

*** Proof of Publication ***

NOTICE OF RULEMAKING HEARING STATE OF NEBRASKA BOARD OF GEOLOGISTS

NOTICE is hereby given that the Board of Geologists will hold a rulemaking hearing on the 17th day of January 2019, commencing at 1:00 pm, 215 Centennial Mall South, at the Lincoln Community Foundation Building, Large Conference Room, 5th Floor.

The PURPOSE of the hearing is to take testimony and evidence about adoption and amendments and additions to Title 171, Chapters 1 through 7. This action is proposed to implement Neb. Rev. Stat. §§ 81-3501 to 81-3541, consistent with the authority granted by the law and with constitutionality. The subject matter of the rulemaking action is as follows:

The Board of Geologists is reorganizing, amending for clarification, and adopting new rules reflecting board policy. The main topics to be considered through these proposals include, but are not limited to, the following:

New rule specifying that an applicant's prior criminal or disciplinary history is not an automatic bar to licensure or admittance to the examinations;

New rule clarifying what constitutes acceptable direct supervision of geologic work;

New rule allowing for the acceptance of electronic education transcripts;

New rule clarifying work performed under a conditional approval is deemed to have been performed pursuant to a valid license, certificate, or permit;

Deletion of Duties of the Board in Chapter 2 to remove redundant language already found in the Geologists Regulations Act; Reorganization of Chapter 3 – Licensure Provisions into four separate chapters for easier referencing and user friendliness;

Deletion of definitions already found in Title 53 NAC, Chapter 4 of the Department of Justice which have been adopted and incorporated into Title 171 NAC;

Revisions to Chapter 5 to simplify and clarify the enforcement process when undertaken by the Board;

and Revision to the requirement that the person in responsible charge on a Certificate of Authorization only need to be regularly offering services rather than being a full-time employee of the organization.

This hearing is being conducted under the provisions of Section 84-907 R.R.S., 1943, which provides that DRAFT COPIES OF THE PROPOSED RULES ARE AVAILABLE for public examination at the office of the Board of Geologists and the office of the Secretary of State, State Capitol Building, Lincoln, Nebraska. The draft copy of the proposed rules and a hearing draft are also available on the Board of Geologist's website at nebog.nebraska.gov.

A complete statement on the fiscal impact for organizations and persons regulated by these regulations can be examined at the office of the Board of Geologists, 215 Centennial Mall South, Ste 400, Lincoln, Nebraska 68508, (402) 471-8383, and at the office of the Secretary of State, Capitol Building, Lincoln, Nebraska.

ALL INTERESTED PERSONS are invited to ATTEND and TESTIFY orally or by written submission at the hearing. Interested persons may also submit written comments prior to the hearing that will be made part of the hearing record at the time of hearing if received by the Board of Geologists on or before January 8, 2019. If auxiliary aids or reasonable accommodations are needed to participate at the hearing, please call (402) 471-8383 no later than ten days before the hearing. TDD users please call (800) 833-7352 and ask the relay operator to call us at (402) 471-8383.

DATED at Lincoln, Nebraska, this 21st day of November 2018.
Charles Joyce, Chairperson
Board of Geologists
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FISCAL IMPACT STATEMENT

Agency: Board of Geologists	
Title: 171	Prepared by: Jean Lais, Administrative Assistant
Chapters: 1 through 7	Date prepared: December 4, 2018
Subject: Adoption of Revised Rules and Regulations	Telephone: 402-471-8383

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency: None

Political Subdivision: None

Regulated Public: None

Last Filing Date: ~~6/23/15~~

Effective Date: ~~6/28/15~~

TITLE 171 - NEBRASKA ADMINISTRATIVE CODE CHAPTERS 1 THROUGH 7



RULES AND REGULATIONS

STATE OF NEBRASKA BOARD OF GEOLOGISTS

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

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CHAPTER 1 - GENERAL PROVISIONS

1.1 Authority

The Nebraska Board of Geologists, hereinafter called the "Board," is created by the Geologists Regulation Act, Neb. Rev. Stat. §§ 81-3501 to 81-3541, hereinafter called the "Act." Pursuant to Neb. Rev. Stat. § 81-3522, the Board shall from time to time adopt rules and regulations, consistent with the laws of the State of Nebraska, which the Board deems necessary for the purpose of interpreting and implementing the Act.

1.2 Severability

If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

1.3 Definitions

The definitions set out in Neb. Rev. Stat. §§ 81-3504 to 81-3519, are hereby incorporated by reference into these rules and regulations. In addition, the following definitions of terms shall apply:

1.3.1 **ASBOG®** means the National Association of State Boards of Geology.

~~1.3.2 **Conflict of interest** means a conflict between the private interests and the official or professional responsibilities of a licensee. Such conflict may exist when the conduct of a licensee may have the effect of directly or indirectly conferring a pecuniary benefit at the expense of a client (other than that resulting from services actually performed) on the licensee, a person to whom they are related, or an organization of which they are an officer, director, or member.~~

~~1.3.3 **Contested case** means a proceeding before the Board in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after a Board hearing.~~

~~1.3.4 **Ex parte communication** means an oral or written communication which is not on the record in a contested case with respect to which reasonable notice to all parties was not given. Ex parte communication shall not include:~~

~~1.3.4.1 Communications which do not pertain to the merits of a contested case;~~

~~1.3.4.2 Communications required for the disposition of ex parte matters as authorized by law;~~

~~1.3.4.3 Communications in a ratemaking or rulemaking proceeding;~~

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~~1.3.4.4 — Communications to which all parties have given consent.~~

~~1.3.5~~1.3.2 **FG Examination** means the ASBOG® Fundamentals of Geology examination.

~~1.3.6 — **Hearing officer** means the person or persons conducting a hearing, contested case, or other proceeding pursuant to the Administrative Procedure Act, whether designated as the presiding officer, administrative law judge, or some other title designation.~~

~~1.3.7 — **Officers** mean the chairperson, vice-chairperson, and secretary of the Board.~~

~~1.3.8 — **Party** means the person by or against whom a contested case is brought or a person allowed to intervene in a contested case.~~

~~1.3.9 — **Petition** means the initial document filed by or with the Board that sets forth a claim and request for Board action.~~

~~1.3.10~~1.3.3 **PG Examination** means the ASBOG® Practice of Geology examination.

~~1.3.11~~1.3.4 **Temporary Permit** means a permit issued by the Board for use on a ~~single-specific~~ project, not lasting in duration for more than one year.

~~1.3.12~~1.3.5 **Work**, unless otherwise qualified, means the professional services comprising the practice of geology.

