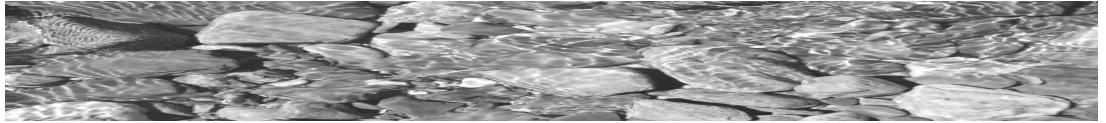




TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS



WELCOME NEW BOARD MEMBERS!!!

May 2007

Volume 3, Issue 1

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Board Members

Y. Lynn Clark, P.G.
Chairman, Dallas, Tx

Rene D. Peña, CPA
Vice-Chairman, El Paso, Tx

Glenn R. Lowenstein, P.G.
Sec/Treasurer, Houston, Tx

Kelly Krenz Doe, P.G.
Houston, Tx

Gordon Ware, P.G.
Corpus Christi, Tx

Dr. Charles T. Hallmark, P.G.
Hearne, Tx

Barbara O. Roeling, P.G.
Austin, Tx

Ronald L. Kitchens
Harper, Tx

Gregory C. Ulmer
Houston, Tx

The Texas Board of Professional Geoscientists (TBPG) is proud to welcome its newest board members. These members were appointed by Governor Rick Perry, confirmed by the Senate on March 13, 2007 and were sworn in at the March 30th board meeting. The new members are as follows:

Charles Thomas Hallmark, P.G. #1869 of Hearne is a professor of soil and crop sciences at Texas A&M University (TAMU). He received a bachelor's degree from Texas Technological College, a master's degree from Texas Tech University and a doctoral degree from Ohio State University. His term is set to expire Feb. 1, 2013.

Ronald L. Kitchens of Harper was most recently the executive director of the Texas Railroad Commission, where he also served as director of energy operations and gas services. Mr. Kitchens received a bachelor's degree, a Master of Business Administration and a Master of Science in mathematics from the University of Houston. His term is set to expire Feb. 1, 2013.

Barbara O. Roeling, P.G. #50 of Austin is the Austin office operations manager of Daniel B. Stephens and Associates, Inc., a water resources and environmental consulting firm. Ms. Roeling received a bachelor's degree in geology from Trinity University. Her term is set to expire Feb. 1, 2013.

Gregory C. Ulmer of Houston is a partner in the litigation section of Baker & Hostetler, LLP. He is a member of the State Bar of Texas, the Houston Bar Association and the Houston Lawyers Association. He received a bachelor's degree from the University of Pennsylvania and a law degree from the University of Houston Law Center. His term is set to expire Feb. 1, 2011.

Fond Farewells

TBPG would like to bid a very fond farewell to four of its members. Members Shiela B. Hall, P.G., Dr. Danny R. Perkins and Dr. Murray H. Milford, P.G. served terms which began in 2002 and expired on February 1, 2007. Member Kimberly R. Phillips left the board in August, 2006.

The agency also wishes to express its gratitude for the invaluable service that was given so selflessly by each of these members. Thank you for the countless hours of devotion and hard work you have contributed to the agency's mission!

You will all be greatly missed!

New Board Officers

Elections for new board officers were held at the November 17, 2006 board meeting. The new officers, whose terms will begin May 1, 2007, are as follows:

*Chairman, Y. Lynn Clark of Dallas (replacing Gordon Ware)

*Vice-Chairman Rene D. Peña of El Paso (replacing Y. Lynn Clark)

*Secretary/Treasurer Glenn R. Lowenstein of Houston (replacing Rene D. Peña)

These officers will serve 2-year terms.

Calendar of Upcoming Events

- 7/13/07– Board meeting, Austin, TX
- 8/3/07–TBPG's deadline for ASBOG® registration
- 9/28/07–ASBOG® administered in Austin, TX



Letter from the Acting Executive Director

In July, 2006, LTC Michael Hess, Executive Director, was re-activated to the United States Army and has since been stationed in Iraq. In the interim, I have been filling in at the request and approval of the Board. I have been employed by the State of Texas for more than 20 years, and have been with TBPG since September 1, 2003. I was hired as the Agency's Chief Financial Officer, was later promoted to Deputy Executive Director, and now am currently the Acting Executive Director.

Enforcement continues to be our main focus. TBPG has been busy investigating some complaints regarding work performed by unlicensed geoscientists, and also has been busy with the outreach effort.

Beginning September 1, 2006, Continuing Education and Firm

Registration became effective. To date, approximately 200 licensees have had an audit conducted on the PDH's they have claimed and we have registered approximately 130 firms.

