



*Informing Professional Geologists
of the events and developments
that affect their profession*

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Message from The Chair

Jeffery Randall

Greetings from Sri Lanka! I'm writing this article while working on a water supply project for USAID. In March, the Board elected new officers: I became board chair for a second time (last serving in 2002) and welcome Ron Teissere as Vice Chair and Reese Hastings as Secretary. The Geologist Licensing Board has seen other changes as well since the last newsletter: Bill Laprade joined the Board at our June meeting, and is expected to bring energy to the work ahead. We also said good-bye to Ken Neal, one of the initial members of the Board and a tireless advocate for the profession.

At the June meeting, the Board recommended to the Director of the Department of Licensing the adoption of rule changes in WAC 308-15. The most significant change is the allowing use of the title "Geologist-in-Training" by candidates who have passed the Fundamentals of Geology exam and are on the path to licensure.

Updating our specialty exams will be the focus of the Board in the next year. Psychometricians Norman Hertz and Roberta Chinn have begun the task analysis survey for the hydrogeology exam and hope to tackle the engineering geology survey as well. See the article inside for more details and next steps.

Welcome William Laprade – New Geologist Licensing Board Member

The Department of Licensing's Business and Professions Division is very pleased to introduce William Laprade as the new member to the Geologist Licensing Board. Director Liz Luce made the appointment on June 6, and Bill's four-year board term continues until May 1, 2011.

Bill is Senior Vice President with Shannon & Wilson, where he mentors young geologists and engineers, and performs technical work for public and private clients. His 34 years of experience spans the civil engineering and forestry businesses, specializing in glacial geology and slope stability issues. Bill co-authored "The Geology of Seattle, Washington," and served on the committee to develop the "Guidelines for Preparing Engineering Geology Reports in Washington."

Administrative services are provided to the Board by the Department of Licensing. The Department and the Board have a policy of providing equal access to its services. If you need special accommodation, please call (360) 664-1497 or TTY (360) 664-8885.

Farewells

Ken Neal

Ken Neal was an initial member of the Geologist Licensing Board, and holds the first geology license issued in Washington. He was key in establishing both the geologist licensure law and regulation. Over the last seven years, he has been invaluable as he reviewed files for licensure, developed and honed the engineering geology specialty exam, investigated disciplinary cases and represented the Board nationally to the National Association of State Boards of Geology (ASBOG). Ken also served as Geologist Licensing Board Chair in 2004.

With retirement from the Board, Ken's energy has turned to a larger scale: he has applied for Secretary of ASBOG's national board. ASBOG will be lucky to have a dedicated and determined board member if Ken is elected.

Emma Butler

Most of you know Emma from the friendly voice on the phone or as the kind proctor at the geologist exams. Emma has been the program representative for the Geologist Licensing Board and the Board of Registration for Landscape Architects since 2004. She is leaving the Department of Licensing for a position as a Health Insurance Benefits Specialist with the Washington State Health Care Authority. We will miss her commitment to our customers and her relentless eagerness to get the job done.



The Geologist Licensing Board newsletter is published quarterly.

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BOARD MEETINGS

The Board holds four regular meetings a year, with special meetings as needed.

SEPTEMBER 18, 2007

Regular Board Meeting at WSU
Pullman, WA

DECEMBER 11, 2007

Regular Board Meeting
Olympia, WA

The 2008 meeting schedule will be determined at the December 2007 meeting.

You are invited to attend Board meetings and give Board members feedback on issues related to licensure. The meeting times and room locations can be found on the geologist website address at:

www.dol.wa.gov/business/geologist

ASBOG Council of Examiners Workshop March 30-31, 2007

The National Association of State Boards of Geology (ASBOG) holds two Council of Examiners (COE) workshops each year. The workshops are timed to closely follow the administration and psychometric analyses of the two ASBOG examinations, the Fundamentals of Geology (FG) exam and the Practice of Geology (PG) exam. In March 2007, the FG and PG exams were administered to 768 and 500 candidates, respectively.