1.4 Fees, Renewals, Late Payment Penalties

1.4.1 The fees ~~schedule and methods of payment~~ shall be set by the Board and are as follows:

Application Fees:

Fundamentals of Geology (FG) Exam Application Fee	\$50
Practice of Geology (PG) Exam Application Fee	\$100
Reciprocal License Application Fee	\$100
Certificate of Authorization for Organization Application Fee	\$100

Licensing/Enrollment Fees:

Geologist- intern - <u>Intern</u> Enrollment Fee	Included in FG exam application fee
Licensing Fee	Included in PG exam and license application fee
Temporary Permit Fee	\$175
Emeritus Fee (Lifetime)	\$25

Renewal Fees:

License Renewal Fee	\$65
Late Renewal Fee	\$6.50 for any month or any part of a month, up to \$65
Certificate of Authorization Renewal Fee	\$100

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Miscellaneous Fees:

Duplicate Certificate	\$15
Exam Seat Reservation Fee	\$35

- 1.4.2 The ~~licensing fee for~~initial license of each approved professional geologist ~~applies to is~~valid for the calendar year in which it was first approved by the Board. The renewal fee applies to the next calendar year.
- 1.4.3 Certificates of licensure ~~as of~~ a professional geologist shall expire at midnight on December 31 of each year, but may be renewed during the following year upon payment of a late fee. The late fee to be paid for the renewal of a certificate after December 31 shall be increased ten percent of the renewal fee for each month or fraction of a month that the payment is delinquent. The maximum renewal fee and late fee for a delinquent renewal shall not exceed twice the amount of the regular renewal fee and no renewal shall be made after one year from the original expiration date. A new application will be required after such date.
- 1.4.4 Certificates of authorization are valid for two years and shall expire at midnight on the date of expiration. An expired certificate may be renewed during the following year upon receipt of the renewal fee. No renewal shall be made after one year from the expiration date. A new application will be required after such date.
- 1.4.5 The fees ~~shall~~may be adjusted as needed to generate the revenue needed to administer the ~~Nebraska~~ Geologists Regulation Act.
- 1.4.6 Submittal of an application authorizes the Board to investigate the information provided on or appended to the application.
- 1.4.7 In addition to fees submitted to the Board, applicants ~~shall be~~are required to pay fees associated with examinations as established by ASBOG® ~~when such examinations are required.~~
- 1.4.8 All fees are non-refundable. Exam seat reservation fees are non-transferrable to a future examination.
- ~~1.4.9 Public information requests will be processed in accordance to section 84-712. A roster of licensed professional geologists will be provided on the Board's website for public use.~~

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1.5 Applications ~~Closure~~

1.5.1 Absent specific Board action, Applications not completed within one year of receipt by the Board, will be closed. If an applicant wishes to continue the application process after such date, the applicant will be required to submit a new application ~~and~~ application fee, and meet the current requirements in place at that time.

~~1.5.2 — Approved license applicants who have not submitted the licensing fee by December 31st of the year in which they were approved will have their application closed and must submit a new application and fee to begin the application process again.~~

~~1.5.3 — Once an examinee passes the Practice of Geology (PG) exam and is eligible for licensure, the examinee will have six months from the date the exam was passed to submit the licensing fee. After such date, the examinee will be required to submit a new licensure application and fee.~~

1.5.2 An applicant's prior criminal or disciplinary history from any jurisdiction may be considered by the Board as part of the application process for examination or licensure. The existence of such history is not an automatic bar to being licensed or approved to take the examinations, nor is disclosure intended to automatically require consideration of the discipline by the Board.

1.5.3 No immediate family member of the applicant or current member of the Board shall service as a reference when references are required as part of the application.

1.6 Professional Assistance

The Board may retain professional assistance in carrying out administrative matters and other general governance of the Board. Such assistance may include financial, technological, legal, and administrative consultation, and shall work under the general direction of the Board.

1.7 Change of Contact Information and/or Name

It is the responsibility of the ~~licensee~~professional geologist, intern, examinee, or organization to notify the Board of any changes in their contact information. If ~~a~~an licensee individual changes his or her name, the person ~~shall~~will notify the Board in writing of the name change and include a copy of the legal documents supporting the name change. All notifications should be made in writing within 30 calendar days of the change in information.

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1.8 Adoption of the Attorney General's Model Rules

The Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General's Model Rules, and has incorporated them into these regulations.

1.9 Public Information Requests

Public information requests will be processed in accordance with Nebraska Public Information statutes. A roster of professional geologists will be provided on the Board's website for public use.

1.10 Confidentiality of Information

1.10.1 Records denoted in Neb. Rev. Stat. §84-712.05 are considered non-public.

1.10.2 Replies received from references regarding the qualifications of an application shall be placed in files that are considered non-public records. The source and character of this information will not be divulged except when required by law.

1.10.3 Examination materials and results are considered confidential except examination results will be given directly to the examinee. Passing scores may be verified to another licensing jurisdiction upon written request of the examinee or the licensing jurisdiction.

1.10.4 An individual in the application process may personally inspect the content of his or her file except those items listed in this section.

1.10.5 Original documents will remain with the Board, but may be copied at the Board's office.

1.11 Transcripts

Transcripts or other documents issued by the granting institution of higher education, or its authorized agent, will be acceptable as proof of graduation when such proof is required by the Board.

1.12 Record of Board's Actions

If a quorum is present, a simple majority of the Board members present is needed to take action unless otherwise noted in the Geologists Regulation Act and these rules. The Board will keep record of actions enacted at its meetings.

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1.13 Conditional Approvals

1.13.1 The Board may authorize the Board's designee to issue licenses, certificates of authorization, and temporary permits on a conditional basis, pending formal consideration of the application by the Board.

1.13.2 In the event the Board fails to give formal approval for any reason of an application, the conditional license, certificate, or temporary permit will expire at 11:59p.m. on the date the licensee is notified of such Board action.

1.13.3 Geologic services performed pursuant to a conditional approval will be deemed to have been performed pursuant to a valid license, certificate, or permit.

1.14 Appeal of Denied Applications

An applicant who has been denied admission to either the FG or PG exam, enrollment as a geologist-intern, licensure as a professional geologists, or issuance of a certificate of authorization or temporary permit will be reconsidered by the Board if notice of appeal is filed within 30 days of the denial notice. Hearings will be held in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

1.15 Promulgation, Amendment, or Repeal of Rules

Petitioning for rulemaking shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 2 of the Nebraska Department of Justice.

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CHAPTER 2 - ~~RESPONSIBILITIES AND DUTIES OF THE BOARD~~ LICENSURE OF PROFESSIONAL GEOLOGISTS BY EXAMINATION

2.1. Requirements for Licensure by Examination

Licensure by examination requires that the applicant have:

- (1) Satisfied the education requirements set forth in Rule 2.2;
- (2) Passed both the Fundamentals of Geology (FG) and Practice of Geology (PG) Examinations as set forth in Rule 2.3; and
- (3) Satisfied the experience requirement set forth in Rule 2.4;
- (4) Complied with the application process set forth in Rule 2.5.

2.2. Education Requirements

2.2.1. Applicants for the FG Examination must have completed a minimum of thirty semester hours or forty-five quarter hours of geology regardless of whether or not geology or geologic specialty degree has been earned.