The 80th Legislative Session began January 9, 2007. TBPG presented testimony to the Senate and House Appropriations Committee regarding our budget request for funding for the 2008-09 biennium.

Our office was audited by the State Office of Risk Management. After successful completion, TBPG was awarded the Sustained Safety Performance Award for the second year in a row. Congratulations to our staff for all of their hard work!

—Vincent R. Houston, Acting Executive Director

Message from the New Chairman

What an extraordinary privilege and honor—Chairman of the Board for the greatest profession of the greatest State in the greatest country *ever!* And... (*when!*)... what a responsibility. We now have approximately 6,500 *licensed* Professional Geoscientists among a Texas population that has moved north of 23,000,000. That's more than 3,500 of the public for each PG. By comparison, there are over 32,000 Texas PEs, one for approximately every 700 of the public. How many attorneys? Dunno, but lots. (*So hard to get a straight answer...*) Google sites show one lawyer for every 200 Texans.

As usual and as always, geoscience impacts society *far* beyond what our numbers might suggest. Public perception and favorable opinion of PGs in Texas continue to grow and we must remain deserving of that increasing respect. We must embrace high ethical principles in our lives and practices. We must be loud and clear in

declaring that the health, safety and welfare of our public are best served when geoscience is performed by qualified, licensed PGs. We must honor our public trust and work closely with other professions whenever possible to deliver the best *combined* work quality to our public.

As a profession, I believe our next development step should be a formal Geoscientist-In-Training program, similar to engineering's EIT. This may require going back to the legislature, and the GIT will require wide support among current PGs to be successful.

Things were simpler when I was six. Playing in the dirt with my *T. Rex* and *Brontosaur* (before a mysterious Al-Qaeda conspiracy renamed them *Apatosaurus*) and confusing grownups by telling them I wanted to be a paleontologist were the best parts of my day.

—Y. Lynn Clark,

Notes from the Outgoing Chairman

As outgoing Chairman, it is a good time to reflect on where we as an agency have come from and where we want to go in the future. We have moved our focus from getting the geoscience community into the licensing program (grandfathering) to formulating a sustainable strategy for the licensed community. The steps taken in the last few years are designed to add credibility to the licensed geoscience community with the addition of ASBOG® certified testing, continuing education, community outreach, enforcement and firm registration programs. We recognize that with licensing comes responsibility, but by fulfilling licensing responsibilities, we add integrity and credibility to an already successful process. I want to thank my fellow constituents for their trust and patience through this process.

I was told more than once that trying to organize geoscience-types in Texas is like trying to ride herd on a bunch of cats, but what I have found is that the stubborn independence we exude can be a tremendous asset when harnessed as a group. I have enjoyed working with the geoscience community in Texas and as the TBPG Chairman. The State of Texas enjoys the largest population of geoscientists of any State in the Union and quite possibly the world, at approximately 6500 licensees. I want to encourage the geoscience community to get involved with the board as we reach out to you.

I want to thank the TBPG staff for their hard work and I also want to thank fellow members Shiela Hall, P.G., Dr. Danny Perkins, Dr. Murray Milford, P.G. and Kimberly Phillips for their service and investment of time in making this board a success. Finally, our hopes and prayers are with Executive Director LTC Mike Hess on his tour of duty in Iraq, best wishes, keep your powder dry and we hope to see you back on Texas soil soon.

—Sincerely, Gordon Ware

Adopted Rule Update

On November 17, 2006, the Board adopted an amendment to TAC 22 §851.30, Firm Registration. This amendment requires all firms that engage or offer to engage in the public practice of geoscience in Texas be registered with TBPG. This rule applies to all firms including corporations, sole-proprietorships, partnerships and/or joint stock associations unless the firm is an engineering firm that performs service or work that is both engineering and geoscience. The amendment also allows those firms who meet any of the exemptions under §1002.252 of the Act to be exempt from registering their firm. In conjunction with this rule, 22 TAC §851.152, Firm Compliance was amended in August, 2006. The amendment further outlines the requirements, restrictions and responsibilities of a firm in regards to the Firm Registration Rule.

Licensees can assist with this effort by

encouraging their firms to register. Registration forms can be found on our website.

Also adopted was an amendment to §851.32 Continuing Education. The amendment to this rule removed language regarding a licensee's ability to claim an inactive status as the inactive license status is not supported by TBPG's governing statute.

The adoptions were posted to the Texas Register on November 29, 2006 and became effective 20 days after posting. They can be found in the December 15, 2006 issue of the Texas Register or on our website.

