



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

February 5, 2016, 9:00 a.m.

William P. Hobby, Jr. Building,
333 Guadalupe Street, Room 102, Austin, Texas 78701

MINUTES

- A. The regularly scheduled meeting of the Texas Board of Professional Geoscientists was called to order at 9:06 a.m. on February 5, 2016. Roll was called, and a quorum was certified. Members in attendance were TBPG Chairman, C. Thomas Hallmark, PG, PhD, Vice-Chairman W. David Prescott, II, PG, Secretary/Treasurer Becky Johnson, PG, Kelly Krenz-Doe, PG, Christopher Mathewson, PG, PE, PhD, and Gregory Ulmer, JD. Members Joseph P. DeWoody and Charles Knobloch, PG, PhD, were absent.
- B. The minutes from the October 16, 2015 Board Meeting were unanimously adopted as presented.
- C. Public comment. No comments were given.
- D. Chairman's Report: Dr. Hallmark reported on the public comment submitted by TBPG to the EPA regarding their proposed new rule, the ASBOG® cooperative licensure template, the Sunset Review process that TBPG will be entering in 2017, and details regarding "open carry" and its affect on TBPG and its meetings.
- E. Executive Director's Report: Mr. Charles Horton reported on fiscal and budgetary matters, use of staff resources, an upcoming meeting with Texas Commission on Environmental Quality, and the results of TBPG's Survey of Employee Engagement.
- F. Reports on recent Committee meetings and activities:
 - 1. Application Review and Continuing Education Committee meeting (02-04-16): Committee Chairman Prescott mentioned the draft Waiver Request Policy for the ASBOG® Practice of Geology exam for future review by the Board; changes to the administration of the Texas Geophysics Examination; TBPG's recent reciprocity requests; and an update of applicable FAQs from the TBPG website.
 - 2. Compliance and Enforcement Committee meeting (02-04-16): Committee Chair Johnson reviewed the use of P.G.s as subject matter experts in reviewing standard of care enforcement cases, should P.G.s be required to take action or report a public safety issue to the appropriate governmental agency when a P.G. becomes aware of such circumstances; whether the TBPG should consider the development of specific professional standards of care for possible adoption into rule; and the Committee's update of applicable FAQs from the TBPG website.
 - 3. General Issues Committee meeting (02-04-16): Committee Chairman Mathewson recounted items considered by the Committee, and the Committee's update of applicable FAQs from the TBPG website.
 - 4. Financial Review/Strategic Planning Committee (2-5-16): Committee Chairman Ulmer presented TBPG revenues, expenditures, the appropriations request process, and the timing of agency financial and strategic planning filings.
- G. Staff Reports
 - Licensing Report: Licensing Coordinator Elsa Paynes gave the current licensing numbers, Texas and national ASBOG® exam statistics, and licensing projections.

