



## TBPG Quarterly Update

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### **Professional Licensure for Geology in New York**

Licensure in geology has been approved by the state of New York, and will be provided for under Title VIII of the Education Law. The new law adds geology to the current State Board for Engineering and Land Surveying, and takes effect November 21, 2016.

The New York State Education Department is accepting applications for licensure under the grandparent provision or through endorsement for applicants who are licensed in another jurisdiction. The grandparent provision of the law expires November 20, 2017, so all applications made under that provision of the law must be postmarked by that date.

Please see the NY State Board Website for further information:  
<http://www.op.nysed.gov/prof/geo/geolaw.htm>

### **Highlights from the July 22, 2016 Board meeting**

New Board Members Steven Fleming, PG, and Bereket M. Derie, PhD, PG, were sworn in.

Agreed Board Orders. The Appointed Board adopted Agreed Board Orders resolving cases 2016010, 2016013, 2016019, and 2016023 by unanimous consent, with Member Mathewson being recused. The Board also adopted Agreed Board Orders resolving cases 2016024 and 2016025 in a vote of 6-1, with Member Mathewson being recused and Member Prescott dissenting. Disciplinary actions taken by the Appointed Board may be found on the website under the Enforcement/Disciplinary Actions link.

TBPG's Strategic Plan for fiscal years 2017-2021 was submitted timely on June 24, 2016, and it is posted on the TBPG website. See [TBPG](#)

## [Strategic Plan.](#)

TBPG's Legislative Appropriations Request (LAR) for FY 2018-2019 was discussed. The Appointed Board was informed that all state agencies were instructed to submit LARs based on a 4% reduction in appropriations from its current level. The Appointed Board decided to request that the 4% reduction be restored as an exceptional item request. TBPG submitted its LAR on August 12, 2016. A revised LAR was submitted on September 7, 2016. TBPG's revised LAR may be found at the following link. [TBPG LAR for FY 2018-2019.](#)

The Appointed Board unanimously raised the salary of its Executive Director to the GAA approved amount of \$90,847, effective September 1, 2016.

The Appointed Board unanimously approved the following proposed rules and amendments for posting on the Texas Register for a 30-day public comment period:

- 851.29, regarding reciprocal licensure
- 851.31, regarding temporary licensure
- 851.32, regarding the continuing education program
- 851.35, regarding voluntary surrender of a license
- 851.113, regarding duty to abide by Board Order and timely pay administrative penalty
- 851.203, regarding default proceedings in contested case hearings scheduled with the State Office of Administrative Hearings (SOAH)
- 851.204, regarding costs of administrative hearings

The [Proposed Rules](#) can be viewed here. They are available for viewing on the main page of the TBPG website, and will also appear in the September 16, 2016 issue of the Texas Register. Public comments should be submitted directly to the Executive Director.

The Appointed Board approved the Compliance and Enforcement Committee's recommendation of the following motions relating to the TBPG's Complaint Standard Operating Procedures and the role of a TBPG Complaint Review Team:

- The Appointed Board approved by unanimous consent to rescind previous board action that "staff investigate and inform the respondent that this is the last opportunity to present information and maintain its confidentiality and not in a public meeting, as part of the staff investigation."
- The Appointed Board approved by unanimous consent to rescind previous board action that "the CRT meeting will be conducted as an open meeting, will be attended by one professional and one public board member, and complaints will be redacted or de-identified."

- The Appointed Board approved by unanimous consent to rescind previous board action "that the CRT meeting prior to issuance of an NOV, the respondent may present additional information at the risk of the loss of confidentiality; however, the complainant may not present any information."
- The Appointed Board approved by unanimous consent to rescind previous board action "that CRT meetings conducted after the NOV is issued are conducted as open meetings, and new information related to the complaint no longer needs to be redacted."
- The Appointed Board approved by unanimous consent a new motion that CRTs remain exempt from the Open Meetings Act.
- The Appointed Board approved by unanimous consent a new motion that CRTs identify violations and propose Notices of Violations (NOVs).
- The Appointed Board approved by unanimous consent a new motion that CRTs may recommend to the full board a case for dismissal but may not dismiss cases.

The Appointed Board tasked the Compliance and Enforcement Committee with making changes to TBPG's Standard Operating Procedures to reflect the above policy decisions.

Texas Occupations Code §1002.259 provides that, except for the payment of required fees, the Appointed Board may waive any of the requirements for licensure by a two-thirds vote of the entire Appointed Board if the applicant makes a written request and shows good cause and the Appointed Board determines that the applicant is otherwise qualified for a license. The Appointed Board considered the Application Review and Continuing Education Committee's recommended waiver policies and took the following actions.

- The Appointed Board adopted the committee's recommended ASBOG® Practice Exam Waiver Request Policy by unanimous consent.
- The Appointed Board reviewed the committee's recommended criteria for the waiver of the education requirement. This item was sent back to Committee for further review.
- The Appointed Board adopted the committee's recommended criteria for the substitution of experience for the education requirement by unanimous consent.
- The Appointed Board reviewed the committee's written policy statement concerning waiver of the experience requirement for licensure. The policy, in intent, had been approved at the last Board meeting. The committee had been instructed to refine the written policy statement. No further action was necessary.

To view TBPG's waiver policies and procedures, please see [Request for Waiver of Licensing Requirement-Board Policy and Procedures](#).

The Appointed Board adopted the Application Review and Continuing Education Committee's recommended examination accessibility policy as amended by unanimous consent.

Applications for P.G. license received from the following individuals:

- Jorge Rangel Aldao: The Appointed Board approved the applicant's request for waiver of the ASBOG® Fundamentals of Geology exam in a vote of 7-1, with Member Mathewson abstaining. Additionally, the Appointed Board approved the applicant's request for waiver of the ASBOG® Practice of Geology exam in a vote of 7-1, with Member Mathewson abstaining, provided that the applicant's transcript documents coursework in six of the eight areas of practice in the Board's recently approved waiver policy.
- Dr. John Paul Brandenburg: The Appointed Board unanimously approved the applicant's request for waiver of the ASBOG® Fundamentals of Geology examination.
- Jerry C. Eumont: The Appointed Board unanimously approved the applicant's request for waiver of the ASBOG® Fundamentals of Geology and Practice of Geology examinations.

### **Upcoming Meetings**

The next Board meeting is scheduled on Friday, October 28, 2016. Committees are scheduled to meet on Thursday, October 27, 2016.

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