and who is under the direction and supervision of a licensed professional geologist.

(12) UNPROFESSIONAL CONDUCT. The practice of geology by a licensed professional geologist who willfully performs any act, causes omissions, or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of geology.

*(Acts 1995, No. 95-399, p. 820, §3.)*

#### **Section 34-41-4 Board created; membership generally.**

(a) There is created the Alabama Board of Licensure for Professional Geologists which shall administer and enforce this chapter.

(b) The board shall consist of seven members appointed by the Governor from a list of nominees submitted by the board, or any entity designated by the board. Members of the board, except for the initial board, shall be licensed professional geologists. Whenever possible the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) Each member of the board shall be a citizen of the United States, a resident of the State of Alabama for at least five years immediately preceding appointment, reside in the state during the term of office, and be at least 25 years of age.

(d) All members of the initial board shall be appointed by the Governor from a list of nominees who shall at the time of their appointment qualify for licensing under this chapter and become duly licensed during their term. Membership of the board shall include at least one representative member from each of the following professional subgroups of geologists: Faculty of the departments of geology at colleges and universities in the State of Alabama that grant degrees in the geological sciences; governmental agencies employing geologists; businesses, exclusive of those exempted herein; mining industry; petroleum industry; geotechnical and/or environmental engineering firms; and independent geological consultants.

(e) After the establishment of the initial board, all members of the board shall be licensed under this chapter. The term of office of each member of the board shall be three years. Notwithstanding the foregoing, of the first members appointed, two shall be appointed for a term of one year, two for terms of two years, and three for terms of three years. No member shall serve more than two consecutive three-year terms, without interruption in service of at least three years.

(f) Each term on the board shall expire on September 30 of the year in which the term expires. When the term of a member expires, the Governor shall appoint a new member or reappoint the current member for a full term under subsections (d) and (e). If a vacancy occurs, within 90 days of the vacancy the Governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term. Except for the members of the initial board, all appointments and reappointments to the board shall be made by the Governor from a list of nominees submitted by the board, or any entity designated by the board. In appointing members to the board, the Governor shall strive to achieve diversity in race, gender, geography, residence, and economic condition.

(g) The Governor may remove a member of the board only for neglect of duty, an unexcused failure to attend more than one of the regularly scheduled meetings held in a calendar year during the term in office of the member, malfeasance, violation of this chapter, or conviction of a felony or other crime of moral turpitude.

(h) Members of the board shall receive reimbursement for expenses incurred in the performance of duties of one hundred dollars (\$100) per day plus mileage payable at the same rate as paid for state officers and employees for each day of actual attendance at a regular or special meeting of the board.

(i) The board may employ the necessary personnel for performance of its functions and fix their compensation. The board may appoint committees to aid in the performance of its functions.

*(Acts 1995, No. 95-399, p. 820, §4; Acts 1997, No. 97-156, p. 206, §3; Act 2001-251, p. 302, §3.)*

#### **Section 34-41-5 Powers of board.**

(a) The board shall elect from its membership a chair, a vice chair, and a secretary-treasurer. The board shall adopt rules to govern its proceedings. A majority of the appointed membership of the board shall constitute a quorum for all meetings.

(b) The board shall, by regulation, adopt an administrative code and a code of professional conduct, which shall be published by the board and distributed to every applicant for licensing and to every licensee under this chapter. The publication shall constitute due notice to all applicants and licensees. The board shall solicit comments from the profession at large concerning these codes and may revise and amend the codes.

(c) The board shall have the authority to prepare, administer, and grade oral or written examinations, or both, as required or permitted by this chapter to test an applicant's academic preparation and ability to apply such training to the public practice of geology. The board may take any actions necessary to prepare, administer, and grade the examinations, to determine whether the qualifications of an applicant for licensing meet the minimum standards set forth in this chapter, and to issue a license to each successful applicant. The board shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations, on a regional or national basis, which the board determines are appropriate to measure the qualifications of an applicant for licensing as a professional geologist or in any specialty of geology. The

examination questions, correct answers, and any individual applicant's completed examination shall be available to the board. The board shall retain the authority to determine a passing grade for purposes of registration as a professional geologist in this state.

(d) The board shall consider all applications for licensing as a professional geologist or certification in any specialty thereof recognized by the board pursuant to this chapter and issue licenses as provided in this chapter. The board shall adopt a seal which shall be affixed to all licenses issued by the board.

(e) The board may authorize necessary expenditures to implement this chapter from the fees which it collects. The expenditures shall not exceed the revenues of the board during any fiscal year.