The March 2007 COE workshop was held in Minneapolis. At this workshop, like all COE workshops, the COE members were separated into two groups, one for each of the exams. The work groups were each led by one of ASBOG's contract psychometricians, Steve and Jack Warner of T.E.S.T., Inc. Each of the exam work groups completed the following tasks:

1. The items in the March examination were reviewed to make sure the keyed answer was correct, and there were no alternative correct answers in the detractors (wrong answers). Comments from those who sat for the exam were reviewed as part of the process. Each item was keyed as correct, double-keyed (if there was more than one potentially correct answer), or eliminated. Those items that were identified as having problems were rewritten for future examinations at the workshop, set aside for a future rewrite, or taken out of the item bank.
2. The items for the following October examination were reviewed to make sure the item, keyed answer, and detractors are clear and appropriate. Like the March exam items, those items that were identified as having problems were either rewritten or removed from the examination. Items removed from the examination were then replaced with other items that are from the same task number in the test blue print.
3. Each of the exam groups wrote new items for the item bank. This task continues on an individual basis throughout the year.

The workshop was held from 8:30 AM until about 5 PM both days. Task 1 took the first day, and Tasks 2 and 3 the second day to complete.

Following the workshop, the psychometricians reanalyzed the March exam, set a new cut score, and graded the exams. Nationally, 58 percent of those who sat for the FG exam and 69 percent of those who sat for the PG exam passed.

Evaluation of the Hydrogeology and Engineering Geology Specialty Examinations Underway

Psychometricians Dr. Norman Hertz and Roberta Chinn of Comira (formerly HZ Assessments Inc.) are currently under contract with the Board to assist in the validation and updating of the professional licensing examinations for both the Hydrogeology and Engineering Geology specialty licenses. Their initial work involves a review of the current task analysis for the Hydrogeology specialty exam and a subsequent survey of licensees regarding those tasks, or "knowledge areas." The survey results will form the basis for the new test specifications or "blueprint" for the exam – the content areas applicants will be tested on. Next steps will then involve a review and updating of the test questions based on the new test specifications. Hydrogeologists across Washington have volunteered to assist the Board with this effort which will result in a sound, content valid and legally defensible examination.

Similar work on the Engineering Geology specialty exam will involve a partnership with the Oregon Board of Geologists and a shared examination. This work is expected to begin sometime this fall. The Board will be seeking volunteers for this effort as well so please let us know if you are interested in participating in this important work!

Congratulations!

The Board would like to welcome all new Washington State Geologist Licensees during the period of January 2007 to July 2007.

Examination Licensees

Nicholas E Allmendinger	Kevin G Finucane	J. Wayne Maxie
Prahlad KN Ayengar	Marc F Fish	Derek K McGregor
Richard A Bieber	Rex M Flake	John D Merrill
Gregory A Cagle	Chris O Gardner	Timothy D Nelson
R Scott Calhoun	Stephen P Hay	Noel S Philip
Dawn Chapel	Aaron P Isle	Brian C Ranney
Jason G Cook	Justin T Iverson	Marjan A Rotting
Amanda L Cote	Renee J Knecht	Jacqueline A Shea
Mark E Crouter	Douglas J Lee	Glen S Wallace
Eron J Dodak	Gregory B Lish	Kent S Whiting
Ingrid L Ekstrom	David G Livermore	Aaron P Wisher

Engineering Geologist Licensees

Andrew Caneday Brian Whiting

Hydrogeologist Licensees

Dawn Chapel	Justin T Iverson
Eron J Dodak	David G Livermore
Sharon Gelinas	Jacqueline A Shea
Paul Humphreys	

Geologist Licensing Board Statistics

Licensing Activity for 1/1/07 to 6/30/2007

Licenses granted by Reciprocity.....	40
Licenses granted by ASBOG exam	19
Active Geology licenses	2203
Active Out-of-State Licenses.....	862
<i>(Includes Geology, Hydrogeology and Engineering Geology licenses)</i>	

Examination Statistics

MARCH 2007 EXAM

	Examinees	Passed	Failed
Fundamentals of Geology	35	28	7
Practice of Geology	27	20	7
Engineering Geology	2	2	0

JULY 2007 EXAM

	Examinees	Passed	Failed
Hydrogeology	17	7	10

WAC 308-15 – Rule Updates

On behalf of the Geologist Licensing Board, the Department of Licensing (DOL) Business and Professions Division (BPD) filed a Rule-Making Order (CR-103) affecting WAC 308-15 by amending, adding, and repealing existing sections. The Board adopted the rule changes on June 12, 2007. The rules became effective July 14, 2007.

