

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Meeting of January 22, 2003
E. O. Thompson Building, 4th Floor
920 Colorado
Austin, Texas

Summary of Minutes

The Chairman called the meeting to order at 9:46 a.m., January 22, 2003. Members present were Chairman W. Kevin Coleman, Vice Chairman Edward Miller, Kelly Krenz-Doe, Gordon Ware, Shiela Hall, Murray Milford, and Danny Perkins. Roll call verified a quorum was present.

The Chairman advised the Board that Kimberly Phillips would not be present because of work-related concerns. Murray Milford motioned that Kimberly Phillips absence be excused because it was work-related. The motion was seconded by Kelly Krenz-Doe and passed with a unanimous vote. The Chairman also advised the Board that Secretary/Treasurer Rene Pena had a meeting with the Governors Office and will join the Board meeting later.

Staff present included: William Kuntz, Acting Executive Director, Texas Board of Professional Geoscientists and Executive Director of the Texas Department of Licensing and Regulation; Brian Francis, Deputy Executive Director; Don Dudley, Director of Licensing and E-Commerce; Chris Kadas, General Counsel; Jeff Hill, Asst. General Counsel; Tomas Spradlin, Budget Analyst; Hal Ten Brink, Prosecutor, Enforcement Division; Kim Whitt, Licensing Division; Annita Herrera, Licensing, Geoscientist Department; and Caroline Jackson, Legal Assistant.

The Chairman moved to agenda item C, Approval of Minutes of October 11, 2002 meeting. There was some discussion regarding changing the summary of minutes regarding agenda item K to reflect that no action was taken on this agenda item and that the Board directed staff not to include this item on future agendas. The motion was made by Ed Miller to accept the minutes as amended. The motion was seconded by Murray Milford and passed with a unanimous vote.

The Chairman moved to agenda item D., Public Comment. The following persons presented public comment to the Board.

- Paul Sawyer Geoscientist/Educator Dallas, Texas
- John Mikels GESS Consulting, Austin, Texas
- J. Sansom, Jr. Consulting Geologist

The Chairman moved to agenda item E, Executive Directors Report Discussion and possible action. Bill Kuntz provided to the Board copies of the Financial Report for fiscal year 2002, a graph charting the revenues received from the applications, and a budget that shows the projected and expended balances for fiscal year 2003 to date. He explained that the charted graph shows a trend line that shows what needs to be done to reach the level in the Legislative Appropriations Request which is 2,000 licenses at \$200 per license which is

the \$400,000 projected in the LAR. Rene Pena stated that the graph looks excellent because it shows a trend of steady upward growth but the Board should identify specifically and quantify what has happened and what will be happening in the next five months through-out the state of Texas such as seminars, conventions, and events that the Board may be able to tag on to in order to continue the upward trend.

Tom Spradlin, briefed the Board on the Annual Financial Report for fiscal year 2002. He stated that the Board spent approximately \$14,000 last year and approximately \$186,223 will be carried forward into fiscal year 2003. The numbers will change slightly in that part of the expenditures are encumbered rather than actually expended such as travel expenses because some travel had not been submitted by the time the year was ended so estimates had to be made. Bill Kuntz stated that if things stay on track the Board will have received \$200,000 in fees which will repay the Emergency Grant. The budget would then be certified and the additional monies received would be used as outlined in the initial appropriations. Rene Pena stated that if the Board stays within the budget 100%, by March the Board would have the \$200,000 to repay the Governor and still stay within the budget. By April 1st there would be allowable expended funds which would enable the Board to revise the budget for additional necessary expenditures as listed under other.

There was some discussion regarding the monies budgeted to pay TDLR under the Interagency Agreement. Bill Kuntz suggested that TDLR meet with Mr. Pena as the Secretary/Treasurer of the Board and work out a going forward arrangement that is equitable for both TDLR and for the Professional Geoscientists Board and at the next meeting entertain an additional interagency agreement. He stated that the submitted budget is extremely conservative because it is only counting on enough money to repay the Governor. The threshold that is most important is to repay the Emergency Grant. There was some discussion regarding the expenditure for exam development.

The Chairman created the Finance Work Group with Rene Pena as Chair and members being Danny Perkins, Kimberly Phillips, and Gordon Ware. This work group will work with Bill Kuntz to establish an additional Interagency Agreement with TDLR.

The Chairman moved to agenda item F, Staff Reports. Don Dudley provided an update to the Board concerning applications that have been received and the number of licenses that have been processed.

The Chairman moved to agenda item G, 78th Legislative Session Overview. Brian Francis provided the Board a flowchart that reflects how the bill analysis process is set up. Mr. Francis explained the internal review process related to conducting a bill analysis and cost estimates for implementing the legislation. He provided to the Board information relative to committee appointments on the Senate side. To date there have been no committee appointments on the House side, however, they should be coming out by the end of January.