Most Recently Adopted Rules

- * 22 TAC §851.80, Fees.
- * 22 TAC §851.152, Firm Compliance.
- * 22 TAC §851.156, Geoscientists' Seals.
- * 22 TAC §851.30, Firm Registration.
- * 22 TAC §851.32, Continuing Education.

Continuing Education

As of September 1, 2006, it is required that all renewing licensees complete 15 Professional Developmental Hours (PDHs) of Continuing Education (CE) before renewing (for a list of acceptable activities and the limit on PDHs that can be claimed for each, please read Rule §851.32 on our website). Licensees will be asked to certify that they have fulfilled this requirement at the time of renewal, whether renewing manually or online. The renewal process cannot be completed until the licensee has satisfactorily met the Continuing Education requirement. If a renewal form is received on which the licensee has indicated that the CE requirement has not been met, the license will not be renewed until the licensee supplies evidence of having fulfilled the requirement. It is advised that renewals not be submitted until the requirement has been met, as fees

are non-refundable per §851.28 of our rules.

Random audits will be conducted of approximately 10% of licensees. A letter is sent to randomly-selected renewing licensees requesting that the licensee's Continuing Education Program Activity Log and supporting documentation be returned to the TBPG office. After reviewing the submitted materials, a letter will be returned to the licensee indicating a successful satisfaction of the requirements, or requesting more information or further clarification of claimed activities.

For more information regarding CE, contact our office or visit our website.

ASBOG®

EXAM RESULTS

October 6, 2006:

Of the 32 candidates that took the Fundamentals of Geology portion, **17** achieved a passing score. Of the 23 candidates that took the Practice of Geology portion, **18** achieved a passing score.

March 2, 2007:

Of the 47 candidates that took the Fundamentals of Geology portion, **24** achieved a passing score. Of the 27 candidates that took the Practice of Geology portion, **17** achieved a passing score.

From the Enforcement Office

Audit of reports at the Texas Commission on Environmental Quality (TCEQ) continues. Specifically, review of LPST files is taking place to look for violations concerning the use of the PG seal. As per 851.156(j) of the Act "The geoscientist shall sign, seal and date the original title sheet of bound geoscience reports, specifications, details, calculations, estimates, and each original sheet of plans or drawings regardless of size or binding." Another aspect of reports review at the TCEQ is to discover if licensees are practicing with an expired license.

Letters requesting PG seal samples are still being mailed to licensees. As per §1002.263 of the Act and §851.20(m) of the rules, license holders must obtain a seal of a design established by the Board and returned to our office. Failure to respond in a timely manner to official Board inquiry as per §1002.263 of the Act and §851.155 of the rules will result in an administrative penalty of \$100. If you are unsure if you have submitted your PG seal or if you have submitted a seal sample and want to ensure that it is on file, please contact Mr. Alberto Jimenez, P.G. at 512-936-4406 or ajjimenez@tbpg.state.tx.us

Digital seals are acceptable to the Board and can be made via the TBPG website. Once there, click on the caption "Creating a digital seal" and follow the instructions. When completed, send the seal via email or by fax to the TBPG offices.

It is incumbent upon licensees and the general public to report conduct and matters that are potentially detrimental to the welfare and safety of the public. The first step in reporting a possible enforcement matter is to submit a written complaint (a complaint form can be downloaded from our website). Complaints cannot be anonymous. Completed complaint forms should be forwarded to Secretary/Treasurer Glenn Lowenstein, c/o TBPG, P O BOX 13225, Austin, Texas, 78711. All other enforcement issues or questions should be directed to Alberto Jimenez at the contact information provided above.



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

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P O Box 13225

Austin, TX 78711

Phone: 512/936-4400

Fax: 512/936-4409

Vincent R. Houston, Acting Executive Director 512/936-4403

Licensing

Annita Herrera
Director of Licensing
512/463-6757

Enforcement

Alberto J. Jimenez, P.G.
Investigator
512/936-4406

Finance

Leticia Kappel
Accountant
512/936-4404

Administrative Support

Molly Roman
Admin. Coordinator
512/936-4405

Kara Inman
Admin. Assistant
512/936-4402

- *The mission of the Texas Board of Professional Geoscientists is to protect public health, safety, and welfare by ensuring that only qualified persons carry out the public practice of geoscience.*

The office of the Texas Board of Professional Geoscientists is open Monday-Friday, 8am-5pm.

Visit our website at www.tbpg.state.tx.us.