(f) The board shall meet within 30 days after a quorum of its first members is appointed, and thereafter shall hold at least three regular meetings each year. The board may provide for additional special meetings including hearings, extra working days for applications review, and examination proctoring. Minutes of each meeting of the board, recording the members present and the business taken, shall be signed and kept by the secretary-treasurer or an assistant secretary appointed by the board.

(g) The board shall establish and receive reasonable and necessary fees to be charged the applicants and registrants to support the administration and enforcement of this chapter. The secretary-treasurer shall prepare, certify, and file an annual report of all the receipts, expenditures, and fund balances with the state Comptroller.

(h) The board shall approve licensing through comity for any individual already licensed as a professional geologist or the equivalent in any other state, territory, or possession of the United States, or the District of Columbia, if the license is current and, in the opinion of the board, the license was issued in compliance with licensing requirements that are substantially the same as, or more stringent than, those established pursuant to this chapter. The board may require additional proof of experience, if desired.

(i) The board shall renew and reissue certificates as provided in this chapter. As a condition of reissuance or renewal, the board shall have the authority to require, in general or in individual cases, evidence of continued competence in the practice of geology through means such as, but not limited to, the review of qualifications, experiences, and requirements for continuing professional education.

(j) Each present and former member of the board, its agents, employees, and members of committees appointed by the board to assist the board in carrying out its duties and responsibilities, shall be exempt from civil liability for any act or omission occurring while acting in an official capacity. The Attorney General or his or her appointed designee shall, without assessing charges to the board for legal services, defend the board and each present and former member of the board, its agents, employees, and members of committees appointed by the board in any action arising from any act or omission. The Attorney General or his or her appointed designee shall act as legal advisor to the board.

(k) The board may investigate all reasonably documented complaints of violations of this chapter and of unprofessional conduct by licensed and nonlicensed geologists. The board shall have the authority to refuse issuance or renewal of a license or to suspend or revoke a license. The board may impose sanctions including restrictions on the practice of any registrant or of a person, firm, or corporation practicing under the limitations of this chapter, for violations of this chapter or the rules and regulations promulgated hereunder.

(l) The board shall have the power to administer oaths and affirmations and to issue subpoenas to compel the attendance of witnesses and the production of evidence, and shall

have the authority to issue cease and desist orders and to seek injunctions against violations of this chapter or the rules and regulations promulgated hereunder, as provided herein.

(m) The board shall, within one year of its appointment, establish between it and the Alabama State Board of Professional Engineers and Land Surveyors, a memorandum of understanding, containing guidelines for resolving jurisdictional concerns that may arise between registered engineers and registered geologists.

(n) The board shall have all other powers and authority consistent with this section, not enumerated herein, as are necessary for the administration and enforcement of this chapter. (*Acts 1995, No. 95-399, p. 820, §5.*)

#### **Section 34-41-6 Establishment of revenue trust fund.**

There is established a separate revenue trust fund in the State Treasury to be known as the "Alabama Board of Licensure for Professional Geologists Fund." All receipts and disciplinary fines collected by the board under this chapter shall be deposited in this fund and used only to implement this chapter. Monies shall be disbursed by warrant of the state Comptroller upon the State Treasury, upon itemized vouchers approved by the chair of the board or an authorized designee. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriation bills.

(*Acts 1995, No. 95-399, p. 820, §6.*)

#### **Section 34-41-7 Applicability; exemptions.**

(a) Except as provided in this section, any person who publicly practices, or offers or attempts to publicly practice, geology in the State of Alabama is subject to this chapter.

(b) The following persons are exempt from licensing under this chapter:

(1) Persons engaged solely in teaching of geology or related physical or natural sciences, and persons engaged solely in geologic research conducted through academic institutions, agencies, or government and nonprofit research organizations.

(2) Officers and employees of the United States of America and the State of Alabama practicing solely as officers and employees.

(3) Officers and employees of businesses and industries practicing solely as officers and employees, and individuals if they do not offer their professional services to the public for hire and are not engaged in activities that require the signature of a licensed professional geologist.

(4) Officers and employees of companies and corporations practicing solely as such officers and employees who work as a sole proprietorship in mining and mineral exploration and development and who do not offer their professional services to the public for hire or who are not engaged in activities that require the signature of a licensed professional geologist.

(5) Officers and employees of companies and corporations and individuals who work as a sole proprietorship in oil and/or gas exploration and development.