2.2.2. Applicants for the PG Examination are required to have completed at least thirty semester hours or forty-five quarter hours of geology course work and earned a baccalaureate or advanced degree in geology or geologic specialty which includes five of the following courses or the Board approved equivalents: field geology, physical geology, mineralogy, petrology/petrography, structural geology, stratigraphy/sedimentology/soils, or hydrogeology.

2.3. Examinations

2.3.1. The examinations used by the Board determine eligibility shall be the current ASBOG® FG and PG examinations.

2.3.2. The Board will follow ASBOG®'s schedule for examinations at a place determined by the Board.

2.3.3. The Board will determine applicant eligibility for the FG and PG Examinations and notify the applicant of such.

2.3.3.1. Once the Board determines an applicant is eligible to take the FG and/or PG Examination/s, the applicant remains eligible to retake the same examination for

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five years. The five years shall commence on the date of the first scheduled examination after the applicant has been approved.

- 2.3.4. The FG Examination may be taken upon meeting the education requirement set forth in Rule 2.2.1.
- 2.3.5. The PG Examination may be taken upon meeting the education requirement set forth in Rule 2.2.2 and the experience requirement set forth in Rule 2.4.
- 2.3.6. The Board will accept the examination results as determined by ASBOG® and will report the results to the examinee.
- 2.3.7. If there is any reported examination irregularity on the part of an examinee, the Board will investigate the allegation and take appropriate action.
- 2.3.8. Passage of the FG and PG examinations will be determined by the ASBOG® pass/fail standards in place at the time the examination was taken.
- 2.3.9. After the third and subsequent failure of either examination, the candidate shall present to the Board evidence of having successfully completed two of the seven core geology courses as listed in Rule 2.2.2. It is recommended the courses be in the area(s) of examination deficiency. A new application, along with the current application fee will be required along with a request to retake the examination.
- 2.3.10. An examinee's failure to attend an examination for which he or she has been scheduled will forfeit the registration and exam seat reservation fee.
- 2.3.11. Failure of an examinee to attend an examination for which he or she has been scheduled to attend will not be considered as a failure of the examination under Rule 2.3.9.

2.4. Experience

- 2.4.1. Candidates for the PG Examination shall have not less than five years of progressive geologic experience obtained after completion of the education requirements as set forth in Rule 2.2.
- 2.4.2. Experience must indicate that, over the course of time, the applicant's work has been of increasing quality and has required greater responsibility.
- 2.4.3. Only experience of a geologic nature which follows graduation from a geology or geologic specialty program may be used to satisfy the experience requirement.

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- 2.4.4. Successful completion of graduate study leading to an advanced degree in geology or geologic specialty may satisfy part of the experience requirement.
 - 2.4.4.1. A Master's degree in geology or geologic specialty may be used for credit for one year of experience. A Doctorate degree may be used for credit for two years of experience. No more than two years' experience will be credited based on advanced degrees.
- 2.4.5. Experience should be gained under the direct supervision of a professional geologist or, if not, an explanation should be made showing why the experience should be considered acceptable to the Board.
- 2.4.6. Criteria for determining geologic experience includes part-time work which will be converted to its full-time equivalent.
- 2.4.7. Experience may be gained either under the work experience category or education. The applicant cannot claim experience for completion of an advanced degree and work experience while working during the same time period.
- 2.4.8. Experience may not be anticipated and must have been obtained at the time of the application.

2.5. Application for FG and PG Examinations

- 2.5.1. To be eligible to sit for the FG Examination, an applicant must:
 - 2.5.1.1. Submit an application on or before the filing deadline established by the Board along with the applicable application fee;
 - 2.5.1.2. Submit two references indicating good character and reputation; and
 - 2.5.1.3. Provide satisfactory evidence of meeting the education requirements set forth in Rule 2.2.
- 2.5.2. To be eligible to sit for the PG Examination, an applicant must:
 - 2.5.2.1. Submit an application on or before the filing deadline established by the Board;
 - 2.5.2.2. Submit four references indicating good character and reputation, two of which are from professional geologists who have personal knowledge of the applicant's geologic experience;

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2.5.2.2.1. If the applicant applied for and passed the FG Examination in Nebraska within the last five years, only the two professional geologist references are required.

2.5.2.3. Provide satisfactory evidence of meeting the education requirement as set forth in Rule 2.2;

2.5.2.4. Provide verification of passing the FG Examination. Such verification must be received directly from the licensing jurisdiction in which the examination was taken; and

2.5.2.5. Provide satisfactory evidence of meeting the experience requirement as set forth in Rule 2.4.

2.5.3. An applicant may apply for both the FG and PG Examinations concurrently if he or she is eligible to sit for the PG Examination.

2.5.4. All examination applications will go to the Board for review and final approval.

2.6. Enrollment as a Geologist-Intern

2.6.1. Enrollment as a Geologist-Intern shall be granted upon completion of the following:

2.6.1.1. Passage of the FG Examination as set forth these rules; and

2.6.1.2. Verification of earning a degree in geology or geologic specialty.

2.6.2. Enrollment as a Geologist-Intern is not required to sit for the PG Examination or for licensure in Nebraska.

2.7. Licensure as a Professional Geologist following Examination

Upon passage of the PG examination, as approved by the Board, a certificate of licensure shall be issued containing the licensee's full name and license number.

~~2.1—Election of Officers~~

~~The Board shall annually elect from its own membership at the first meeting after March 1, a chairperson, a vice-chairperson, and a secretary who shall assume the duties of their offices at the close of the meeting at which they are elected and serve for a term of one year. If an officer resigns or vacates his or her position prior to the expiration of his or her term, the Board may elect a replacement to serve the remainder of the term of office.~~

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2.2—Duties of Officers

~~2.2.1—When present, the chairperson shall preside at all meetings although at hearings, the chairperson may designate an attorney or another Board officer to serve as the presiding hearing officer. The chairperson shall assist the secretary and/or staff in matters of advice and in preparation of correspondence and reports as agreed upon by the Board.~~

~~2.2.2—The vice-chairperson shall perform all the duties prescribed for the chairperson in the absence of the chairperson. The vice-chairperson shall assist the secretary and/or staff in matters of advice and in preparation of correspondence and reports as agreed upon by the Board.~~

~~2.2.3—The secretary shall sign the minutes of all meetings, and perform all duties prescribed for the chairperson and/or vice-chairperson in their absence.~~

2.3—Meetings of the Board

~~2.3.1—The chairperson, the vice-chairperson, or any four members may call additional meetings to conduct the business of the Board. All meetings shall be conducted under the Open Meetings Act of the State of Nebraska, Neb. Rev. Stat. §§ 84-1407 to 84-1414. All meetings shall be open to the public and shall be advertised in a newspaper in general circulation in Nebraska at least seven calendar days prior to a meeting date. The Board may go into executive session pursuant to Neb. Rev. Stat. § 84-1410.~~

~~2.3.2—Written meeting minutes recording the actions of the Board are available in the Board office for public inspection during normal business hours in accordance with the Open Meetings Act of the State of Nebraska. The public may examine them and take notes from the minutes free of charge. A certified copy of the minutes will be provided upon request and payment of the legal fee. A non-certified copy of the minutes will be provided upon request and payment of actual copying costs.~~

