



# Texas Geoscience Today

## Texas Board of Professional Geoscientists

VOLUME IX ISSUE I

AUTUMN 2014

### SPECIAL POINTS OF INTEREST:

- **ASBOG® Exam**
- **Ethics video update**
- **Upcoming TBPG Meetings**
- **Enforcement Activities**

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## The Chairman's Column

I want to personally thank all of you who participated in the four-year rule review process. Some of you attended one or more of the 20+ public hearings that were held for this review. Others provided written comments during either the public comment period or the extended public comment period. Many represented their respective interest groups. Thanks for your sacrifice in time and resources to strive for better government.

**Next steps.** The committees and the board will now meet to review all public comments and decide whether to proceed with proposed repeals, rule re-adoptions, and amendments. If the public comments lead to further significant change for a rule, then the new change(s) will go through the process

again and be reposted to the Register for further public comment.

If you missed this four year rule review cycle, you may still attend the committee and board meetings where deliberation will take place. You may also wait for the next rule review, in four years. Also, at any time, you have the ability to petition for a new rule, rule change, or rule repeal. There are some basic petition requirements; check the Rule review web pages for the link to the rule that regulates petitions.

One general theme I have heard is how confusing all this is. I join you who are dismayed at the complexity of government, resulting in the inability of its people to change its ever, all-consuming course. And share in

your feeling of hopelessness that only a few of its citizens will now even bother to try: even for rules -- actually regulations -- that impose controls on their own profession and livelihood.

Fortunately, in Texas we have this thread-bare opportunity for the people to reign in a confusion of a tiny slice of government-generated rules -- a tiny slice from the millions upon millions of words used to dictate their every idea and action. You who sacrificed your time and resources to participate in this rule review are the light of a distant city on a hill -- a beacon of hope and leadership for all of us.

I don't use the word "confusion" lightly. Most people have not been taught who Confucius was and why he was famous. He was the man who

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## Justin McNamee

July 31, 1958 - April 18, 2014

TBPG Board Member Justin McNamee of Rowlett, Texas, passed away on April 18, 2014 in Dallas, Texas. Member McNamee was appointed to the TBPG Board by Governor Rick Perry in 2010.

Member McNamee was a senior schedule analyst for the Raytheon Company and volunteered much of his time to the benefit of many organizations, including TBPG and the State of Texas.



All of us at TBPG are deeply saddened by his loss. More information about Justin McNamee can be found [here](#).

## Enforcement Statistics

TBPG Enforcement data for the fiscal year 2014, ending August 31, 2014:

- 44 new cases opened
- 33 complaints resolved
- 15 disciplinary actions were taken

The total number of open complaints at time of publication is 27. Of the complaints currently being processed, there are fifteen complaints related to failure to complete continuing education requirements; ten complaints are instances of unlicensed/unregistered practice; one complaint is related to abetting unregistered practice; and one complaint is related to fraud.

For more information on the disciplinary actions issued by TBPG, please review the Disciplinary Actions page of the TBPG website.

# Notes from the Executive Director

## ANNOUNCEMENTS

The Fall ASBOG® examination was held October 10, 2014. We anticipate results being mailed out to examinees in mid-December.

The next ASBOG® examinations will be held on March 6, 2015.

The application deadline for this exam is

**January 6, 2015.**

**Congratulations** to the **32** who passed the ASBOG® Fundamentals of Geology examination and the **17** who passed the ASBOG® Practice of Geology examination on March 7, 2014!

## Upcoming Meetings

General Issues  
Committee Meeting  
**October 17, 2014**

Compliance and  
Enforcement  
Committee Meeting  
**October 17, 2014**

Application Review /  
Continuing Education  
Committee Meeting  
**October 17, 2014**

TBPG Board Meeting  
**November 7, 2014**

## Agency Update

Since the passage of Senate Bill 138 (SB 138) TBPG has, primarily through its Compliance and Enforcement Committee and agency staff, been planning and working on completing tasks related to the requirements in SB 138. SB 138 also requires a state agency that becomes aware of a potential violation of this chapter or a rule adopted under this chapter to forward any information relating to the potential violation and any subsequently obtained information to TBPG.

To date, the following activities and tasks have been completed:

- On November 22, 2013 the TBPG adopted rules necessary to implement Sections 1002.201 and 1002.202, of the Texas Occupations Code (TOC), as amended by SB 138, and Sections 1002.206 and 1002.207, TOC, as added by SB 138.
- TBPG has developed and posted information regarding the procedure for filing a complaint with TBPG on its agency Internet website.
- TBPG has provided a means by which a person may electronically file a complaint with TBPG.
- TBPG will accept a complaint regardless of whether the complaint is notarized. TBPG has revised its administrative rules, procedures, and its complaint form to comply with the requirement.

## Education and agency coordination:

SB 138 requires TBPG to work with each agency of the state that uses the ser-

vices of a person licensed under this chapter and other appropriate state agencies as determined by the TBPG to educate each agency's employees regarding the procedures by which complaints are filed with and resolved by TBPG.

- The TBPG has reviewed a full listing of state agencies and has identified the agencies to which the education provisions of SB 138 apply. The agencies are prioritized into Tier I, Tier II, and Tier III agencies. The TBPG also plans to contact and educate staff of licensing agencies that regulate professions with which Professional Geoscientists may work. The TBPG will need to consider its resources as it goes forward working with and setting up training with identified state agencies.
- The TBPG has developed a PowerPoint-based training module to facilitate its task of educating each agency's employees regarding the procedures by which complaints are filed with and resolved by TBPG.
  1. The training is projected to be 1-2 hours in duration.
  2. Training will be provided "in-person" and through web audio/video conferencing.
  3. Participants who complete the training will be provided documentation of completion. The training is also designed to count for credit towards the one hour of professional ethics continuing education required of licensed Professional Geoscientists (as part of the annual requirement of 15 hours of professional development hours required) for annual renewal of a P.G. license.

