



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

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How TBPG Resolves a Complaint

Under TOC §1002.202, a complaint filed with the TBPG is confidential unless (until) charges are filed by the Board. Charges are filed by the TBPG when a Notice of Violation letter has been sent to the Respondent.

1. The complaint is submitted to the TBPG. A complaint may also be initiated by TBPG staff or Board Members.
2. TBPG staff verifies that a received complaint was submitted by the person identified as the Complainant on the Complaint form. If the information submitted on a complaint form is unclear, TBPG staff will assist the Complainant, as needed, to specify what the person is complaining about.
3. The complaint is opened in the TBPG system. This is a set of administrative activities.
4. TBPG staff review the complaint for jurisdiction. A complaint is within the TBPG Board's jurisdiction if the complaint alleges a violation of the Act or TBPG Board rules.
5. TBPG staff review the complaint to determine whether there is substantial evidence that the subject of the complaint poses an immediate and ongoing threat to the safety and well being of the public. If so, certain measures may be taken to address the threat.
6. The complaint is prioritized as required by the Act. Complaints are prioritized based on the potential harm to the public.
7. The Complainant is notified that the complaint was received. The subject of the complaint (Respondent) is notified of the complaint and given the opportunity to respond (unless notifying the Respondent could jeopardize an investigation).
8. The complaint is investigated by TBPG staff. The investigation is documented in a complaint investigation report.
9. A TBPG Complaint Review Team (CRT) reviews the complaint investigation. The meeting is not public. The Respondent is always invited to attend. The Complainant is always invited to attend. Relevant witnesses may also be invited or required to attend. The CRT will review the investigation and determine whether:
 - a. Violation(s) is believed to have occurred
 - b. Disciplinary action is recommended by the CRT to be taken.

Note: If a CRT determines that no violation occurred or a violation occurred that does not warrant formal disciplinary action, the complaint is dismissed with no action or with a non-disciplinary advisement or warning. A CRT may also send the case back for further investigation.

10. If a CRT determines that a violation that warrants disciplinary action is believed to have occurred, TBPG staff sends a "Notice of Violation" to the Respondent detailing the violation(s), the conduct that constitutes the violation(s), and the disciplinary action that is proposed to be taken against the Respondent. Once a Notice of Violation has been sent a complaint is no longer confidential under Texas Occupations Code, Chapter 1002.

Note: The CRT's determination and recommended sanction are subject to the full TBPG Board's approval.

11. The Respondent has the option to agree to the CRT's findings and accept the proposed disciplinary action, request an informal conference, and/or a formal hearing with the State Office of Administrative Hearings (SOAH). An informal conference is an opportunity for the Respondent to show compliance (that no violation occurred) or demonstrate why the violation should not warrant the disciplinary action that has been proposed. An informal conference could result in the closure of a complaint or a reduction in the severity of a recommended disciplinary action.
12. A proposed Agreed Board Order (ABO) is included with the Respondent's notice. The ABO details the violation and the disciplinary action proposed to be ordered by the Board.
13. If, following an informal conference (or if the respondent waives the informal conference), the Respondent has not demonstrated compliance agreed to a proposed finding or sanction, the case is referred to SOAH. An Assistant Attorney General represents the TBPG at SOAH. The SOAH Administrative Law Judge will hear the case and issue a "Proposal for Decision," or PFD. The PFD essentially communicates the SOAH Judge's recommendation for how the case should be dispensed.
14. Finally, the TBPG Board reviews the ABO or the PFD (if the case went to SOAH).
15. The Board makes a final decision on how to dispose of the case. The Board may accept a proposed ABO, dismiss a case entirely, or propose another action to be taken (more or less severe than sanction in the ABO). If the Board is reviewing a PFD, the Board may dismiss a case with no action or determine the appropriate action to take and take the action by Board Order.