~~2.3.3—In the event an emergency meeting is called as provided for in the Open Meetings Act of the State of Nebraska, Neb. Rev. Stat. §§ 84-1407 to 84-1414, presence for quorum or majority purposes includes attendance via conference call.~~

~~2.3.4—Five members shall constitute a quorum. If a quorum is present, a simple majority of the Board members present is needed to take action.~~

2.4—Duties of the Board

~~2.4.1—The Board shall determine if an applicant for licensure as a professional geologist or~~

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~~enrollment as a geologist-intern has satisfied all the requirements required by the Act and these rules. This determination shall require a majority vote of the Board.~~

~~2.4.2 — The Board may name a member of staff and/or other individuals as its designee(s).~~

~~2.4.3 — The Board may establish standards and procedures to evaluate and recognize geologic specialties. Standards and procedures for specialty licensure may be established as deemed prudent to protect public welfare or safeguard life, health, property, and the environment, under the provisions of the Act.~~

~~2.4.4 — The Board may not promulgate rules restricting the use of the terms, provided the full name of the organizations granting the certifications are stated following the use of these terms, and the terms are not used in such a manner that they tend to, or are likely to create any impression with the public or any member thereof, that the individual is a professional geologist as defined in Section § 81-3516 of the Act.~~

~~2.4.4.1 — "Certified Professional Geologist" or "C.P.G." as used by the American Institute of Professional Geologists~~

~~2.4.4.2 — "Certified Petroleum Geologist" or "C.P.G." as used by the American Association of Petroleum Geologists-Division of Professional Affairs~~

~~2.4.4.3 — "Certified Ground Water Professional" or "C.G.W.P." as used by the National Groundwater Association~~

~~2.4.5 — Upon written request from a licensee or examinee, the Board shall provide to another state, jurisdiction, or country, a verification of a licensee's status and/or examination results. This verification may include but is not limited to: 1) license number; 2) date of licensure; 3) current status of license; 4) final disciplinary dispositions; 5) basis of licensure; 6) examination results.~~

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CHAPTER 3 - ~~LICENSURE PROVISIONS~~ LICENSURE OF PROFESSIONAL GEOLOGISTS FROM OTHER JURISDICTIONS

3.1. Jurisdictional Comity/Reciprocity Licensure Requirements

3.1.1. Pursuant to Neb. Rev. Stat. § 81-3539(3), a geologist applicant from another jurisdiction may be licensed after the applicant:

3.1.1.1. Files an application with the associated fee;

3.1.1.2. Submits satisfactory evidence of such licensure to the Board;

3.1.1.3. Submits verification that the applicant has passed both the FG and PG Examinations;

3.1.1.4. Submits verification that the applicant has satisfied the education requirements set forth in Rule 2.2.2; and

3.1.1.5. Submits evidence of five years of geology experience that is in compliance with the licensing law in the jurisdiction where the practice occurred.

3.1.2. The Board may waive the examination and/or the education requirements if:

3.1.2.1. The applicant has a minimum of fifteen years of licensed experience acceptable to the Board.

3.1.2.2. Such applicants may be required to submit additional information.

3.1.3. All license applications will go to the Board for review and final approval.

3.2. Temporary Permit

3.2.1. Pursuant to Neb. Rev. Stat. § 81-3541(1)(g), a geologist applicant who holds a current and valid license in another state or country may be issued a temporary permit after the applicant:

3.2.1.1. Files an application with the associated fee; and

3.2.1.2. Submits satisfactory evidence of such licensure to the Board.

3.2.2. The permit will include a template containing the applicant's name, permit, number, expiration date, and project name and location.

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3.2.3. The holder of the temporary permit shall use their seal from the state of verified licensure when sealing documents pertaining to the Nebraska project and shall accompany the seal with the template issued by the Board.

3.2.4. Temporary permits expire one year after the date of issuance or upon the issuance of a comity/reciprocal license, whichever occurs first.

3.2.5. Applications for temporary permits may be conditionally approved by the Board's designee, until formally considered by the Board.

~~3.1—Required Documents~~

~~3.1.1—Applicants for licensure as a professional geologist shall submit a completed application form, accompanied by the application fee established by the Board.~~

~~3.1.2—Applicants for licensure as a professional geologist shall provide the names and addresses of not less than four references who are not relatives or subordinate employees of the applicant and who can attest to the applicant's professional character, reputation and qualifications. In the case of a geologist intern, only two character references are required.~~

~~3.1.2.1—Two of the references shall be professional geologists or qualified geologists having personal knowledge of the applicant's geologic work experience.~~

~~3.1.2.2—No member(s) of the Board will be accepted as references. Individuals providing references must return the completed forms directly to the Board.~~

~~3.2—Education~~

~~3.2.1—The applicant shall provide official verification of his or her college record(s) documenting completion of the following education requirements:~~

~~3.2.1.1—Successful completion of at least thirty semester or forty-five quarter hours of course work in geology and conferred a baccalaureate or advanced degree in geology or a geologic specialty from a program recognized by the Board.~~

~~3.2.1.2—Course work shall include five of the following courses or their equivalent: 1) field geology, 2) physical geology, 3) mineralogy, 4) petrology/petrography, 5) structural geology, 6) stratigraphy/sedimentology/soils, or 7) hydrogeology.~~

~~3.3—Experience~~

~~3.3.1—The application shall document a minimum of five years progressive experience obtained after~~

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~~completion of the education requirements. The applicant must summarize all geological and related professional work experience and provide the names and addresses of supervisors or, in the case of consulting work, clients.~~

~~3.3.1.1 — If an applicant cannot provide the name and address of at least one supervisor or client, an applicant shall provide a written and signed explanation and the name and address of one additional professional reference. This additional professional reference shall not be a relative, member of the Board, or subordinate employee of the applicant.~~

~~3.3.2 — Criteria for determining geologic work experience for credit toward the required professional practice in geologic work shall include, but not be limited to:~~

~~3.3.2.1 — Each full-time month of geologic experience that was carried out for a client, under the direct supervision of a professional geologist or qualified geologist, or under another professional who has similar experience, education, and professional character in a related field, shall count as one month of professional practice of geologic work.~~

~~3.3.2.2 — Part-time work may be converted to its full-time equivalent.~~

~~3.3.2.3 — Successful completion of graduate study leading to a Master's degree in geology may be used for credit for one year's experience. If a PhD in geology is completed, two years total experience may be credited. If the PhD is obtained without the Master degree, the credit for experience will be two years.~~

~~3.3.2.4 — Experience may either be gained under the education or the work experience category. The applicant cannot claim the experience for completion of a graduate degree and work experience while working full time during the same time span.~~

~~3.3.3 — The Board may publish guidelines with respect to documenting an applicant's geological experience.~~

~~3.3.4 — The required experience must have been attained at the time of the application and cannot be anticipated.~~

3.4 — Examinations

~~3.4.1 — The examinations used by the Board to determine eligibility for licensure shall be the current ASBOG Fundamentals of Geology (FG) and the Practice of Geology (PG).~~

