

Last Filing Date:

Effective Date:

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

ALPHABETICAL TABLE OF CONTENTS

<u>SUBJECT OR TITLE</u>	<u>STATUTORY AUTHORITY NUMBER</u>	<u>CODE SECTION</u>	<u>PAGE</u>
Code of Practice	§ 81-3526	Ch. 4	17
General Provisions	§§ 81-3501, 81-3503 to 81-3532 84-1407 to 84-1414, 84-712.05	Ch. 1	1
Enforcement	§§ 81-3533 to 81-3537, 81-3539 81-3541	Ch. 5	21
Licensure of Professional Geologists by Examination	§§ 81-3527, 81-3528 to 81-3531, 81-3539 to 81-3540	Ch. 2	6
Licensure of Professional Geologists From Other Jurisdiction	§§ 81-3527, 81-3528 to 81-3531, 81-3539 to 81-3540	Ch. 3	11
Organizational Practice	§§ 81-3527 to 3528, 81-3531 to 81-3532	Ch. 7	26
The Licensee Seal	§§ 81-3529 to 3530	Ch. 6	24

NUMERICAL TABLE OF CONTENTS

<u>SUBJECT OR TITLE</u>	<u>STATUTORY AUTHORITY NUMBER</u>	<u>CODE SECTION</u>	<u>PAGE</u>
General Provisions	§§ 81-3501, 81-3503 to 81-3532, 84-1407 to 84-1414, 84-712.05	Ch. 1	1
Licensure of Professional Geologists By Examination	§§ 81-3527, 81-3528 to 81-3531, 81-3539- 81-3540	Ch. 2	6
Licensure of Professional Geologists From Other Jurisdiction	§§ 81-3527, 81-3528 to 81-3531, 81-3539-81-3540	Ch. 3	11
Code of Practice	§ 81-3526	Ch. 4	17
Enforcement	§§ 81-3533 to 81-3537, 81-3539 81-3541	Ch. 5	21
The Licensee Seal	§§ 81-3529 to 3530	Ch. 6	24
Organizational Practice	§§ 81-3527 to 3528, 81-3531 to 81-3532	Ch. 7	26

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

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 **FG Examination** means the ASBOG® Fundamentals of Geology examination.
- 1.3.3 **PG Examination** means the ASBOG® Practice of Geology examination.
- 1.3.4 **Temporary Permit** means a permit issued by the Board for use on a specific project, not lasting in duration for more than one year.
- 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 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

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

Certificate of Authorization Application Fee \$100

Licensing/Enrollment Fees:

Geologist-Intern 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

Miscellaneous Fees:

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

- 1.4.2 The initial license of each approved professional geologist 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 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 may be adjusted as needed to generate the revenue needed to administer the 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 are required to pay fees associated with examinations as established by ASBOG®.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 1.4.8 All fees are non-refundable. Exam seat reservation fees are non-transferrable to a future examination.

1.5 Applications

- 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, application fee, and meet the current requirements in place at that time.
- 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 professional geologist, intern, examinee, or organization to notify the Board of any changes in their contact information. If an individual changes his or her name, the person 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.

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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

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.

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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

CHAPTER 2 - 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

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 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;

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

CHAPTER 3 - 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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 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 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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 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 geologic knowledge.
- 4.6.3 They shall work toward the improvement of standards of 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

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

CHAPTER 5 - ENFORCEMENT

5.1 Initial Review of Complaints or Compliance Issues

- 5.1.1 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:
 - 5.1.2.1 Whether the matter should be dismissed for lack of probable cause; or
 - 5.1.2.2 Whether there is probable cause that a violation of the Act and/or Title 171 NAC has occurred; or
 - 5.1.2.3 Whether further investigation is required in order to determine whether there is probable cause.
- 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.

5.2 Informal Process

The Board may utilize the informal process as described below in lieu of, or as a prerequisite for, entering into a formal process.

- 5.2.1 The respondent shall be entitled to copies of the complaint and all information upon which the probable cause determination was made.
- 5.2.2 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.
- 5.2.3 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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 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.
- 5.2.4 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.
- 5.2.5 The Board may request that a party or parties bring material, documents, or exhibits to facilitate the informal discussion with the Board.
- 5.2.6 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 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.

5.3 Formal Process

- 5.3.1 The procedure for hearings regarding matters not resolved by the informal process shall be in accordance with Title 53, NAC, Chapter 4 of the Nebraska Department of Justice. Board's receipt of a complaint shall not constitute the initiation of a formal process.
- 5.3.2 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.

5.4 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 district court in accordance with Neb. Rev. Stat § 81-3533.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

CHAPTER 6 - 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

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

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.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

CHAPTER 7 – 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.
- 7.2.3 The professional geologist whose signature appears on the application may or may not have ownership interest in the organization.

NEBRASKA ADMINISTRATIVE CODE

Title 171 – Board of Geologists

- 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.