As part of the rule making process the Board solicited written comments and held a public hearing session to solicit oral comments. The Board received no written or oral comments.

The following are the amended, new, and repealed sections:

Amended Sections

- WAC 308-15-075 When do I need to use my stamp/seal?

Summary: Deleted “preliminary” from the section.

- WAC 308-15-020 Definitions

Summary: Added subsection (11) “Geologist In Training” definition.

New Geologist-in-Training Title

The Department of Licensing and the Geologist Licensing Board recently adopted rules allowing the use of the title “Geologist-in-Training.” You may use this title if you have met all the educational requirements outlined in WAC 308-15-040(2), have passed the National Associations of State Boards of Geology (ASBOG) Fundamentals of Geology exam and you are gaining the experience necessary to sit for the Practice of Geology exam. Once you have passed both exams you will be issued your geologist license.

WAC 308-15-020 Definitions.

- (1) “Board” means the Washington state geologist licensing board.
- (2) “Department” means the Washington

Continues next page

state department of licensing.

- (3) “Geologic interpretation,” as applied to the practice of geology and its specialties, is the iterative process by which geologists, using generally accepted geologic principles, determine geologic history, origin and process from observation and testing of rock, soil and water characteristics, contents, distribution, orientation, lateral and vertical continuity; and resulting landforms.
- (4) “Geological work of a character satisfactory to the board” means that the applicant’s qualifying work history consists of professional experience in the practice of geology. Professional geological work is work performed at a professional level that requires the application of professional knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. Implicit in this definition are the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision. Professional geological work specifically does not include routine activities by themselves such as drafting, sampling, sample preparation, routine laboratory work, or core logging, where the elements of initiative, scientific judgment and decision making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data. It also does not include engineering or other physical sciences where geological investigation, analysis and interpretation are minimal or lacking. Professional specialty experience is considered to meet this definition.
- (5) “Geologist web site” means the internet web site maintained by the department of licensing.
- (6) “National Association of State Boards of Geology” or “ASBOG” means the organization responsible for developing, publishing and grading National Geologist Licensing Examinations.
- (7) “Professional specialty practice of a character satisfactory to the board” means that the applicant has qualifying work history pertinent to the specialty that meets the standards for professional geologic work defined above. Elements, typical applications, types of projects, for the engineering geologist and hydrogeologist specialties are outlined in WAC 308-15-053.
- (8) “Reciprocity” means the issuance of a license without examination as a geologist or specialty geologist to a person who holds a license or certificate of qualifications issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant meets the requirements outlined in WAC 308-15-040 for a geologist license, in WAC 308-15-055 for an engineering geologist license, and in WAC 308-15-057 for a hydrogeologist license.
- (9) “Year of professional practice” means at least 1600 hours of work in the practice during a year. Examples of a “year of professional practice” include 200 eight-hour days or 160 ten-hour days during a year. Part-time work will be counted on a prorated basis.
- (10) “Year of professional specialty practice” means at least 1600 hours of work in a specialty during a calendar year, per examples given in subsection (9) of this section.
- (11) “Geologist in training” means an individual who has met all the educational requirements outlined in WAC 308-15-040(2), and has passed the ASBOG Fundamentals of Geology examination, but does not meet the experience

requirements outline in WAC 308-15-040(3).

WAC 308-15-075 When do I need to use my stamp/seal?

(1) You must stamp/seal, sign, and date every final geology or specialty geology report, letter report, or document that is prepared by you or prepared under your supervision or direction and submitted to other parties.