~~3.4.2 — The Board shall require an applicant for licensure as a professional geologist to have passed~~

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~~the ASBOG® Fundamentals of Geology and Practice of Geology examinations or their equivalent/s, unless the applicant is exempt from examination.~~

- ~~3.4.3 The Board will follow ASBOG®'s schedule for examinations at a place determined by the Board.~~
- ~~3.4.4 Applications to take an examination will go to the Board for review and final determination. If the Board determines that an applicant meets the requirements for taking an examination, the Board will notify the applicant of such and forward the eligibility information to ASBOG.~~
- ~~3.4.4.1 Once the Board determines an applicant is eligible to take either the FG examination or the PG examination, the applicant remains eligible to retake that same examination for five years. The five years shall commence on the date of the first scheduled exam after the applicant has been determined eligible.~~
- ~~3.4.5 The Board will accept the examination results as determined by ASBOG and will report the results to the applicant.~~
- ~~3.4.6 Any alleged improper behavior on the part of the applicant shall be investigated by the Board, after which the Board will take appropriate action.~~
- ~~3.4.7 An applicant must have passed the examination(s) in accordance with the ASBOG pass/fail standards current at the time the applicant took the examination.~~
- ~~3.4.8 After the third and subsequent failure of either geology examination, the candidate shall present to the Board evidence of having successfully completed two of the seven core geology courses as listed in Rule 3.2. It is recommended these courses be in the area(s) of examination deficiency. A new examination application, along with the current application fee must be submitted with a request to retake the examination.~~
- ~~3.4.9 The FG examination may be taken upon substantial completion of the education requirements. Substantial completion of education requirements means completion of thirty semester or forty five quarter hours in geology regardless of whether or not a geology or geological specialty degree has been earned.~~
- ~~3.4.10 The PG examination may be taken only after the applicant has met the education and experience requirements as set forth in Rules 3.2 and 3.3.~~
- ~~3.4.11 All examination reservation fees are non-refundable and non-transferrable to a future examination.~~
- ~~3.4.12 An applicant may take both the FG and PG examinations during the same exam-~~

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~~administration, if he or she meets the requirements for taking the PG examination as set forth in Rule 3.4.10.~~

3.5 – Enrollment as a Geologist-Intern

~~3.5.1 – A candidate will be enrolled as a Geologist-Intern when the following has been completed:~~

~~3.5.1.1 – Satisfactory completion of course work, grades, and degrees that indicates to the Board the applicant has met the education requirements as set forth in Rule 3.2. Official or certified transcripts or other documentation of satisfactory completion must be provided to the Board directly from the granting institution.~~

~~3.5.1.2 – Successful passage of the FG examination.~~

~~3.5.1.3 – The Board has determined the candidate has met the above requirements.~~

~~3.5.1.4 – If the Board finds an applicant does not meet the requirements for enrollment as set forth herein, the application may be denied or additional information required. If such information, or a request for a time extension and explanation signed by the applicant, is not received within six months of the date of the Board request, the application will be cancelled, and a new application along with the application fee will be required. A request for a time extension may be rejected by the Board.~~

3.6 – Licensure as a Professional Geologist

~~3.6.1 – When the Board has determined that an applicant for licensure has satisfied the licensure standards set forth herein, the Board shall issue a certificate of licensure with the licensed applicant's name and license number.~~

~~3.6.2 – An applicant who holds a valid license to practice geology in another state, jurisdiction, territory, or country, as recognized by the Board, may be granted licensure in Nebraska, if the applicant:~~

~~3.6.2.1 – Has a current professional geologist license in good standing in another state and provides verification of licensure in a manner deemed acceptable by the Board.~~

~~3.6.2.1.2 – Letters of reference may not be required if the license is in good standing.~~

~~3.6.2.3 – Has passed the ASBOG® FG and PG examinations, or their equivalent.~~

~~3.6.2.3.1 – The Board may waive the requirement of passing the ASBOG®~~

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~~examinations if the applicant has continuously held licensure as a geologist in good standing since December 31, 1991. Such applicants may be required to submit additional information with their application, including transcripts or letters of reference.~~

~~3.6.2.4 — Meets the education requirement as described in Rule 3.2; and~~

~~3.6.2.5 — Satisfies the requirement for experience as described in Rule 3.3; or~~

~~3.6.2.6 — Geologists licensed by a licensing authority in another state, jurisdiction, territory, or country, recognized by the Board with 15 years or more of licensed work experience acceptable to the Board, may be granted licensure in Nebraska if he or she submits satisfactory evidence of such experience to the Board and provides four professional references.~~

~~3.6.2.6.1 — The Board may exempt applicants with 15 years or more of acceptable licensed work experience from the examination and education requirements as set forth in Rules 3.2 and 3.4.~~

~~3.6.3 — All license applications will go to the Board for review and final determination.~~

3.7 Temporary Permit

~~3.7.1 — A geologist who holds a current and valid certification or license issued by a licensing authority recognized by the Board may apply for a temporary permit for the purpose of providing geological services for no more than one project, not to exceed one year, if the applicant:~~

~~3.7.1.1 — Files an application with the required fee; and~~

~~3.7.1.2 — Submits satisfactory evidence of such certification or license to the Board.~~

~~3.7.2 — Verification of good standing must be provided by the state of current licensure.~~

~~3.7.3 — The Board or its designee is authorized to review and evaluate the applications of all temporary permit applicants to determine whether they meet the criteria set forth herein and issue the permit if so deemed.~~

~~3.7.4 — The permit will consist of labels containing the pertinent information, which may be applied to documents or copied onto clear media for application to sealed transparencies.~~

~~3.7.4 — The holder of a temporary permit shall use his or her seal from the licensing authority of verified licensure when sealing documents pertaining to the Nebraska project and shall accompany the seal with the information label issued by the Board.~~

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~~3.7.6 — Temporary permits expire one year after the date of issuance or on the date a reciprocal license is issued, whichever occurs first.~~

~~3.7.7 — A listing of all professional geologists issued temporary permits will be placed on the agenda of the next meeting of the Board for formal approval.~~

~~3.8 — Organizational Practice~~

~~3.8.1 — Organizations practicing or offering to practice geology in Nebraska shall apply to the Board for a certificate of authorization. The certificate of authorization shall be used to file any applications with the Nebraska Secretary of State to fulfill the appropriate statutes or requirements for practicing in Nebraska as a corporation, partnership, limited liability corporation, professional corporation or other such organizational designations appropriate under Nebraska law. Sole proprietorships do not require a certificate.~~

~~3.8.2 — The Board will review the organization's application and issue a certificate of authorization if the minimum requirements are satisfied to practice or offer to practice the profession of geology in the State of Nebraska.~~

~~3.8.2.1 — The minimum requirement for an organization to practice or offer to practice geology in the State of Nebraska is to have one professional geologist, licensed to practice in the State of Nebraska for the duration of the certificate of authorization.~~