(6) A person who is subordinate to a licensed professional geologist or who is a geologist-in-training licensed under this chapter but only insofar as he or she acts solely in that capacity. This exemption does not permit the subordinate to practice geology or use the term "licensed professional geologist."

(*Acts 1995, No. 95-399, p. 820, §7.*)

**Section 34-41-8 Acts not prohibited.**

(a) This chapter does not prohibit one or more geologists from practicing through the business organizations of a sole proprietorship, partnership, corporation, or professional association. In a partnership, corporation, or professional association, in which the primary activity consists of geological services affecting the public welfare and which require licensing pursuant to this chapter, at least one partner or officer shall be a licensed geologist.

(b) This chapter shall not be construed to prevent or to affect:

(1) The practice of any profession or trade for which a license is required under any other law of this state, including, but not limited to, the practice of registered professional engineers from lawfully practicing soil mechanics, foundations engineering, and other professional engineering, licensed architects or landscape architects from lawfully practicing architecture or landscape architecture, licensed land surveyors from lawfully practicing surveying, or the practice of soil science by certified professionals.

(2) The public practice of geology by a person who is not a resident of this state and who has no established place of business in this state, when that practice does not exceed in the aggregate more than 90 days in any calendar year, provided the person is duly licensed to practice the profession in another state where the requirements for a license are not less than those specified in this chapter for obtaining the license required for the work. Within 10 days of entering this state for commencing of the work, a nonresident claiming an exemption under this subdivision shall file a statement with the board which includes his or her name, residence, and license number, and by what authority the license was issued. Upon the completion of the work, the person shall file a statement of the time engaged in the work within the state.

*(Acts 1995, No. 95-399, p. 820, §8.)*

**Section 34-41-9 Application.**

An application for licensing as a professional geologist or a geologist-in-training shall be made under oath and shall show: (1) the education of the applicant; (2) a detailed summary of his or her actual geological work experience; (3) a signed statement that the applicant has read and shall adhere to the code of professional conduct adopted by the board; and (4) not less than five references, three or more of whom shall be geologists having personal knowledge of the geologic experience of the applicant. The board shall determine a reasonable application fee which shall accompany each application.

*(Acts 1995, No. 95-399, p. 820, §9.)*

**Section 34-41-10 Minimum requirements to be eligible for license.**

(a) An applicant is eligible for a license as a professional geologist in the State of Alabama if the applicant meets the following minimum requirements:

(1) Is of good moral character.

(2) Has graduated from an accredited college or university with a degree in geology, engineering geology, or one of the related geological sciences if the applicant has completed a minimum of 30 semester hours or their equivalent of course work in geological science. The appropriate college or university shall document educational experience by submitting a certified written reference or certified transcript directly to the board.

(3) Has at least five years of full-time professional geological work after receipt of a bachelor's degree, either as a geologist-in-training or in geologic work related to the public

practice of geology which is satisfactory to the board. The following criteria of education and experience qualify toward accumulation of the required years of professional work:

- a. The board, at its discretion, may give a maximum of one year's credit for each graduate degree in geology, engineering geology, or one of the related geological sciences.
- b. The board may consider work in related fields as acceptable work experience.
- c. In all cases, the board shall determine if the applicant has demonstrated his or her ability by having gained experience by performing work in a responsible position. The adequacy of the required supervision and experience shall be documented to the board as described hereinbelow.
- d. Professional geologic research of applicants either teaching at the college or university level or in research agencies of state or federal government shall be credited and applied toward the professional requirements herein, provided the work or research in the geological sciences can be documented in writing and is demonstrated to be of a sufficiently responsible nature to be equivalent to the professional requirements as set forth above.
- e. The professional geologic work experience of the applicant shall be documented in writing. Except as otherwise provided in this subdivision, work experience obtained before receipt of a bachelor's degree shall not be accepted as credit toward professional geologic work experience.

(4) Passes an examination which is designed to demonstrate that the applicant has the necessary knowledge and requisite skill to exercise the responsibilities of the public practice of geology.

(5) Is a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(b) The board shall waive the requirements of subdivision (4) of subsection (a) if the applicant meets all other requirements of this chapter and makes written application to the board not later than one year after the initial board requests applications.

*(Acts 1995, No. 95-399, p. 820, §10; Act 2009-39, p. 137, §3.)*

#### **Section 34-41-11 Examinations.**

Annual examinations shall be formulated and conducted by the board at a time and place the board shall determine. The board shall by regulation establish the fee required for examination.