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## Customer Service Survey

Thank you to those of you who participated in our Customer Service Survey for 2014. There was a total of 476 surveys completed, in which your opinions were noted on how well we are serving you.

Overall, the numbers look positive. It appears that while the ratings for TBPG's customer service are stable and relatively high, there are some areas that could use some improvement, namely in the ease of access to the Ethics Video and quiz, and the user-friendliness of the TBPG website. The actual report can be linked to [here](#). Also, **please contact us** if you are not able to find what you need on the website.

## Updated Ethics Video

TBPG recently updated its Ethics video and quiz. In order to view the Ethics Video, take the quiz, and obtain a printable certificate, you must first complete the ethics video registration. The video and quiz are available for free to the public.

More information regarding the ethics video can be found at the bottom of the agency website at:

[www.tbpg.state.tx.us](http://www.tbpg.state.tx.us).

## TBPG Enforcement Activities

In March, I had the opportunity to speak at the AIPG/AGWS Shale Gas and Water Development Conference in Houston, Texas, and enjoyed meeting many of our license holders who work in the oil and gas industry. On May 6 and 7<sup>th</sup>, we staffed the TBPG booth at the TCEQ Environmental Trade Fair in Austin, Texas, and held a presentation about the TBPG and Ethics. It was enjoyable speaking to those of you who came by the booth; we always enjoy visiting with you and we welcome any questions you might have.

Things have been very busy this year in Enforcement. We are currently working to implement our requirements under SB-138 and to tighten up our compliance programs. All license holders should realize that under the requirements of Texas Administrative Code (TAC) §851.32(k) a license holder is required to submit a completed copy of the Continuing Education Activity log form documenting that 15 hours (PDH) of continuing education has been acquired for the year prior to the most recent license renewal, if audited. Failure to comply may result in a complaint being initiated against the license holder. License holders should also be aware that checking the box on the license

renewal application that the continuing education requirements have been completed when they have not may result in the charge of making a false statement to the Board. We encourage all license holders to be knowledgeable about the rules concerning continuing education, found under TAC §851.32, and to comply with the requirements.

License holders should also be aware that the Texas Geoscience Practice Act and Board rules prohibit individuals and firms from representing that they are either licensed or qualified to engage in the public practice of geoscience unless they hold a current license or firm registration. Enforcement staff perform a check for potential unlicensed/unregistered practice 90 days after a license or firm registration expires. We encourage individuals and firms that allow their licenses or registrations to expire to do due diligence and remove any representations of current licensure from professional, business or commercial representations.

The TBPG website has an extensive Frequently Asked Questions section, and we as staff always welcome the opportunity to answer questions by telephone or in person.

*The mission of the Texas Board of Professional Geoscientists is to protect public health, safety, and welfare, and the state's natural resources by ensuring that only qualified persons carry out the public practice of geoscience and enforcing the Code of Professional Conduct the Board has established for its licensees.*

### The Chairman's Column, continued

found out how to gain high government rank by devising regulations for everything --- thousands and thousands of regulations, with the belief that the perfect society will be created if only enough could be adequately regulated. But, there never is enough. There is always some detail that can't be overlooked. And, "to simplify" means to overlook a detail -- and to lose power by those who are paid to govern us. Confucius was not someone to be remembered for witty sayings --- he was used as an example of how wrong government can become. He was the reason for the concept and the word "confusion".

So, once again, thanks to all who participated in the four-year rule review and also to those who will participate in bettering government in the future.

*Charles Knobloch*

### Notes from the Executive Director, continued

4. Participants will receive a "Rack Card" (resource card) as a reminder of the training and the information needed to easily contact the TBPG or visit its website to get assistance or information regarding the regulation of the non-exempt public practice of geosciences / SB 138.

- The TBPG has also developed other information and resources that are expected to facilitate working with leadership with other agencies, assist in formalizing agreements, and in identifying target staff for training / and tracking training completion.
- TBPG has also drafted a referral form for state agencies to use when referring information under the requirement of SB 138. We expect that agencies with which we will be working will have ideas that will assist TBPG with the implementation of this facet of the bill.

TBPG plans to ensure that processes that are developed provide the safeguards necessary to ensure that information forwarded by a state agency under this section that is privileged or confidential is identified so that TBPG can ensure that such information remains privileged or confidential following receipt by TBPG.

The agency has also set up a specific web page with links to resources related to the implementation of SB 138. The address is <http://tbpg.state.tx.us/sb-138-resources/> or just link to it from the TBPG home page at <http://tbpg.state.tx.us/>.

A lot of work has occurred the past several months leading up the phase of SB 138 implementation that involves working with other state agencies and setting up the training required by the passage of this bill. TBPG Board members and staff look forward to working with these agencies.

*Chad Horton*



**Texas Board of Professional Geoscientists**  
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## Licensing Numbers

Current numbers:

- 4572 Professional Geoscientists
- 373 Geoscience Firms
- 68 Geoscientists-in-Training

## Louisiana Board of Professional Geoscientists

The following is a courtesy update from M. B. Kumar, Ph.D.; Chair, Louisiana Board of Professional Geoscientists:

The Louisiana Board of Professional Geoscientists (LBOPG) is continuing with the development of the Professional Geoscientists licensure program. An online application form for P.G. licensure is available on their website at [lbopg.org](http://lbopg.org), which allows current applicants to finish the licensing process and obtain their P.G. license. Also, House Bill 167, which extends the deadline for grandfathering until December 31, 2014, was passed in the Louisiana House and Senate, and was signed into law.

You may visit the LBOPG's website for more information.

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