

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

BOARD MEETING

*August 18, 2006 10:00 a.m.
William P. Hobby, Jr. Bldg.
333 Guadalupe Street
Austin, Texas 78701*

Summary of Minutes

Per Agenda Item A, the meeting was called to order at 10:00 a.m. on August 18, 2006 by Chairman Gordon Ware.

Per Agenda Item B, Secretary/Treasurer Rene Pena conducted roll call and certified a quorum. Present were Chairman Ware, Vice Chairman Kelly Krenz-Doe, Secretary/Treasurer Rene Pena, Members Shiela Hall, Y. Lynn Clark, Glenn R. Lowenstein, Dr. Murray Milford, and Danny Perkins, Ph.D. Member Kimberly Phillips was not present.

Per Agenda Item C, the Board unanimously approved the minutes from March 17, 2006 Board Meeting.

Per Agenda item D, Matthew Cowan, P.G., spoke on behalf of the Texas Association of Professional Geoscientists to state that the TAPG Board supports TBPG efforts with Firm Registration and Compliance, and they will work with TBPG to ensure its effectiveness.

Per Agenda Item E, Acting Executive Director, Vincent R. Houston, discussed various personnel changes; his acceptance to the three week Executive Director Development Course; the submission of the 2008-9 Legislative Appropriations Request; Member Hall continues to be the Board's ASBOG® Coordinator; TBPG has upcoming Joint Budget Hearings and Senate Finance Committee hearings; the agency enforcement goals were exceeded regarding number of Compliance Orders issued; the Strategic Plan was completed and approved by the LBB; the total number of licensees to date is 6,464; a reminder that three Board member terms expire in February 2007; the State Office of Risk Management completed their onsite consultation and TBPG was awarded the Safety Performance Award; and the success of the audit from the Office of the Comptroller. Staff priorities for upcoming months include enforcement; outreach to acquire new licensees; filling in the gaps with the statute and rules; and the fiscal year end process.

Items F and G, regarding the status of Executive Director Michael Hess, and Acting Executive Director Vincent Houston, were discussed in closed session as authorized by the Texas Open Meetings Act, Texas Gov. Code Chapter 551. The closed session began at 10:40 a.m.

The closed session ended at 12:10 p.m. and the general meeting resumed. Regarding Agenda Item F, the Board currently has no policy on military leave. Action postponed until Board Meeting in September, pending legal review by Mr. Frank Knapp, legal counsel.

Regarding Agenda Item G, discussion and possible action concerning acting Executive Director, Vincent Houston: the Board wants to formalize Mr. Houston as acting Executive Director indefinitely, subject to Board review. It was approved unanimously with Mr. Houston's consent.

The meeting broke for lunch at 12:15 p.m. and reconvened at 1:31 p.m.

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Per Agenda Item H, Committee Reports:

- The Financial Review/Strategic Planning Committee Report was given by Secretary/Treasurer Pena. He addressed revenues, expenditures, and the budget relative to LAR. With a fund reduction of 10%, the Board will request abatement, and will need to reallocate some funds. Enforcement is being given prominence, and everything else will be secondary.
- The Compliance and Enforcement Committee Report was given by Member Perkins and was assisted by Investigator Albert Jimenez. He addressed the mass mail out of letters to licensees requesting a copy of their P.G. seal: 3500 letters were sent, 960 of those did not respond. A second letter will now be sent out to the non-responders; nine have been sent so far. An important issue was raised about determining whether the letters are actually being received. 50% have responded to the second letter, and one fine has been received; the ongoing enforcement of correctly sealed documents at various State agencies; changes will be made to the complaint form to include complaints against non-licensees; whether complaints can be accepted if they are anonymous: not at this time; legislative performance measures. A compliance investigation is in process; the relevant parties have been contacted. Chairman Ware addressed the importance of staff understanding the enforcement/complaint process thoroughly; the importance of outreach; Board members should document their outreach activities; presentations should be standardized. The meeting with TCEQ's Mark Vickery, P.G. and 12 other P.G.'s was addressed: they discussed continuing education, audits, and upcoming monthly meetings. Additionally, the possibility and/or necessity of creating a "Technical Advisory" Committee was presented.
- The General Issues Committee Report was given by Member Clark. They had public comments from two TAPG members; discussed a complaint filed by a licensee against a regional government entity; a motion was unanimously passed to recommend full Board adoptions of amendments 22 TAC 851.152, Firm Compliance as written, 22 TAC 851.156, Geoscientist Seals as written, and 22 TAC 851.30, Firm Registration as written; a Geoscience Firm registration certificate was approved; no future agenda items were discussed.

