



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

January 21, 2011, 9:30 a.m.
William P. Hobby, Jr. Building
333 Guadalupe Street, Room 1250A
Austin, Texas 78701

MINUTES

- A. The meeting was called to order at 9:37 a.m.
- B. Roll was called and a quorum was certified. All Board members were present: Board Chair Barbara Roeling, P.G., Vice-Chair Ron Kitchens, Secretary/Treasurer Tom Hallmark, P.G., Y. Lynn Clark, P.G., Justin McNamee, Glenn Lowenstein, P.G., Greg Ulmer, J.D., Charles Knobloch, P.G., J.D., and Kelly Krenz-Doe, P.G.
- C. The minutes from the September 24, 2010 Board Meeting were approved by unanimous consent.
- D. Public comments were given by Mr. Matthew Cowen, P.G., representing the Texas Association of Professional Geoscientists, and Mr. Kevin Coleman, P.G., former TBPG Chair, representing the Association of Environmental and Engineering Geologists, Texas Section and National. Comments received in an e-mail from Mr. Hughbert Collier, P.G., were also addressed.
- E. The Executive Director's Report, given by Director Michael D. Hess, addressed TBPG's fiscal status, the upcoming 82nd Texas Legislative Session, the agency's priority of enforcement, the recent Memorandum of Agreement with the Texas Railroad Commission, upcoming University outreach activities, and the recent distribution of the TBPG newsletter.
- F. Committee and Work Group Reports:
 - **The Application Review and Continuing Education Committee Report**, given by Committee Chair Tom Hallmark, addressed the Texas Geophysics exam; the denial of a request to reinstate a permanently expired license; a proposal to reduce the continuing education requirements for those 65 and older; reciprocity agreements; the progress of Louisiana licensure; and GIT outreach and mentoring.
 - **The Compliance and Enforcement Committee Report**, given by Committee Chair Glenn Lowenstein, addressed the cooperation between TBPG and other state agencies; the recent Oil and Gas workgroup meeting; the request regarding Phase I ESAs and ASDM requirements; outreach; and the upcoming Compliance and Enforcement meeting scheduled in February.
 - **The Financial Review and Strategic Planning Committee** had not met since August, as reported by Committee Chair Ron Kitchens. No report was given.
 - **The General Issues Committee Report**, given by Committee Chair Lynn Clark, addressed the Advisory Opinion request regarding P.G. seals and Phase II ESA reports. TBPG rules already address the issue; no opinion was offered. An Advisory Opinion draft and a possible rule revision will be addressed later in the agenda.
 - **The Legislative Committee** had not met, as reported by Committee and Board Chair Barbara Roeling. No report was given.
 - **The Joint Committee** with TBPE had not met recently, as reported by Committee Co-Chair Barbara Roeling. No report was given.
 - The Oil and Gas Work Group had not met recently, as reported by Work Group Chair Charles Knobloch. The group is scheduled to meet again in early February.