~~3.8.2.2 — The professional geologist must be a full-time employee of the organization and may or may not have ownership interest in the organization.~~

~~3.8.2.3 — The signature of a professional geologist licensed in the State of Nebraska must appear on the certificate of authorization application.~~

~~3.8.2.4 — Should the licensed professional geologist who signed the application leave the organization, become deceased, or lose signatory authority, the organization shall notify the Board within 30 days and file an amendment to its application identifying the new licensed individual with signatory authority.~~

~~3.8.2.5 — The organization must pay the required application fee.~~

~~3.8.3 — The certificate of authorization is valid for two years and expires on the expiration date.~~

~~3.8.4 — The Board's designee is authorized to review and evaluate the applications for certificates of authorization to determine they meet the criteria set forth herein and issue the certificate if so deemed.~~

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~~3.8.5 — A listing of all certificates of authorization issued will be placed on the agenda of the next meeting of the Board for formal approval by the Board.~~

3.9 — Licensee Seal

~~3.9.1 — Upon notification of licensure from the Board, the licensee shall acquire a seal which bears the licensee's name, his or her license number, "State of Nebraska," and "Licensed Professional Geologist."~~

~~3.9.2 — The purpose of requiring each professional geologist to acquire a seal is to assist in identifying the geologist responsible for work performed under the requirements of Neb. Rev. §§ 81-3501 to 81-3541.~~

~~3.9.3 — The seal used by a licensee, whether an embossing, computer generated, or other type shall be legible. In the absence of legibility, the seal is invalid.~~

~~3.9.4 — An imprint of the licensee's valid seal shall appear on the cover page of geologic reports or other geologic documents bound in book form as well as on each and every original sheet of unbound geologic drawings, cross sections, or maps prepared by or under the responsible charge or direct supervision of the licensee whenever these documents are presented to a client or any public or governmental agency. An imprint of the licensee's seal shall be superimposed over his or her signature and the date on which it was signed.~~

~~3.9.5 — Any work sealed and signed by a licensee must have been prepared by the licensee or under the direct supervision or responsible charge of the licensee. After the fact ratification by the sealing of documents, when the underlying work was not performed by or under the responsible charge and supervision of the licensee, is prohibited.~~

~~3.9.6 — A licensee whose license is expired shall not use his or her seal on any work until the license is reinstated.~~

~~3.9.7 — The licensee shall take reasonable steps to ensure the security of their physical and computer-generated seals at all times.~~

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Chapter 4 - CODE OF PRACTICE

4.1 All licensees shall be guided by the highest standards of personal integrity and professional conduct:

- 4.1.1 They shall pursue honesty, integrity, loyalty, fairness, impartiality, candor, fidelity to trust, inviolability of confidence, and honorable conduct.
- 4.1.2 By applying for or by continuing licensure or certification, they agree to comply with and uphold this Code of Practice.
- 4.1.3 They shall not discriminate against others on the basis of gender, age, disability, race, color, religion, marital status, national or ethnic origin, or sexual orientation.

4.2 Licensees shall uphold public health, safety, and welfare in the performance of professional services, and avoid even the appearance of impropriety.

- 4.2.1 They shall observe and comply with the requirements and intent of all applicable laws, codes, and regulations.
- 4.2.2 They shall not knowingly participate in any illegal activities, or knowingly permit the publication of their reports, maps, or other documents for an illegal purpose.
- 4.2.3 They shall neither offer nor make any illegal payment, gift, or other valuable consideration to a public official for the purpose of influencing a decision by such official; nor shall they accept any payment, gift, or other valuable consideration which would appear to influence a decision made on behalf of the public by them acting in a position of public trust.
- 4.2.4 If they become aware of a decision or action by an employer, client, or colleague which violates any law or regulation, they shall advise against such action, and when such violation appears to adversely affect public welfare or the safeguard of life, health, property and the environment, they shall advise the appropriate public officials responsible for the enforcement of such law or regulation.
- 4.2.5 They shall be accurate, truthful, and candid in all communications with the public.
- 4.2.6 They shall not knowingly engage in false or deceptive advertising, or make false, misleading, or deceptive representations or claims in regard to the profession of geology, their own professional qualifications or abilities, or those of other geologists.
- 4.2.7 They shall not issue statements or information which they know to be false or misleading even though directed to do so by an employer or client.

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- 4.2.8 They shall avoid making sensational, exaggerated, and/or unwarranted statements that may mislead or deceive members of the public or any public body.
- 4.2.9 They should participate as citizens and as professionals in public affairs.
- 4.2.10 Licensees acting in a position of public trust shall exercise their authority impartially, and shall not seek to use their authority for personal profit or to secure any competitive advantage.
- 4.2.11 They shall promote public awareness of the effects of geology and ~~geological~~[geologic](#) processes on the quality of life.

4.3 Licensees shall serve their employers and clients faithfully and competently within their overall professional obligations.

- 4.3.1 They shall disclose any actual or potential conflicts of interest, which may affect their ability to faithfully serve an employer or client.
- 4.3.2 They shall disclose to a prospective employer or client the existence of any owned or controlled mineral or other interest which may, either directly or indirectly, have a bearing on such employment.
- 4.3.3 Licensees having or expecting to have beneficial interest in a property on which they report shall state the existence of such interest or expected interest in the report.
- 4.3.4 Licensees employed or retained by one employer or client shall not accept, without that employer's or client's written consent, an engagement by another if the interests of the two are in any manner conflicting.
- 4.3.5 They shall not accept referral fees from any person to whom an employer or client is referred; however, nothing herein shall prohibit them from being compensated by the employer or client for consultation, or for other services actually performed.
- 4.3.6 They shall not offer or pay referral fees to any person who refers an employer or client to them; however, nothing herein shall prohibit them from compensating the person giving the referral for consultation or for other services actually performed.
- 4.3.7 They shall protect, to the fullest possible extent, the interest of an employer or client in a manner that is consistent with public welfare or the safeguard of life, health, property and the environment and the licensee's legal, professional, and ethical obligations.

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- 4.3.8 They shall not use, directly or indirectly, any confidential information obtained from services for an employer or client which is adverse or detrimental to the interests of the employer or client, except with the prior consent of the employer or client, or when disclosure is required by law.
- 4.3.9 A licensee who has made an investigation for an employer or client shall not seek to profit economically from the information gained without written permission of the employer or client, unless it is clear that there can no longer be a conflict of interest with the original employer or client.
- 4.3.10 They shall not use their employer or client's resources for private gain without their employer's or client's prior knowledge and consent.

4.4 Licensees shall provide competent service to their employers and clients.

- 4.4.1 They shall perform only professional services or issue only professional advice which is within the scope of their education and experience, and that of their professional associates, consultants, or employees, and shall advise the employer or client of professional advice outside of their personal expertise.
- 4.4.2 They shall not give a professional opinion, or submit a report, without being as thoroughly informed as might be reasonably expected, considering the purpose for which the opinion or report is requested.
- 4.4.3 They shall engage, or advise an employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interest would be best served by such engagement.
- 4.4.4 They shall serve their employers and clients diligently and perform their services in a timely manner.
- 4.4.5 Licensees who find that obligations to an employer or client conflict with professional or ethical standards should have such objectionable conditions corrected or they should resign.