(a) All figures, maps, and plates bound within final reports or documents do not need to be individually stamped/sealed, signed and dated. Unbound final figures, maps, and plates must be individually stamped/sealed, signed and dated.

(b) Draft geology or specialty geology work does not have to be stamped/sealed, but the documents and all associated figures, maps, and plates must be clearly marked as draft.

(2) You must stamp/seal, sign, and date every final geology or specialty geology design and specification that is prepared by you or prepared under your supervision or direction.

Draft geology or specialty geology design and specification drawings do not have to be stamped/sealed, but each design and specification must be clearly marked as draft.

(3) If you stamp/seal, sign and date work performed by someone other than yourself, you are responsible to the same extent as if you prepared the report, design or specification.

New Sections

- WAC 308-15-105 Brief adjudicative proceedings.

- WAC 308-15-107 Records required for the brief adjudicative proceeding.

- WAC 308-15-160 Board member rules of conduct -Activities incompatible with public duties

-Financial interests in transactions.

Summary: These sections are added to be consistent with agency-wide process.

WAC 308-15-105 Brief adjudicative proceedings.

- (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.220 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of geologists. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

- (2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

- (a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

- (b) Whether an applicant is eligible to sit for a professional licensing examination;
 - (c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;
 - (d) Whether an applicant meets minimum requirements for an initial or renewal application;
 - (e) Whether an applicant has failed the professional licensing examination;
 - (f) Whether an applicant or licensee failed to cooperate in an investigation by the board;
 - (g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;
 - (h) Whether an applicant or licensee has defaulted on educational loans;
 - (i) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;
 - (j) Whether a person has engaged in false, deceptive, or misleading advertising; or
 - (k) Whether a person has engaged in unlicensed practice.
- (3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

WAC 308-15-107 Records required for the brief adjudicative proceeding. The records for the brief adjudicative proceeding shall include:

- (1) Renewal or reinstatement of a license:
 - (a) All correspondence between the applicant and the board about the renewal or reinstatement;
 - (b) Copies of renewal notice(s) sent by the department of licensing to the licensee;
 - (c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.
- (2) Applicants for certification/licensing:
 - (a) Original complete application with all attachments as submitted by applicant;
 - (b) Copies of all supplementary information related to application review by staff or board member;
 - (c) All documents relied upon in reaching the determination of ineligibility;
 - (d) All correspondence between the applicant and the board about the application or the appeal.
- (3) Default of student loan payments:
 - (a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;
 - (b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;

- (c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;
 - (d) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or
 - (e) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.
- (4) Determination of compliance with previously issued board order:
- (a) The previously issued final order or agreement;
 - (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
 - (c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and
 - (d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

WAC 308-15-160 Board member rules of conduct -Activities incompatible with public duties -Financial interests in transactions.

- (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity, or individual that is engaged

in a transaction involving the board, the member shall:

- (a) Recuse him or herself from the board discussion regarding the specific transaction;
 - (b) Recuse him or herself from the board vote on the specific transaction; and
 - (c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.
- (2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.
- (3)
- (a) “Transaction involving the board” means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:
 - (i) Is, or will be, the subject of board action; or
 - (ii) Is one to which the board is or will be a party; or
 - (iii) Is one in which the board has a direct and substantial proprietary interest.
 - (b) “Transaction involving the board” does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did

Continues next page

not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a “transaction involving the board.”

(4) “Board action” means any action on the part of the board, including, but not limited to:

- (a) A decision, determination, finding, ruling, or order; and
- (b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct. Activities incompatible with public duties; financial interests in transactions.

(a) Example 1:

The geologist licensing board disciplines licensed geologists in Washington. The board is conducting an investigation involving the services provided by a licensed geologist. One of the members of the board is currently serving as a subcontractor to that geologist on a large project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed geologist services.

(b) Example 2:

The geologist licensing board makes licensing decisions on applications for licensure. An applicant for licensure owns a geotechnical consulting business which employs licensed geologists, including one of the

board members. The board member employed by the business must recuse himself from any board investigation, discussion, deliberation and vote with respect to his employer’s application for licensure.