- G. Regarding current legislative issues, Deputy Executive Director Charles Horton mentioned that there are no particular issues that need to be addressed at this time, but he outlined some relevant bills that have been filed.
- H. Staff Reports:
- **The Licensing Report**, given by Operations Manager Molly Roman, highlighted 9 new Geoscientists-in-Training, 5015 current P.G. licensees, and 357 current firms and sole proprietors. The October 2010 ASBOG® exam results included 36 individuals that passed the Fundamentals of Geology exam, and 25 individuals that passed the Practice of Geology exam. Since the last exam, TBPG has issued 20 new P.G. licenses. Regarding reciprocity, possibilities still exist to cultivate agreements with Delaware, Georgia, Kentucky, and Tennessee. Missouri does not have authority to enter into an agreement.
 - **The Enforcement Report**, given by Professional Standards Unit Chief George Dunfield, presented results from the adoption the Memorandum of Agreement with the Railroad Commission of Texas; its use as a template to formally begin collaboration with state agencies from a mutually agreed framework and to address visibility of the Board's public protection role. Staff built public protection-based relationships with Harris and Lubbock Counties and several cities. Routine compliance program efforts including geoscience work and Continuing Education reviews and creating more user-friendly processes and forms such as the Board's new complaint form were initiated or continued.
 - **The Financial Report**, given by Chief Financial Officer Leticia Kappel, addressed the recent mileage reimbursement adjustment; the non-financial report; and expenditures. Revenue for the first quarter was slightly below the comptroller's estimate and slightly above TBPG's estimate. Mr. Horton outlined the Base Budget Bill pattern to explain TBPG's revenue issues.
- I. Regarding enforcement Memorandum of Agreement (MOA) with the Railroad Commission of Texas, the agreement was recently signed by the directors of both agencies.
- J. Regarding Agreed Board Order 2010-010, relating to an unregistered firm offering geoscience services to the public, the Board unanimously approved the Board order.
- K. Regarding recommendations of the ARC/CE committee on the following waiver requests per §1002.259 and/or approval of applications:
- a. Terence Webb - The Board denied Mr. Webb's request for waiver of the ASBOG® Fundamentals of Geology exam in a vote of five to three, with Members Y. Lynn Clark, Ron Kitchens, and Board Chair Barbara Roeling dissenting, and Member Charles Knobloch abstaining.
 - b. Richard Conolly – The Board unanimously denied Mr. Conolly's request to waive the ASBOG® Practice of Geology exam. The Board approved Mr. Conolly's request to waive the ASBOG® Fundamentals of Geology exam in a vote of six to one, with Board Chair Barbara Roeling dissenting, and Members Charles Knobloch and Kelly Krenz- Doe abstaining.
 - c. Raymond Straub - The Board denied Mr. Straub's request for waiver of the education requirement in a vote of five to three, with Members Glenn Lowenstein, Y. Lynn Clark, and Board Chair Barbara Roeling dissenting, and Member Charles Knobloch abstaining.
 - d. Alan Izard – The Board did not consider this request.
- L. Regarding proposed revisions to the following rules:



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- a. The Board unanimously approved revisions to 22 TAC §851.32, regarding the Continuing Education program, for posting to the Texas Register.
 - b. The Board unanimously approved revisions to 22 TAC §851.156, regarding the P.G. Seal, for posting to the Texas Register.
- M. Regarding reciprocity with Kentucky, the Board unanimously agreed to work toward achieving a reciprocity agreement with Kentucky similar to the agreements TBPG currently has with other states.
- N. Regarding Advisory Opinion Request #3 (10-003), the Board unanimously approved the Advisory Opinion effective immediately.
- O. Regarding the Board's Legal Interpretation Committee's recommendations regarding the oil and gas exemptions to the scope of the practice of geoscience, this item was deferred to the Oil/Gas workgroup for proper write-up.
- P. Regarding the ASBOG® annual conference, Member Y. Lynn Clark outlined the highlights of the annual ASBOG® conference.
- Q. Regarding the election of Board officers, Member Ron Kitchens was unanimously elected to the office of Board Chair, Member Charles Knobloch was unanimously elected to the office of Vice Chair, and Member Kelly Krenz-Doe was unanimously elected to the office of Secretary/Treasurer. The officer elections are to become effective at the Board meeting in May.
- R. Chairman Barbara Roeling presented awards to Board members Y. Lynn Clark, Glenn Lowenstein, and Greg Ulmer, whose terms are set to expire in February 2011. Chairman Roeling expressed appreciation for their hard work and long hours in promoting the Board's mission.
- S. The next Board meeting is scheduled on May 20, 2011. All suggested Board meeting dates for 2011 and 2012 were approved.
- T. The meeting was adjourned at 2:57 p.m.

A handwritten signature in blue ink, appearing to read "Barbara Roeling", is written over a horizontal line.

Barbara Roeling, P.G., *TBPG Chair*