4.5 Licensees shall respect the rights, interests, and contributions of their professional colleagues.

- 4.5.1 They shall respect and acknowledge the professional status and contributions of their colleagues.
- 4.5.2 They shall give due credit for work done by others in the course of a professional assignment, and shall not knowingly accept credit due another.

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- 4.5.3 They shall not plagiarize another in oral or written communications; use materials prepared by others without appropriate attribution, or make use of the intellectual property of another without appropriate attribution.

4.6 Licensees shall continually strive to improve the profession of geology.

- 4.6.1 They shall strive to improve their professional knowledge and skills.
- 4.6.2 They shall cooperate with others in the profession and encourage the dissemination of ~~geological~~geologic knowledge.
- 4.6.3 They shall work toward the improvement of standards of ~~geological~~geologic education, research, training, and practice.
- 4.6.4 They shall uphold these standards of professional conduct by precept and example, but also encourage by counsel and advice to other licensees their adherence to such standards.
- 4.6.5 Licensees having knowledge of another licensee violating the Act, the rules of the Board, or the Code of Practice should bring substantial evidence of such violation to the attention of the Board.

4.7 Use of Regulated Titles

4.7.1 Professional geologists who are licensed in Nebraska may identify themselves as such.

4.7.2 Professional geologists who are not licensed in Nebraska, but who hold a valid license in another licensing jurisdiction:

4.7.2.1 May identify themselves as such on correspondence and other routine documents that do not contain an offer to provide geologic services;

4.7.2.2 May identify themselves as such on correspondence and other documents that contain an offer to provide geologic services in Nebraska, if such documents clearly indicate and disclose that the professional geologist:

4.7.2.2.1 Holds a current and valid license in another licensing jurisdiction;

4.7.2.2.2 Does not hold a current and valid license in Nebraska;

4.7.2.2.3 Would have to obtain a license in Nebraska in order to perform the services described in the offer; and

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4.7.2.2.4 Has a reasonable likelihood of obtaining a licensed in Nebraska.

4.7.3 Individuals who do not hold a current and valid license in any other licensing jurisdiction shall not use the title of professional geologist.

4.7.4 The following certification titles and terms may be used provided the full name of the organization granting the certification are stated following the use of the term, and the term is not being used in such a manner that they tend to, or are likely to create any impression with the public or any member thereof, that the individual is a professional geologist as defined in the Geologists Regulation Act and these Rules:

4.7.4.1 Certified Professional Geologist or CPG as used by the American Institute of Professional Geologists.

4.7.4.2 Certified Petroleum Geologist or CPG as used by the American Association of Petroleum Geologists-Division of Professional Affairs.

4.7.4.3 Certified Ground Water Professional or CGWP as used by the National Groundwater Association.

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CHAPTER 5 - ~~DISCIPLINARY ACTION~~ENFORCEMENT

~~5.1~~ Filing of a Complaint

~~5.21~~ Probable Cause~~Initial Review of Complaints or Compliance Issues~~

~~When a complaint is received by the Board, the Board may refer the complaint to an investigative panel or investigator, with the exception that no member of the Board may serve on the investigative panel or as an investigator.~~

~~5.21.1~~ The panel or the investigator makes a determination and/or a recommendation to the Board as to:
When a complaint is received by the Board in which a person is alleged to have violated the Act and/or Title 171 NAC, or the Board becomes aware of a compliance issue that may constitute a violation of the Act and/or Title 171 NAC, the Board may refer the complaint or compliance issue to a committee or an investigator, or may consider the complaint or compliance issue without such referral.

5.1.2 If applicable, the committee or investigator shall make a recommendation as to:

~~5.21.4.2.1~~ Whether the complaint should be pursued~~matter should be dismissed for lack of probable cause; or~~

~~5.21.4.2.2~~ If an informal process should be used~~Whether there is probable cause that a violation of the Act and/or Title 171 NAC has occurred; or~~

~~5.21.4.2.3~~ If further investigation is required; or~~Whether further investigation is required in order to determine whether there is probable cause.~~

~~5.2.1.4~~ If probable cause exists for taking further action or for issuing a summons and to initiate the formal process.

5.1.3 Upon receipt of a recommendation or upon consideration by the Board, the Board will determine whether there is probable cause and, if so, whether the informal or formal process should be undertaken to resolve the matter. If the Board finds there is no probable cause, the complaint shall be dismissed. The Board may make a determination on probable cause with or without having requested a response from the respondent.

~~5.32~~ Informal Process

~~The Board may select an informal process in lieu of or as a prerequisite to entering into a formal process. Under this option, the Board would generally proceed with the following steps after receiving a written complaint that an individual or organization has violated the Geologists Regulation Act or these rules and regulations:~~
The Board may utilize the informal process as described below in lieu of, or as a prerequisite for, entering into a formal process.

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- 5.32.1 ~~The Board may appoint a designee to oversee the implementation of the informal process.~~The respondent shall be entitled to copies of the complaint and all information upon which the probable cause determination was made.
- 5.32.2 ~~The Board shall send a letter to any or all parties involved in the complaint, requesting attendance at a Board meeting to informally discuss matters related to the complaint. At the scheduled meeting, the Board shall clearly state to the parties that the meeting is informal and no individuals or organizations will be giving up their "due process rights" by participating in this informal process. The Board may request parties to bring materials, documents, or exhibits that may be useful in facilitating the informal discussion with the Board.~~The Board and the respondent may reach an agreement as to the terms of the resolution of the matter without the respondent's appearance before the Board.
- 5.32.3 ~~If the Board or designee and the parties can reach a mutual understanding that alleged violations of the Geologists Regulation Act and/or the rules and regulations in the complaint can easily be corrected through education and applied properly in future activities of the parties, the Board or designee may consider the complaint to be resolved. Under this process the Board is looking to the party or parties named in the complaint to take their own corrective actions to establish compliance with the Geologists Regulation Act and the rules and regulations.~~If an agreement is not reached without the appearance of the respondent, the respondent will be requested in writing to appear before the Board for an informal discussion of the matter.
- 5.2.3.1 The Board may, but need not, request any other party involved in the complaint to appear along with the respondent. Such appearance is voluntary and cannot be compelled.
- 5.2.3.2 Copies of the documents referred to in Rule 5.2.1 shall be provided to the respondent no later than the time the request to appear is made.
- 5.32.4 ~~The Board retains the authority to separate items within a complaint into those that can be resolved with the informal process and those of a more serious nature which must be resolved under the formal process.~~At the scheduled meeting with the Board, the Board shall clearly state to the party or parties that the meeting is informal and that no individual will be giving up their rights to due process by participating in the informal process.
- 5.32.5 ~~Matters resolved through the informal process will be so acknowledged in writing to all parties who participated in the process.~~The Board may request that a party or parties bring material, documents, or exhibits to facilitate the informal discussion with the Board.
- 5.32.6 ~~Participation in the informal process is intended to be voluntary, not mandatory, on the part of the respondent.~~The matter will be resolved if the Board and the respondent can reach terms of mutual agreement on the issues, and a consent agreement or such document is executed

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on those terms. Acceptable terms may include, but are not limited to professional education, limitations on practice, civil penalties, and assessment of fees and/or costs.