Per Agenda item I, Staff Reports:

The Licensing Report was given by Ms. Annita Herrera, who addressed the ongoing preparations for firm registration including updates to licensing system and creation of certificates. She addressed the development of self-laminating wallet cards for individual licensees; the upcoming ASBOG® examination and the future possibility of proctoring exams in other cities; and the upcoming CE Program.

The Finance Update was given by Secretary/Treasurer Pena, who addressed YTD expenditures, analyzed which expenditures were necessary for the next year, and which cuts could be made to assist in the enforcement area.

The Enforcement Update was given earlier under the Compliance and Enforcement Committee update.

Per Agenda Item J, Dr. Milford addressed the recommendations of the Application Review Committee on the waiver of examination request pursuant to Sec. 1002.259 regarding three applicants. Maurice W. Baron, Jr. had been tested in another state and qualifies for licensure in the State of Texas. The other two applicants, Steve J. Gaciri and Paul Thomas, were denied waivers but can request an appearance before the review committee. No Board action needed at this time.

Per Item K, Discussion and possible adoption of 22 TAC §851.80 Fees, Member Lynn Clark addressed their recommendation that it be adopted as written. The item was passed unanimously by the Board.

Per Agenda Item L, Discussion and possible adoption of 22 TAC §851.152 Firm Compliance: the Board unanimously passed the Firm Compliance rule as written.

Per Agenda Item M, the discussion and possible of adoption of 22 TAC §851.156 Geoscientist's Seals: The Board unanimously passed the Geoscientist's Seals revision as written.

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Per Item N, Discussion and possible action regarding timeline for adoption of amendments to 22 TAC §851.30 Firm Registration and 22 TAC §851.32 Continuing Education Program: The Board passed 22 TAC Firm Registration rule §851.30 as written; the Board also passed the Continuing Education rule 22 TAC §851.32 as written.

Per Agenda Item S, which was considered next due to the anticipated early departure of one member of the Board from the Board Meeting, the nomination and election of Board officers was considered. Vice-Chairman Kelly Krenz-Doe requested to step down from position of Vice Chair, and the Board accepted her resignation as Vice-Chair. Member Clark was nominated as her replacement; and after discussion, he was voted in as the new Vice Chairman of TBPGE. Chairman Gordon Ware and Secretary/Treasurer Rene Pena will remain in their positions.

Per Item O, the discussion regarding status of the firm registration launch was presented by Annita Herrera, who addressed necessary licensing system changes; the forms which will be made available; the firm registration certificate; the wall license; and the addition of Texas OnLine services after one year.

Per Agenda Item P, the firm registration certificate was approved at a prior meeting of the General Issues Committee; the final version was presented and will be made ready for the launch of firm registration.

Per Agenda Item Q, the status of pre-registration and possible locations for ASBOG® exam in October 2006, this item had been briefly discussed in the staff reports of Agenda Item I.

Per Agenda Item R, the status of potential new Board Member applications at the Governor's Office, it was discussed that if a Board Member who is a P.G. in Soil Science or Geophysics were to resign or rotate off the Board, it was suggested there should be another Soil Scientist or Geophysicist to replace them so as to maintain fair representation of all disciplines on the Board.

Per Agenda Item T, it was recommended that the next Board meeting be on September 29, 2006 in Austin and the agenda items will be forthcoming.

Per Agenda Item U, the meeting was adjourned at 3:19 p.m.

Gordon Ware, P.G., Chairman
Texas Board of Professional Geoscientists