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NEWSLETTER OF THE BOARD FOR CERTIFICATION OF GENEALOGISTS

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CERTIFICATION OR GOVERNMENT REGULATION?

It is official in Ohio. Professional genealogists must pass the state's examination as a Private Investigator (\$75 testing fee), purchase a P.I. license (\$300 annually), and carry liability insurance (circa \$250 annually) in order to conduct adoptee, heirship, or probate research.¹

Genealogists have long decried governmental regulation. Most still resist *professional* "regulation"—i.e., certification or accreditation. We value our independence. But how much longer will we have it?

More directly, how can we prevent the Ohio precedent from spreading into other states? We all know the domino effect. What one state adopts, other states copy.

LOBBYING EFFORTS

Professional genealogists in Ohio—principally members of the Association of Professional Genealogists—actively opposed the measure when it was first announced by the Ohio Department of Commerce. Approaching their legislators, they secured the introduction of House Bill 383 to exempt genealogists from the licensing requirements. That bill passed the House, but failed in the Senate when the Department of Commerce more effectively argued its case.

BLAME OR RESPONSIBILITY?

Flailing Ohio officials is not realistic. Laws and regulations become necessary for public safety when individuals abuse unregulated privileges. Public officials must stem those abuses somehow.

In truth, the genealogical community has brought itself to the feared threshold of governmental regulation. As we stand on that threshold, grasping for a way to avoid crossing it, three questions are worth raising:

- When abuses occur, what assurance can we give the public that we, as individuals, are not party to those abuses?
- How can we guarantee the public that practitioners of our field will deliver highly skilled services?
- Do we have any mechanism to prevent cases in which self-described genealogists act illegally, incompetently, or unethically?

No such assurances could be offered the state of Ohio by those who lobbied against enforced P.I. licensing. Thus, they lost the argument.

Although some lobbyists were active members of APG, that counted for naught. Why? Because APG is a *membership*-based organization, it requires no proof of skills. It conducts no qualifying examinations. It awards no credentials that attest *proven* expertise and ethics. Anyone can write out a check, make promises, and advertise as a "professional" in good standing.

Caveat emptor! Can we blame Ohio's officials when they, too, had this thought?

The involvement of *certified* genealogists in the Ohio controversy could have worsened the situation—exposing the fact that two "camps" exist even among genealogists who decry regulation. On the one hand are those who believe that whether someone produces *quality* work is a matter for that person to decide for himself or herself. On the other hand are those

Certification or government regulation?

[Cont. from p. 1]

who feel that expertise and ethics should be tested and proved before soliciting payments from the public.

What stance will we take with the next state that demands licensing in an inappropriate field? Will we be able to present an alternative?

CERTIFICATION: THE ALTERNATIVE

This concern, perhaps more than any other, is convincing uncertified colleagues that the time for certification has come.

We agree. It will not be possible to stave off regulation forever. Virtually every respected field today has a certification or accreditation program. Because genealogists still resist the thought, the agencies whose support we need—from archives to government offices—still do not perceive us as a “real” field or a “serious” intellectual pursuit. The closing of records to us and the imposition of inappropriate licensing is a natural result.

Certification offers us the power to overcome this bias and the potential to protect ourselves against misguided regulation. If genealogy has credentials in place *that are recognized and accepted throughout this field*, inappropriate licensing is unnecessary. When vital records are closed to prevent fraud, we have the credentials to attest our ethics.

Genealogists who are already certified enjoy privileges in some cases. But *full support for these credentials, from those who regulate us, will not come until these credentials have full support from the field of genealogy itself.*

THE CHALLENGE

Convincing uncertified colleagues is the immediate challenge we face. Every genealogist who spurns “credentialing” as “elitist” or an “ego trip” pushes us closer to another situation such as that in Ohio.

Every one of us who faces recertification and wonders *is the effort and expense really worth it?* propels this field closer to the day that governmental regulation is the rule rather than the exception.

Would certification actually forestall licensing—or *inappropriate* licensing? No one has the power to predict the actions and responses of government.

Indisputably, though, certification is the most-realistic hope we have. Faced with legislators or bureaucrats insistent upon governmental control, we are far more likely to achieve acceptable results if we can present a set of workable, relevant tests and standards that all segments of our field accept and support.

What other option is there?

CONSEQUENCES

Kenneth E. Poling of Worthington, Ohio, is one of that state’s most-active researchers. A genealogist for thirty-six years, with dual master’s degrees in history and public administration, Ken specializes in 20th-century research. He is not certified, but he holds a leadership post in the Ohio Genealogical Society and membership in APG. His regular attendance at conferences and institutes attests his commitment to ongoing education and professional growth.

Yet Ken’s academic degrees, genealogical affiliations, and continuing education could not protect him from Ohio’s P.I. ruling. Faced with no other choice, he took the test and pays the fees.

Slicing straight to the heart of the issue, Ken says, “States have the right to regulate everything; but it is far better to have regulations that match *our* profession, not that of a policeman.”

Ken also points out auxiliary controls that attend his P.I. license—the steepness of the annual fee, the required two years of professional experience (working for a licensed agent) before qualifying to sit

for the exam, the involvement with concomitant laws such as workman’s compensation, and the required payment of sales tax on all investigative services he performs.

OUR OPINION

OnBOARD, in May 1995, asked BCG associates to “adopt a genealogist”—i.e., to encourage our respected colleagues to consider and apply for certification.

The idea goes far beyond that of a “nice gesture.” We believe it is the best defense we have against adverse legislation for our hobby and our profession.

A strong certification program will be an increasingly vital factor as other states continue the national thrust toward closing records we need and imposing governmental regulation upon the professional genealogical community.

NOTES

1. Ann Fenley, “Update on ‘at Cost’ Issue and P.I. Licensing in Ohio,” *Association of Professional Genealogists Quarterly* 10 (June 1995): 36. Interviews with Kenneth E. Poling, P.I.; 628 Hartford Street, Worthington, OH 43085-4120, August–September 1995.

Fenley and Poling also elaborate upon other technicalities of the Ohio ruling:

According to Fenley, “missing-heir searchers . . . who are employed at the direction of probate courts” are exempt from P.I. licensing. Poling explains the exemption in this manner: “If you are an employee of a legal firm [i.e., one who meets the strict IRS guidelines for employee status as opposed to independent contractor/consultant status], you are exempt. If you are an employee [as opposed to an independent contractor] for a licensed P.I., you are exempt. But the licensed P.I. must pay an annual assessment to the Bureau of Licensing for each investigative employee.”

—ELIZABETH SHOWN MILLS, CG, CGL
BCG PRESIDENT