The Chairman moved to agenda item H, Discussion and possible action to propose ethics rules. Chris Kadas advised the Board that there were two working drafts prepared regarding the proposed ethics rules. He presented a draft that he prepared and the Rules Work Group also prepared a draft which was also provided to the Board. Mr. Kadas advised the Board that he used the code of the Architectural Examiners Board as a guide when preparing the draft. It is a fairly detailed code that contains specific procedural provisions for what happens when there are violations and the consequences to guide the Board in dealing with instances of unprofessional conduct as well as other provisions. After some discussion Ed Miller, Chairman of the Rules Work Group, asked that the Board read the submitted drafts, in detail, and prior to the next Board meeting, send any suggested changes, amendments, etc. to him. Chris Kadas and Ed Miller will work together to refine the document and submit a refined product to the Board for consideration.

The Chairman moved to agenda item I, Discussion and possible action on modifications to existing rules. Chris Kadas informed the Board that this item was placed on the agenda to give the Board an opportunity to raise issues, concerns, or suggested modifications to the existing Chapter 850 and 851 rules. There was no discussion regarding this agenda item.

The Chairman moved to agenda item J, Discussion and possible action of methods to disseminate information regarding licensure. Kelly Krenz-Doe reported for the Professional Liaison Work Group whose task is to perform outreach efforts to those geoscientists that may be included in the program. The Work Group suggested standardizing presentation materials which would enable the Board to send a consistent message regarding the program as well as coordinating outreach efforts so there is less duplication. It was also suggested to develop outreach materials and different delivery items to include on the website such as fact sheets, frequently asked questions, power point presentation, etc.

Murray Milford, Chair of the Professional Liaison Work Group stated that a press release could be developed regarding the program and to target the time period before the grandfathering period ends. There are several associations that have donated space in their publications for advertising and promoting the licensure of geoscientists. Bill Kuntz advised the Board that a press release will be developed regarding the program and licensure. Chairman Coleman stated that since he has made the initial contact with AAPG he will work with them on developing an advertisement for their publication.

Ed Miller will contact Mary Ambrose with TNRC (Texas Commission on Environmental Quality) to see if it can be arranged for the Board to have a booth at the trade fair. He also stated that there was an excellent article in the Explorer written by Pete Rose entitled, Why license in Texas as a geoscientist?. He suggested that the Board attempt to get authorization to provide this article to other professional societies for publication in their journals.

There was some discussion regarding having a list of qualified speakers to present presentations regarding the geoscientist program and licensure. Danny Perkins expressed concerns regarding having other persons outside of staff and outside of Board members included in the speakers bureau. He stated that the Board will need to consider possible liability issues regarding having other persons besides Board members included as authorized speakers.

Board members and staff members are protected however, if someone other than a Board member or staff says something on behalf of the Board that is misconstrued or misinterpreted the Board is open to potential liability. Bill Kuntz stated that another concern is that persons outside of staff and Board members that get headline billing the person that is a competitor has a disadvantage which could trigger complaints. If members of the Speakers Bureau are limited to the people that have been appointed by the governor or staff you have a better protected position. Bill will look in to this and report back to the Board.

Staff will put the eight action items regarding this agenda item in writing with proposed timeframes for completion and will send to the Board members. This will be reported next meeting as a separate agenda item.

The Board recessed at 10:50 a.m. The Board reconvened at 11:09 a.m.

The Chairman moved to agenda item K, Review and possible approval of applications with alternative qualifying work experience. Don Dudley stated that there are no applications for the Board to review regarding alternative qualifying work experience.

The Chairman moved to agenda item L, Review and possible approval of applications with alternative education requirements. Don Dudley provided five applications for the Boards review regarding alternative education requirements. Don Dudley suggested that the Board create another work group that staff could forward these types of applications to and have the work group make recommendations to the Board for approval and/or denial of particular education and/or work experience issues as well as requests for waivers. Chairman Coleman created the Application Review work group to review all the applications that are requesting waivers, alternative work experience, or alternative education requirements. Danny Perkins agreed to Chair the work group and the other members of the work group are Shiela Hall, Kelly Krenz-Doe and Murray Milford. Mr. Milford will review all soil science applications. Ed Miller is not a member of this work group but is available as a source to consult for issues that cant be resolved regarding an application. Annita Herrera, Licensing Section, presented each application to the Board and gave a basic overview of the application and the requested alternative education requirements or request for a waiver to the alternative education requirements.

Murray H. Milford Mr. Milford recused himself from the Boards deliberations regarding his application. His application is for soil sciences. He is reviewing all soil science applications however he cannot review his own application therefore the Board will need to review and/or approve his application. The motion was made by Ed Miller to accept Dr. Milfords application as submitted, pending background check, which was seconded by Gordon Ware. The motion was passed by unanimous vote. The record reflects that Dr. Murray Milford abstained from voting.