*(Acts 1995, No. 95-399, p. 820, §11.)*

#### **Section 34-41-12 Issuance of license.**

(a) Upon payment of a license fee the board shall issue a biennial license to any applicant who has satisfactorily met all the requirements of this chapter. Licenses shall show the full name of the licensee, give a serial number, and shall be signed by both the chair and secretary-treasurer of the board under the seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a licensed professional geologist while the license remains in full force and effect.

(b) Each license expires on a biennial basis or at another interval determined by the board unless the license is renewed. An application for renewal shall be filed with the board and shall be accompanied by the renewal fee prescribed by the board. A license which has expired for failure to renew may be restored only after application and payment of the

prescribed restoration fee, provided the renewal applicant meets all other provisions established by the board.

(c) An applicant for renewal of a license shall have satisfactorily maintained continuing education requirements as specified by the board.

(d) A new license to replace any license lost, destroyed, or mutilated may be issued subject to the rules of the board and payment of a fee established by the board.

*(Acts 1995, No. 95-399, p. 820, §12.)*

#### **Section 34-41-13 Certification in specialty.**

If, in the opinion of the board, there is a need, in addition to licensing as a professional geologist, for more definitive recognition of geologic expertise, qualified persons may also be eligible for certification in a specialty. Specialties may be created by the board after notice to all Alabama licensed professional geologists of a hearing to explain the proposed specialty or specialties and after approval of the proposed specialty or specialties by a majority of all Alabama licensed professional geologists. Specialties shall be created by regulations which shall contain any required additional qualifications or limitations. Only licensed professional geologists shall be eligible for certification in a specialty. Applications may be submitted for both licensing and certification in a specialty at the same time, but the applicant shall be approved for licensing as a professional geologist before being considered for certification in a specialty. The certification in a specialty is dependent, in every case, upon the approval of licensing as a professional geologist.

*(Acts 1995, No. 95-399, p. 820, §13.)*

#### **Section 34-41-14 Seal.**

(a) Each geologist, upon the issuance of a license, shall obtain from the secretary-treasurer of the board or his or her designee, at a cost prescribed by the board, a seal of the design authorized by the board bearing the name of the licensee and the legend "Licensed Professional Geologist - State of Alabama" together with the serial number of the licensee. A licensed professional geologist shall approve, sign, and affix his or her seal to all drawings, reports, or other geologic papers, or documents involving the public practice of geology which have been prepared by the licensed professional geologist or a subordinate employee under the direction of the licensed professional geologist for the use of, or for delivery to, any person or for public record within the State of Alabama.

(b) A qualified nonresident geologist practicing geology in the State of Alabama under temporary approval of the board shall sign and impress with his or her authorized licensed seal all drawings, reports, or other geologic papers, or documents involving the public practice of geology which have been prepared by a licensed geologist or a subordinate employee under his or her direction for the use of, or for delivery to, any person or for public record within the State of Alabama.

*(Acts 1995, No. 95-399, p. 820, §14.)*

#### **Section 34-41-15 Register of applications.**

(a) The board shall keep a register of all applications for licensing. The register shall include:

- (1) The name, age, and address of each applicant.
- (2) The date of the application.
- (3) The place of business of the applicant.
- (4) The education of the applicant and other pertinent qualifications.



- (5) Whether an examination was required.
  - (6) Whether the applicant was licensed in another state.
  - (7) Whether the license was granted.
  - (8) The dates of the actions by the board.
  - (9) Any other information deemed necessary by the board.
  - (b) All official records of the board or affidavits by the secretary-treasurer of the board as to the content of such records shall be prima facie evidence of all matters required to be kept therein.
  - (c) The board shall treat as confidential and not subject to disclosure, except to the extent required by law or by rule or regulation of the board, individual test scores and applications and material relating thereto, including letters of reference relating to an application.
- (Acts 1995, No. 95-399, p. 820, §15.)*

**Section 34-41-16 Roster.**

The secretary-treasurer of the board shall publish biennially a roster showing the names, license numbers, places of business, and business and residence addresses of all professional geologists licensed in Alabama. Copies of this roster shall be made available to the public upon request and payment of a reasonable fee.

*(Acts 1995, No. 95-399, p. 820, §16.)*

**Section 34-41-17 Written charges against licensed geologist.**

Any person may file written charges against any licensed professional geologist pursuant to rules and regulations adopted by the board. Charges or allegations shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the secretary-treasurer of the board. The board shall investigate all valid complaints.