New Licensees

*Ryan Turner, P.G. # 10078, Chapel Hill, NC; *Gregory O'Neal II, P.G. #10079, Clearwater, FL; *Brian Aubry, P.G. #10080, San Francisco, CA
 *Dennis Settemeyer, P.G. #10081, Austin, TX; *Creed Caldwell IV, P.G. #10082, Houston, TX; *Roman Pineda, P.G. #10083, San Antonio, TX
 *Jerome McSorley, P.G. #10084, Cedar Creek, TX; *Angela Ludolph, P.G. #10085, Austin, TX; *Sheila Nance Baber, P.G. #10086, Moore, OK
 *C. Maurine Reiss Poe, P.G. #10087, Austin, TX; *Leonard J. Mason, P.G. #10088, Austin, TX; *Aubrey Waddail, P.G. #10089, Houston, TX
 *Matthew Spurlin, P.G. #10090, Louisville, CO; *Victor Gonzalez, P.G. #10091, San Antonio, TX; *Carla E. Brock, P.G. #10092, Issaquah, WA
 *Duane A. Piranio, P.G. #10093, Moss Bluff, LA; *Susan L. Baird, P.G. #10094, Houston, TX; *Philip A. Bredfeldt, P.G. #10095, Bastrop, TX
 *Tom Brikowski, P.G. #10096, Richardson, TX; *Michael Grover, P.G. #10097, Carrollton, TX; *Michael Gehrig, P.G. #10098, Muenster, TX
 *Robert M. York, P.G. #10099, Bowdon, GA; *Kristie Laughlin, P.G. #10100, Taylor, TX; *Maurice W. Baron, Jr., P.G. #10101, San Jose, CA
 *Stephan Paetzold, P.G. #10102, Austin, TX; *Donald Bradshaw, P.G. #10103, Cedar Park, TX; *James Schaeffer, P.G. #10105, League City, TX
 *Eric Walston, P.G. #10128, McKinney, TX; *Jason R. House, P.G. #10140, S. Portland, ME; *Brian K. Bohm, P.G. #10141, Worden, IL
 *Norman Kennel, P.G. #10142, Collierville, TN; *Robert S. Timmer, P.G. #10143, Trinidad, TX; *Mark Zeko, P.G. #10144, Brea, CA
 *Rita Krebs, P.G. #10168, Leander, TX; *Herbert S. Hamlin, P.G. #10169, Austin, TX; *Robert W. Andren, P.G. #10170, Austin, TX
 *David B. Cornue, P.G. #10171, Tulsa, OK; *Robert P. Schulz, P.G. #10172, Portland, TX; *Paula Jo Mudd Lemonds, P.G. #10173, Austin, TX
 *Kathleen L. O'Reilly, P.G. #10174, Houston, TX; *Carlos Swonke, P.G. #10182, Austin, TX; *Trent McDaniel, P.G. #10191, Houston, TX
 *Bruce Keels, P.G. #10192, San Antonio, TX; *Gary L. Henry II, P.G. #10193, Dallas, TX; *Eric T. Beller, P.G. #10194, Leander, TX
 *Eric North, P.G. #10195, Austin, TX; *Jeffrey D. Snell, P.G. #10196, Alabaster, AL; *Andrew T. Benoit, P.G. #10203, Jacksonville, FL
 *Kenneth Patton, P.G. #10205, Simi Valley, CA; *Aaron Abel, P.G. #10211, The Colony, TX; *David Klebieko, P.G. #10213, Friendswood, TX
 *Tom C. Freund, P.G. #10218, Corpus Christi, TX; *Ken Rose, P.G. #10219, Boulder, CO; *Robert Thompson III, P.G. #10240, Waxhaw, NC
 *Dustin G. Smyth, P.G. #10241, Pipe Creek, TX; *Richmond T. Leeson, Jr., P.G. #10242, CO; *Samuel Marquis, Jr., P.G. #10243, Louisville, CO
 *James W. Riesterer, P.G. #10244, Santa Fe, NM; *Kirk Kapfhammer, P.G. #10245, New Berlin, WI
 *C. Don McReynolds, P.G. #10246, Lubbock, TX; *Christopher Werner, P.G. #10247, Tallahassee, FL
 *Kim Wallace-Wymore, P.G. #10248, Hurst, TX; *Gregory W. Pope, P.G. #10249, Rankin, TX; *James B. Dalton, P.G. #10250, Houston, TX
 *Laurie B. Hillebrand, P.G. #10251, Akron, OH; *Douglas P. Klicman, P.G. #10252, Ravenna, OH; *Gordon McCurry, P.G. #10253, Boulder, CO
 *Jonathan G. Spelman, P.G. #10254, Austin, TX; *Brent P. Stafford, P.G. #10259, Pearland, TX; *Bradley J. Weaver, P.G. #10260, Bossier City LA
 *Sharon Barker, P.G. #10261, Pearland, TX