

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

*Board Meeting, Austin Texas
June 6, 2008, 9:00 a.m.*

Summary of Minutes

- A. The meeting was called to order at 9:10 a.m.
- B. Roll was called. Members present were Board Chairman Y. Lynn Clark, PG, Gordon Ware, PG, Secretary/Treasurer Glenn Lowenstein, PG, Tom Hallmark, PG, and Ron Kitchens. Member Barbara Roeling, PG, arrived late, and Members Kelly Krenz-Doe, PG, Gregory Ulmer, and Vice-Chairman Rene Peña were not present. A quorum was certified.
- C. The minutes from the March 28, 2008 Board Meeting were approved as written.
- D. Public comments were given by Mr. Ed Miller, PG, who requested expanding TBPG's website links for outreach purposes and requests a schedule for future agency newsletters. Mr. Miller also suggested the option of e-mailing the newsletter; would reduce costs to the Board.
- E. Executive Director's Report: Acting Executive Director Vincent Houston addressed several issues. Executive Director LTC Hess in attendance today and will speak regarding his current assignment; the Strategic Plan is due June 27; the Customer Service Report was submitted June 2; the Legislative Appropriations Request (LAR) is due July 30, and will be addressed later in the agenda. Staff priorities are enforcement, outreach, firm registration, continuation education, licensee retention, and staff development.
- F. Staff Reports:
 - The Enforcement update was given by Investigator Alberto Jimenez, PG, who addressed recent outreach opportunities. Suggestion: mail-out letters to Texas High Schools and offer geoscience career presentations to students. Regarding enforcement: two enforcements letters have been sent out.
 - The Licensing update was given by Annita Herrera, Director of Licensing, who addressed the total number of licensees (6466); licensee retention can be helped through cease and desist letters; recent ASBOG® exam numbers; 40 new licensees.
 - Financial update was given by Leticia Kappel and addressed FY08 collected fees and expenditures. TBPG is on track for FY08. It was suggested to include monthly revenues on spreadsheets.
- G. Committee Reports:
 - The Application Review/Continuing Education Committee Report was given by Committee Chair Tom Hallmark. The meeting was canceled due to no quorum. At the next meeting, the committee will address definitions of published vs. non-published, and exam waiver requests.
 - The Compliance and Enforcement Committee Report was given by Member Lowenstein, who addressed the ongoing issues regarding the role of a P.G. at groundwater districts; Texas Water Well Drillers issues; update on oil/gas surveys; firm registration renewal reminders; letters to unregistered geoscience firms encouraging their registration with TBPG.
 - The Financial Review/Strategic Planning Committee Report was given by Committee Chair Ron Kitchens, who addressed the upcoming Strategic Plan, the Legislative Appropriations Request, FY08 expenditures to date, possible change/upgrade of licensing software, and the budget for FY09.
 - The General Issues Committee Report was given by Ron Kitchens. The main item addressed by the Committee was in reference to reducing fees for elderly; more research is needed regarding long-term impact to agency.
 - The Legislative Committee Report was given by Board Chairman Clark. The committee did not have a quorum. Future issues include legislative changes to the Texas Geoscience Practice Act, and the Procurement Act. The Governor's training for new Board members was also discussed.
 - The Joint Committee with TBPE Report was addressed by Chairman Clark; the main items were the Memorandum of Understanding between the two Boards which was approved by the committee; contacting firms that do both engineering and geoscience; a flowchart showing how complaints are to be handled by the respective Boards.

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- Reciprocity was also discussed; agreements with other states are progressing. A conference call was scheduled regarding the status of these agreements. Additionally, research will be done to see whether alternate/temporary committee members can be appointed for quorum purposes.
- H. A recommendation regarding waiver of exam requests for Stacy H. Burgess and Mike Anderson will be presented for the Board at the next Board meeting. It was suggested that enforcing rules for violations and granting fewer waivers will help TBPG with public awareness.
 - I. Discussion regarding the status of Executive Director Hess. LTC Hess has been re-assigned to the US Army until July 16, 2009. At issue: the Board needs to have the funds available to re-hire LTC Hess once he is honorably discharged from the Army. The Board took a recess at 11:15 a.m. to determine the agency's legal responsibilities to LTC Hess. The Board re-convened at 12:37 pm. Legal summary: LTC Hess is entitled by law to be re-hired by the agency into the same position or one with similar seniority, status, and pay for a minimum of one year. A twelve month contract is not recommended. The Board would like to hire a permanent Executive Director for the agency as soon as possible, but will need additional funds and an additional FTE (full time equivalent) to do so. Additionally, the request must be structured according to the agency's needs. The Board approved unanimously posting the position of the Executive Director using the example provided to the Board. Acting Executive Director Houston will continue as CFO for the agency. A Search Committee was appointed by the Chairman to find qualified candidates for further consideration. Members of that committee will include Gordon Ware as Chairperson, Tom Hallmark, Barbara Roeling, and Ron Kitchens.
 - J. Fiscal Year 2009 Budget. A specific contingency is needed for the hiring of a new Executive Director. For Fiscal Years 2010 -2011, the agency will need to request extra staff and funds which can cover LTC Hess' return upon his discharge from the Army. The Board unanimously approved a motion to immediately prepare a Request for Appropriations regarding funds for hiring a new Executive Director and related expenses. It will include a contingency for the Executive Director position, and a restoration of LTC Hess upon his return.
 - K. Strategic Plan. Recommended changes focus on increased enforcement, increased staff and additional funding. The Board unanimously approves the TBPG Strategic Plan 2009-2013 to be submitted with changes. Staff is commended for their work on the Strategic Plan and the Report on Customer Service.
 - L. Legislative Appropriations Request. The Board unanimously approves the general assembly of the Legislative Appropriations Request. It will include a baseline of 100% and the exceptional items of salary/expenses for both an Executive Director and an additional enforcement person, and a 10% across-the-board reduction. The Board additionally delegates final approval of the LAR to Chairman Clark.
 - M. Discussion regarding self-initiated complaints. Mr. Kevin Heyburn, Assistant Attorney General from the Office of the Attorney General, finds that the agency cannot initiate complaints, nor can it accept anonymous complaints due to statutory limitations. However, TBPG does have authority to enforce infringements of the Texas Geoscience Practice Act.
 - N. An amendment to 22 TAC 851.32, Continuing Education will be forthcoming at the next Board meeting.
 - O. The Memorandum of Understanding (MOU) statement approved by the Joint Committee with TBPE was unanimously adopted by the Board with changes.
 - P. The next Board meeting will be held September 5, 2008. Future agenda items will include the election of Board officers.
 - Q. The meeting was adjourned at 3:05 p.m.

Y. Lynn Clark, Chairman