5.2.7 The Board may separate issues within a complaint into those that can be resolved with an informal process from those that must be resolved under the formal process.

5.2.8 The respondent's participation in the informal process is voluntary, not mandatory.

5.4 – Mediation

~~At the request of either party, if agreed to by both parties, the complaint shall be referred to a state-approved mediation center for resolution pursuant to the Nebraska Dispute Resolution Act.~~

5.5.3 Formal Process

~~5.5.1~~ 5.3.1 The procedure for hearings ~~in contested cases~~ regarding matters not resolved by the informal process shall be in accordance with Title 53, ~~Nebraska-Administrative Code~~ NAC, Chapter 4 of the Nebraska Department of Justice. Board's receipt of a complaint shall not constitute the initiation of a formal process.

~~5.5.2~~ 5.3.2 Any person aggrieved by a final decision in a contested case is entitled to judicial review under the Nebraska Administrative Procedures Act, or resort to such other means of review as may be provided by law.

5.6 – Publication

~~The board, having taken disciplinary action after hearing or by agreed settlement, may publish the respondent's name and place of business.~~

5.7.4 Enforcement Failure to Comply with Board Orders

If any person refuses to obey any decision or order of the board, enforcement proceedings may be commenced in the appropriate ~~d~~ district court in accordance with Neb. Rev. Stat § 81-3533.

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CHAPTER 6 - ~~INFORMATION PRACTICES~~ THE LICENSEE SEAL

6.1 Use of the Seal

- 6.1.1 The purpose of the seal is to assist in identification of the professional geologist responsible for the work performed under the requirements of the Act.
- 6.1.2 The seal used by a professional geologist shall be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid.
- 6.1.3 The responsible professional geologist shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision, by applying their seal to the cover page of geologic reports or other geologic documents bound in book form as well as on each and every original sheet of unbound geologic drawings, cross sections, or maps whenever these documents are presented to a client or any public or governmental agency.
- 6.1.4 Sealing of documents, when the underlying work was not performed by or under the direct supervision of a professional geologist is prohibited.
- 6.1.5 Preliminary documents shall identify the purpose of the document, the professional geologist of record with their license number and the release date by placing the following text or similar wording instead of a seal: "This document is released for the purpose of (purpose of document) under the authority of (professional geologist and license number) on (date)."
- 6.1.6 When sealing plans or documents on which two or more professional geologists have worked, the seal of each professional geologist shall be placed on the plan or document with a notation describing the work done under each professional geologist's direct supervision.
- 6.1.7 No seal shall be valid unless signed across the face of the seal with the professional geologist's name and the date on which the material was signed.
- 6.1.8 Professional geologists are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.

6.2 Use of Seal on Supervised Work

- 6.2.1 In order to exercise full professional knowledge of and control over work, a professional geologist intending to affix their seal on geologic documents must:
- 6.2.1.1 Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of

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examination, evaluation, communication, and direction throughout the development of the work;

6.2.1.2 Be personally aware of the project's scope, needs, parameters, limitation, and special requirements;

6.2.1.3 Be capable of answering questions relevant to the geologic decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and

6.2.1.4 Be reasonably satisfied with the product of the services rendered and accept full responsibility of the work.

6.2.2 The Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of the professional geologist.

6.1—Introduction

~~Pursuant to Neb. Rev. Stat. § 84-712.05 or as otherwise provided by law, the Board establishes these rules to ensure the security, confidentiality, and privacy of personal information concerning individuals licensed or certified pursuant to the Act.~~

6.2—Disclosure and Access

~~With the exceptions of information required for the Board's roster, the personal information compiled by the Board concerning those individuals in the application process will be considered confidential and shall be released only to the individual to whom the record pertains, to others with his or her written consent, or upon court order. Access to public records will be subject to applicable public records statutes (Neb. Rev. Stat. §§ 84-712 to 84-712.09).~~

~~6.2.1—A licensee or an individual in the application process may personally inspect the contents of his or her file with the following exceptions:~~

~~6.2.1.1—Examination materials and individual grade sheets; and~~

~~6.2.1.2—Professional references.~~

~~6.2.2—Original documents must remain with the Board but may be copied at the Board's office for a reasonable fee.~~

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6.3—Correction and Amendment

~~A licensee or an individual in the application process may correct erroneous, inaccurate, or misleading information in his or her file by providing the corrections and amendments in writing to the Board.~~

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CHAPTER 7 – ~~PROMULGATION, AMENDMENT, OR REPEAL OF~~ RULES ORGANIZATIONAL PRACTICE

7.1 Applications

7.1.1 Organizations practicing or offering to practice geology in Nebraska shall apply to the Board for a certificate of authorization.

7.1.2 The Board will review the organization's application and issue a certificate of authorization if the minimum requirements are satisfied.

7.1.3 Certificates of authorization are valid for two years from issuance.

7.1.4 A certificate of authorization may be renewed for two years upon submission of the renewal application and appropriate renewal fee prior to the expiration of the certificate.

7.1.4.1 An expired certificate may be renewed without penalty up to one year after expiration.

7.1.4.2 After one year, an expired certificate requires a new application and the appropriate application fee along with meeting the certificate requirements in place at that time.

7.1.5 The certificate of authorization may be used to file any applications with the Nebraska Secretary of State to fulfill the appropriate statutes and requirements for practicing in Nebraska as a corporation, partnership, limited liability company, professional corporation, or other such organizational designation appropriate under Nebraska law except sole proprietorships do not require a certificate.

7.1.6 Applications for certificates of authorization may be conditionally approved by the Board's designee upon review and determination that the minimum requirements set forth herein and in the Geologists Regulation Act have been met, until formally considered by the Board.

7.2 Minimum Requirements

7.2.1 The requirements for an organization to practice or offer to practice geology in Nebraska is to have at least one professional geologist who is licensed to practice in Nebraska and a employee who regularly performs geologic services for the organization for the duration of the certificate of authorization.

7.2.2 The signature of the professional geologist must appear on the application.

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7.2.3 The professional geologist whose signature appears on the application may or may not have ownership interest in the organization.

7.2.4 The applicant must pay the appropriate application fee.

7.2.5 An individual who has elected emeritus status is not eligible to sign as an organization's professional geologist on the application.

7.2.6 Should the professional geologist who has signed the application leave the organization, die, or lose their signatory authority, the organization has thirty days to notify the Board and file an amendment to its application identifying a new professional geologist with signatory authority.

7.1 Petitioning for Rulemaking

~~Petitioning for rulemaking shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 2 of the Nebraska Department of Justice. Copies of Title 53 are available from the Secretary of Sta~~