Helena Mary Carinne Danielli Ms. Danielli is requesting a waiver of the transcript requirements and has submitted letters from the universities in Britain certifying her degrees. The motion was made by Shiela Hall to approve the equivalent educational requirements as noted in the letters from the universities certifying her degrees which was seconded by Ed Miller. The motion was passed by unanimous vote.

Bashir Ahmed Memon Mr. Memon is requesting a waiver of the transcript requirements and has submitted letters from the universities in Pakistan, London England, and New York certifying his degrees. Murray Milford motioned that consistent with the Act, SB 405, Section 6.05, paragraph (A)(2)(b) for the Board to approve the applicants alternative educational requirements contingent upon verification that he has been licensed in three other states to include the state of Georgia. The motion was seconded by Gordon Ware and passed by unanimous vote.

Raymond Dolezel The transcript submitted was not complete and Mr. Dolezel requested a waiver of the transcript requirement. The Board agreed to send this application to the Application Review Work Group to evaluate and make a recommendation to the Board at the next meeting.

There was some discussion regarding the acceptable courses that could be used for alternative educational requirements for specific disciplines. It was suggested that over a period of time the Board could approve a list of courses that are acceptable alternative educational requirements that would be helpful to staff when reviewing and evaluating submitted applications.

Colby Drechsel Mr. Drechsel requested a waiver of the requirement regarding the transcript and the reference forms and requested a reciprocal license since he was licensed in Wyoming. The Board requested staff to send Mr. Drechsel a letter indicating that currently the Board does not have any agreements with any other states for reciprocal licensure and that procedures will be forthcoming at some point in the future regarding reciprocity.

Staff is to advise him that in order to expedite his application he needs to provide the transcripts and references and the Board will gladly process his application. . Danny Perkins made the motion to deny the applicants waiver request and request for reciprocal licensure which was seconded by Gordon Ware. The motion was passed by unanimous vote.

The Board recessed for lunch at 12:57 p.m. The Board reconvened at 2:00 p.m. The Board welcomed Rene Pena to the meeting.

Theodore Vincent Hromadka II After a review of Mr. Hromadkas application and submitted documents the Board concluded that additional information is required. Mr. Miller stated that it does not appear the applicants possesses a degree in any of the three disciplines. This suggests that he would not be eligible for licensure under the Act. Without a copy of the transcript the Board is not able to determine if Mr. Hromadka has 30 hours in geoscience. Staff is to advise him of the Boards decision. Ed Miller made the motion to deny the applicants request for waiver of the transcript which was seconded by Kelly Krenz-Doe. The motion was passed by unanimous vote.

Chairman Kevin Coleman moved to agenda item M, Work Group reports, discussion and possible action on reports.

Certificate, Seal, and Stamp Work Group - Chair, Shiela Hall. The Chairman informed the Board that Bill Kuntz and Don Dudley were provided a disk from the Bureau that had designs of the certificate and seal. He also presented copies to the Board for review. After review and discussion the Board agreed that the date will not be included on the seal as voted on at the last meeting. The Chairman will work with the Bureau on the printing of the certificate and seal.

Rules Work Group Chair, Ed Miller. No report. There was some discussion regarding rules related to reciprocity and examinations. Chris Kadas will draft proposed language regarding reciprocity and examinations to present at the next meeting. Ed Miller suggested that if possible to propose these rules and the ethics rules at the same time.

The Chairman moved to agenda item N, Discussion and possible action on establishment of new work groups. Two new work groups were established which are the Finance Work Group with Rene Pena as Chair and the Application Review Work Group with Danny Perkins as Chair.

The Chairman moved to agenda item O, Discussion and possible action of development of a geophysics examination. Don Dudley stated that staff needs direction from the Board regarding the vendor to use to develop this examination. He stated that the current vendor is available to develop the examination. The cost for developing the examination is approximately \$25,000. TDLR currently has an existing contract with Gainesville Independent Testing Services for developing examinations for any license type. After some discussion the motion was made by Kelly Krenz-Doe to contract with Gainesville Independent Testing Service to develop the geophysics examination which was seconded by Shiela Hall. The motion passed by unanimous vote.

The Chairman moved to agenda item P, Recommendations for agenda items for next meeting. Items suggested were: proposed ethics rules, modifications to existing rules or additional licensing rules; reports from all Work Groups and possible action and list work groups on the agenda. It was asked that a staff organizational chart and a list of work groups also be provided. The Chairman requested that the minutes be

distributed at least 3 to 4 weeks before the next meeting if possible.

The Chairman moved to agenda item Q, Discussion of date, time, and location of next Board meeting. The next meeting was scheduled for March 21, 2003 at 9:30 a.m. with a break for lunch at 12:15 p.m.

The Chairman moved to agenda item R. Adjournment. Rene Pena made a motion to adjourn the meeting which was seconded by Danny Perkins. The motion was passed by unanimous vote and the meeting was adjourned at 4:13 p.m.

William K. Coleman, *Chairman*

Texas Board of Professional Geoscientists