



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

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Compliance and Enforcement Committee Meeting Minutes

April 28, 2016 Meeting
333 Guadalupe, Tower III, Room 102
William P. Hobby Building, Austin, Texas

- A.** The Compliance and Enforcement Committee (C&E) meeting was called to order at 3:06 PM., roll was called and quorum established. C&E members present were Becky Johnson, PG, Committee Chair; Christopher Mathewson, PhD, PG, PE, Professional Member; Thomas Hallmark, PhD., P.G., Professional Member, and Lindsey Lee Bradford, Public Member. Staff members Charles Horton, Executive Director; Molly Roman, Operations Manager; Wesley McCoy, PG, Enforcement Coordinator; and Valerie Arnold, Enforcement Specialist were also in attendance. Melissa Juarez, AAG, was also present.
- B.** The minutes from the February 4, 2016 C&E meeting were approved, as is.
- C.** No public comments were made.
- D.** Discussion of the Complaint SOP with regard to Sunset Review, followed by a discussion of the complaint process and Open Meetings requirements. Committee meeting adjourned at 3:56 PM to meet in Executive Session with the Assistant Attorney General. Committee meeting reconvened at 5:40 PM. Motion made, seconded and passed, that in the investigation stage, staff can dismiss complaints that are violations of an administrative nature, or meritless, or non-jurisdictional. Motion made, seconded and passed, that staff, when conducting complaint investigations, inform the Respondents that Complaint Review Team (CRT) meetings will be conducted as Open Meetings and that the Respondent may give up confidentiality when speaking or presenting information at the CRT. Motion made, seconded and passed, that CRT will be conducted as an Open Meeting, attended by one professional member and one public member, and that complaint information would be redacted to preserve confidentiality. Motion made, seconded and passed, that Respondents may present additional information at CRT at the risk of loss of confidentiality and that Complainants may not present information. Motion made, seconded and passed, that CRT meetings conducted after a Notice of Violation is issued are to be conducted as Open Meetings and complaint information is no longer required to be redacted.
- E.** Sunset Standard related to enforcement data: staff reported that it is working with the data base vendor to keep and report statistical information relating to the number, source, and type of complaints received and the disposition of complaints resolved.
- F.** Discussion of the Sunset Standard related to TBPG having a panel of experts to assist with complaint investigations alleging problems with technical accuracy of professional geosciences services postponed until a future committee meeting.
- G.** Discussion of Sunset Standard regarding the agency's potential use of mediated settlement conferences to resolve complaints. Research into this matter is ongoing.
- H.** Staff report on implementation of TGPA §§1002.201-1002.207 (SB 138, 83rd Legislative Regular Session 2013).
- I.** Staff enforcement report: current enforcement numbers, CRT meeting highlights, outreach opportunities.
- J.** The next Compliance and Enforcement Committee meeting will be held on July 21, 2016
- K.** Meeting adjourned at 6:41 PM.