*(Acts 1995, No. 95-399, p. 820, §17.)*

**Section 34-41-18 Illegal acts.**

(a) It is unlawful for any person except a licensed professional geologist or a subordinate under his or her direction, as defined in Section 34-41-7(b)(6); a geologist explicitly exempt from licensing pursuant to Section 34-41-7; and those persons explicitly exempt under Section 34-41-8(b)(1) to prepare any geologic plans, reports, or documents which relate to the public welfare or safeguarding of life, health, property, or the environment.

(b) It is unlawful for any person to publicly practice, offer or attempt to publicly practice geology, use in connection with his or her name or otherwise assume, or advertise any title or description tending to convey the impression that he or she is a licensed professional geologist, unless that person has been duly licensed.

(c) One year after the initial board calls for applications, it shall be unlawful for anyone other than a professional geologist licensed under this chapter to stamp or seal any plans, plats, reports, or other documents with the seal or stamp of a licensed professional geologist, use in any manner the seal or stamp of a licensed professional geologist, or use in any manner the title "licensed professional geologist" unless that person is licensed hereunder or temporarily approved for geologic work as specified under Section 34-41-14.

(d) It is unlawful for any person to affix his or her signature to or to stamp or seal any plans, plats, reports, or other documents as defined by the rules of the board after the license of the person named thereon has expired or has been suspended or revoked.

*(Acts 1995, No. 95-399, p. 820, §18.)*

**Section 34-41-19 Denial, suspension, or revocation of license.**

The board may refuse to grant or renew, or may suspend or revoke the license of any person licensed under this chapter who:

- (1) Has violated this chapter or any rule or regulation of the board.
- (2) Has been convicted of a misdemeanor under this chapter.
- (3) Has been found guilty of gross unprofessional conduct, dishonest practice, incompetence, including but not limited to obtaining a license under this chapter through fraud or deceit, and aiding or abetting another person in obtaining a license by fraud or deceit.
- (4) Has been convicted of a criminal felony charge impinging on the moral and ethical character of the individual and the profession.
- (5) Has suffered revocation, suspension, or denial of a certificate or license to practice geology for any reason in another state.

*(Acts 1995, No. 95-399, p. 820, §19.)*

**Section 34-41-20 Procedures for disciplinary actions; aggrieved person may petition board for hearing; judicial review.**

- (a) The board shall develop procedures for investigation, prehearing, and hearing of disciplinary actions.
- (b) Any person aggrieved by a decision of the board other than a decision in a disciplinary action may petition the board for a hearing.
- (c) Judicial review of the final decision of the board is available in the manner prescribed by the Alabama Administrative Procedure Act.

*(Acts 1995, No. 95-399, p. 820, §20.)*

**Section 34-41-21 Reissuance of license.**

The board may issue a license to any person whose license has been revoked, when the board finds upon written application by the applicant and a review of the facts that there is good cause to justify reissuance.

*(Acts 1995, No. 95-399, p. 820, §21.)*

**Section 34-41-22 Actions which are Class B misdemeanors.**

Any person who does any of the following is guilty of a Class B misdemeanor:

- (1) Willfully publicly practices, or offers or attempts to publicly practice, geology for other natural or corporate persons in Alabama without being licensed in accordance with this chapter or hereby exempted.
- (2) Presents or attempts to use as his or her own, the certificate of licensure or seal of another.
- (3) Gives false or forged evidence of any kind in obtaining a license.
- (4) Impersonates any other licensee.
- (5) Attempts to use an expired or revoked license or practices at any time during which the board has suspended or revoked the license.
- (6) Violates any provision of this chapter.

*(Acts 1995, No. 95-399, p. 820, §22.)*

**Section 34-41-23 Injunction.**

As an additional remedy, the board may proceed in a court of an appropriate jurisdiction to enjoin and restrain any person for violating this chapter. The board shall not be required to post bond in connection with obtaining provisional, preliminary, or permanent injunctive relief pursuant to law.

*(Acts 1995, No. 95-399, p. 820, §23.)*

**Section 34-41-24 Sunset Law.**

The Alabama Board of Licensure for Professional Geologists shall be subject to the provisions of the Alabama Sunset Law of 1981, and shall be classified as an enumerated agency pursuant to Section 41-20-3. The board shall dissolve on October 1, 1997, unless continued as therein provided and, if continued, the board shall be reviewed every four years thereafter.