(c) Example 3:

The geologist licensing board makes licensing decisions on applications from geologists registered in other states or territories of the United States, the District of Columbia, or other countries. The board can grant licensure if an individual’s qualifications and experience are equivalent to the qualifications and experience required of a person licensed under Washington law. An out-of-state applicant is employed as a geologist by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member’s firm as the geologist for the project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state geologist’s qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to subsection (1) of this section, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

Repealed Sections

- WAC 308-15-100 What is a brief adjudicative proceeding (BAP)?
- WAC 308-15-101 When can a brief adjudicative proceeding (BAP) be requested?

Summary: The new sections cover the repealed sections.

Summary of Disciplinary Cases

The Geologist Licensing Board regulates the profession of geology by investigating complaints of unprofessional conduct and incompetence against licensees, and issues of unlicensed practice. When a complaint is received by the Board, an initial investigation is started to gather information about the situation, and usually involves contact with the subject of the complaint (the respondent). A Board member is assigned as a case manager and serves as the technical expert. The investigation process can be lengthy and the case has several possible outcomes. The case may be closed by the Board with no further action if not enough evidence is found to support the complaint or the respondent quickly remedies the situation. For more serious issues, the Board may issue a statement of charges against the respondent, with sanctions for each offense. The respondent has an opportunity for a settlement conference to negotiate the sanctions or can ask for a hearing.

Current Cases:

Unlicensed practice	4
Incompetence	2
Unprofessional conduct.....	3
Total open cases:	9

Closed Cases

Case file 2006-03-1100-00GEO was formally closed in August 2006. An allegation of unprofessional conduct was brought against E. Steven Toth because original application for Engineering Geologist was granted in error: he lacked sufficient education and experience for the specialty license. When the mistake was discovered, Mr. Toth provided adequate evidence he had since met the training and experience requirements. The Board reinstated his Engineering Geologist license.

Case file 2005-12-1101-00GEO was formally closed in July 2007. The Geologist Licensing Board issued 2 separate charges against Phillip Haberman:

1) unlicensed practice as an engineering geologist and

2) unprofessional conduct against his geologist license. Mr. Haberman and the Board reached a settlement agreement where he was reprimanded for the unprofessional practice charge and fined \$2000 for the charge of unlicensed practice as an engineering geologist.

New Board Policy

At the March 28, 2007 conference call, the Geologist Licensing Board adopted a policy to accept examinations developed prior to the development of the National Association of State Boards of Geology's (ASBOG) examination as meeting the requirements of RCW 18.220. The new policy allows applicants for licensure who have passed the licensing examinations given by Oregon, Idaho and California prior to the development of the ASBOG examination to be considered for Washington licensure without having to take the ASBOG exam.

New Geologist-in-Training Title

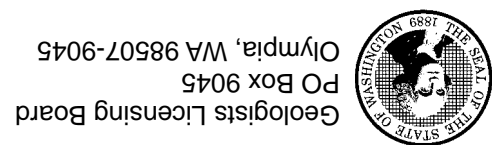
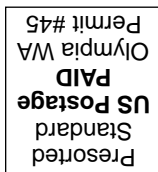
The Department of Licensing and the Geologist Licensing Board recently adopted rules allowing the use of the title "Geologist-in-Training." You may use this title if you have met all the educational requirements outlined in WAC 308-15-040(2), have passed the National Associations of State Boards of Geology (ASBOG) Fundamentals of Geology exam and you are gaining the experience necessary to sit for the Practice of Geology exam. Once you have passed both exams you will be issued your geologist license.

Are You Receiving the Latest Licensing News?

In the near future, your profession's licensing related news will only be by e-communication. If you are not on the Geologist ListServ, please sign up today.

To join the ListServ, visit our web site: www.dol.wa.gov/business/geologist.

- Under "What's New", select "Join Mailing List"
- Select the ListServ® link
- Select the "Join or leave the list (or change settings)" link
- Enter your email address and name, then select the join list button
- You will be sent a confirmation email, and then you will be added to the broadcast list.



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