- Financial Report: Chief Financial Officer Leticia Kappel addressed recent changes to the state mileage reimbursement.
 - Enforcement Report: Enforcement Coordinator T. Wesley McCoy, P.G. reported on enforcement numbers, recent Complaint Review Team (CRT) meetings, and outreach opportunities. Enforcement Specialist Valerie Arnold gave an update on TBPG's implementation of Texas Occupations Code §§1002.206-1002.207 as amended by SB 138, 8^{3rd} Legislative Regular Session 2013.
- H. Application for P.G. license received from the following individuals:
- Ahmed Saeed Afifi Elsayed: No action was taken by the Board.
 - JJ Hollingshead: No action was taken by the Board.
 - Michael Sorgenfrei: Applicant for P.G. license requesting a waiver of the ASBOG® Fundamentals of Geology exam. The Board unanimously approved the waiver of the ASBOG® FG exam for Mr. Sorgenfrei in a vote of 6-0.
 - Edward James Bucher: Applicant for P.G. license requesting a waiver of the ASBOG® Fundamentals of Geology exam. The Board unanimously approved the waiver of the ASBOG® FG exam for Mr. Bucher in a vote of 6-0.
- I. Proposed Agreed Board Orders:
- Complaint Case 2015040 (Members Johnson and Mathewson were recused): The Board adopted the Order by unanimous consent.
 - Complaint Case 2015045 (Members Johnson and Mathewson were recused): The Board adopted the Order by unanimous consent.
 - Complaint Case 2015051, no action was taken.
 - Complaint Case 2016001 (Members Johnson and Mathewson were recused): The Board adopted the Order by unanimous consent.
 - Complaint Case 2016003 (Members Johnson and Mathewson were recused): The Board adopted the Order by unanimous consent.
 - Complaint Case 2016004 (Members Johnson and Mathewson were recused): The Board adopted the Order by unanimous consent.
 - Complaint Case 2016007 (Members Johnson and Mathewson were recused): The Board rejected the Order as presented by unanimous consent. The Board then accepted by unanimous consent a new Proposed Agreed Board Order for Complaint 2016007, with the correct name, and specifying that 15 professional development hours are required for the renewal of the license. Upon acceptance by the respondent, the Board Chair is authorized to sign the order on behalf of the Board.
 - Complaint Case 2016008 (Members Johnson and Mathewson were recused): The Board accepted by unanimous consent a corrected Proposed Agreed Board Order for Complaint 2016008, and specifying the 15 professional development hours are required for renewal of the license. Upon acceptance by the respondent, the Board Chair is authorized to sign the order on behalf of the Board.
 - Complaint Case 2016009, no action was taken.
- J. Regarding Advisory Opinion Request (AOR) #13, regarding the requirements of firm registration on a firm located in Texas that does not perform geoscience in Texas, the Board adopted AOR #13 by unanimous consent.
- K. Regarding new rule, 22 TAC 851.26, regarding Licensing of Military Service Member, Military Veteran or Military Spouse, the Board adopted the rule by unanimous consent.



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

- L. Regarding amendments to 22 TAC 851.20 regarding Professional Geoscientist Licensing Requirements and Application Procedure, relating to military service members, military spouses, and military veterans, the Board adopted the amendment by unanimous consent.
- M. Regarding amendments to existing rules to clarify the definition and use of the terms "Professional Geoscience" and "Professional Geoscience Services" throughout TBPG Rules in 22 TAC Chapters 850 and 851, including §§851.10 (30) and (31), and 850.62, 851.10, 851.20, 851.23, 851.29, 851.30, 851.101, 851.102, 851.104, 851.105, 851.106, 851.107, 851.108, 851.112, 851.152, 851.153, 851.156, and 851.157, the Board adopted the amendments by unanimous consent.
- N. Regarding amendment to 22 TAC 851.156 Professional Geoscientist Seals and Geoscience Firm Identification, the Board adopted the amendment by unanimous consent.
- O. Regarding amendment to 22 TAC §851.32 regarding reasons a licensee may be considered exempt from the professional development educational requirements, the Board adopted the amendment by unanimous consent.
- P. TBPG Strategic Plan for fiscal years 2017-2021. Ms. Kappel mentioned that the instructions for the Strategic Plan have not been received yet; once the instructions are received, the Committee will meet to begin preparation of the report.
- Q. Legislative Appropriations Request for FY 2018-2019. Mr. Horton mentioned that no exceptional items are anticipated. No action taken.
- R. Complaint Standard Operating Procedures (SOPs). The Board went into closed session regarding this item at 12:17 p.m. to consult with its attorney. The Board ended closed session at 1:28 p.m. Member Krenz-Doe left the meeting at 1:28 p.m. A quorum of five members was still present to conduct business. Member Ulmer made a motion to submit the SOPs to the Compliance and Enforcement Committee for review to ensure they are in line with "best practices" of other agencies, and that how they conduct business is in compliance with the Open Meetings Act. The motion was approved unanimously.
- S. "Penalties and Suggested Sanctions" table. The Board unanimously approved adding the revised Penalties and Suggested Sanctions table to the Standard Operating Procedures.
- T. Regarding status of the opinion request to the Office of the Attorney General (OAG) regarding whether the TBPG has the authority to accept a license resignation and whether the TBPG may impose conditions on a license resignation, no response from the OAG has been received.
- U. Date and agenda items for next meeting. The next Board and Committee meetings are scheduled on April 28-29, 2016 in Austin, Texas.
- V. The meeting was adjourned at 1:30 p.m.

A handwritten signature in cursive script, reading "C. T. Hallmark".

C. Thomas Hallmark, P.G., PhD.
TBPG Chairman