*(Acts 1995, No. 95-399, p. 820, §25.)*

**Professional Services by Vendor**

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Administrative</b>				
<b>Accounting and Auditing</b>				
Warren & Company, Inc.	\$ 39,000.00	\$ 39,000.00	\$ 39,000.00	\$ 40,200.00
<b>Advertising</b>				
Legislative Services Agency	350.00	-	360.00	-
<b>Comptroller Services</b>				
Department of Finance	644.56	668.82	626.85	540.82
<b>Mailing Services</b>				
Department of Finance	-	24.70	22.25	36.15
<b>Total Administrative</b>	<b>\$ 39,994.56</b>	<b>\$ 39,693.52</b>	<b>\$ 40,009.10</b>	<b>\$ 40,776.97</b>
<b>Data Processing</b>				
Department of Finance	2,555.54	8,717.36	3,641.53	3,338.54
Office Of Information Technology	-	-	1,811.00	2,189.30
<b>Total Data Processing</b>	<b>\$ 2,555.54</b>	<b>\$ 8,717.36</b>	<b>\$ 5,452.53</b>	<b>\$ 5,527.84</b>
<b>Legal Services</b>				
Attorney General's Office	\$ 350.00	\$ 1,225.32	\$ 720.00	\$ -
<b>Total Professional Services</b>	<b>\$ 42,900.10</b>	<b>\$ 49,636.20</b>	<b>\$ 46,181.63</b>	<b>\$ 46,304.81</b>

**Board Members**



Alabama Board of Licensure for Professional Geologists  
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Montgomery, AL 36106  
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[www.algeobd.alabama.gov](http://www.algeobd.alabama.gov)  
Email: [geology@warrenandco.com](mailto:geology@warrenandco.com)

January 8, 2020

Troy Eastman  
Examiners of Public Accounts  
Post Office Box 302251  
Montgomery, AL 36130-2251

Dear Mr. Eastman,

Please find the following current members serving on the Board of Licensure for Professional Geologists.

Please let me know if you need any additional information. Thank you for your assistance and cooperation in this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Keith E. Warren", with a long horizontal flourish extending to the right.

Keith E. Warren  
*Executive Secretary*

<b>Board Member</b>	<b>Position</b>	<b>Appointed</b>	<b>Expiration</b>
Stephen Castleman (Consultant) Birmingham, AL	Chair	2/25/15 <i>reappointed on 2/25/15</i>	9/30/20
Roger Chapman (Petroleum) Brewton, AL	Member	12/31/09 <i>reappointed on 12/14/12</i>	9/30/15
William W. Cooch (Geo-Technical) Crane Hill, AL	Member	2/25/15 <i>reappointed on 10/24/2018</i>	9/30/20
John B. D. Milledge, J.D. (Business) Birmingham, AL	Member	2/25/15 <i>reappointed on 10/24/2018</i>	9/30/19
David T. Allison, Ph.D. (Academia) Mobile, AL	Member	2/25/15 <i>reappointed on 10/24/2018</i>	9/30/19
Richard Katz (Mining) Tuscaloosa, AL	Member	10/24/18	09/30/19
Troy J. Perry, Jr. (Government) Hoover, AL	Member	10/24/18	09/30/21

## ***Board's Response to Significant Issues***



Alabama Board of Licensure for Professional Geologists  
2777 Zelda Rd  
Montgomery, AL 36106  
334/420-7236 Fax: 334/263-6115  
www.algeobd.alabama.gov  
Email: geology@warrenandco.com

May 28, 2020

Maria Catledge  
Director, Operational Division  
Examiners of Public Accounts  
State of Alabama  
Post Office Box 302251  
Montgomery, Alabama 36130-2251

Dear Ms. Catledge,

Please find below the responses to the Significant Issue outlined in your May 20, 2020 letter.

### **Significant Issue 2020-01**

The Board is experiencing tremendous difficulty with nominations for a petroleum industry board member. This field of geology is exempt from licensure under the enabling statute therefore, there are very few practicing petroleum geologists in the state. The Board continues to work to identify a licensed individual to serve in this capacity. The Board has even discussed introducing legislation to change the designation of geologists serving on the Board. This significant issue continues.

### **Significant Issue 2020-02**

The Board is exploring options to correct the decline in revenues and to reduce expenditures to eliminate this issue. There are several possibilities the Board is exploring to act on prior to the 2021 license renewal period. The Board is extremely aware of this issue and is its number one priority to resolve.

### **Prior Significant Issue 2016-01**

The Board has addressed this issue with the National Association of State Boards of Geology and has designated a Board member to attend the Council of Examiners meetings held biannually to be involved in the examination process. However, this is a trend across the United States regarding low scores and it is in the control of the association and not that of the Board. This significant issue continues.

