



# TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

## **Board Meeting**

*February 17, 2012, 9:30 a.m.*

William P. Hobby, Jr. Building, 333 Guadalupe Street, Room 100  
Austin, Texas 78701

## **MINUTES**

- A. The regularly scheduled meeting of the Texas Board of Professional Geoscientists was called to order at 9:32 a.m. on February 17, 2012 in room 100 of the Hobby Building. Roll was called and a quorum was certified. Members present were Chairman Ron Kitchens, Vice-Chair Charles Knobloch, P.G., J.D., Tom Hallmark, P.G., Becky Johnson, P.G., Barbara Roeling, P.G., and Greg Ulmer, J.D. Member Justin McNamee arrived at 9:40 a.m. Members Kelly Krenz-Doe, P.G. and Judy Reeves, P.G. were absent.
- B. The minutes from the November 18, 2011 Board Meeting were approved as written.
- C. Public comment was given by Mr. Ty Embry, who represents the Owner/Operator Members of the Texas Mining and Reclamation Association, who spoke regarding the requirement of a P.G. seal on certain documents submitted to the Texas Commission on Environmental Quality (TCEQ). Mr. Terence Webb was present to answer questions related to the re-review of his request for waiver of the ASBOG® Fundamentals of Geology examination. Mr. Matthew Cowan, P.G., was present as a representative of the Texas Association of Professional Geoscientists and as an observer for Houston Geological Society.
- D. Regarding a re-review of the previously denied request for waiver of the ASBOG® Fundamentals of Geology (FG) examination for Terence Webb, the Board reconsidered Mr. Webb's request and reviewed his qualifications: twenty-two years of experience, grade point average in geoscience courses, passed the ASBOG® Practice exam. The Board determined that Mr. Webb has demonstrated competency in the geoscience discipline, and the Board unanimously approved Mr. Webb's request for waiver of the ASBOG® FG exam.

The Board next considered items I, J, and K.

- I. Regarding an inquiry that involved an interpretation of the Texas Occupations Code §1002.252(3), the Board determined that the requirement by TCEQ regarding P.G. sealing of submitted documents is not in conflict with Texas Occupations Code §1002.002(6)(A)(i). The Board directed Executive Director Horton to respond to the e-mailed inquiry.
- J. Regarding proposed draft Advisory Opinion (AOR #7) involving the re-affirmation of the exemption of geoscientists working in the exploration and development of oil, gas, or other energy resources, base metals, or precious or non-precious minerals, including sand, gravel or aggregate from licensure under the Texas Geoscience Practice Act, it was moved that AOR #7 be referred to the General Issues Committee to receive further input from a variety of stakeholders through "external relations" efforts. The motion failed. The Board then adopted AOR #7 as posted in the Texas Register with a vote of five to one, with Member Roeling dissenting.
- K. Regarding the General Issues Committee's recommendation relating to received Advisory Opinion Requests #8, 9, and 10, the Board approved of taking no action on AORs #8, 9, and 10 because the requestor has withdrawn the requests.

The Board at this time acknowledged the three public comments submitted by email for item C. The Board next considered items E through H.

- E. Regarding the Chairman's Report, Chairman Ron Kitchens addressed the regular newsletter that TBPG produces twice annually, the letter of resignation submitted by Board Member Judy Reeves, and outreach efforts by TBPG.
- F. Regarding the Executive Director's Report, Director Charles Horton addressed the upcoming ASBOG® exam, the TCEQ Trade Fair and ethics presentation, the next Board meeting in May, upcoming submission deadlines for the Strategic Plan and the Legislative Appropriations Request, the upcoming budget hearings, outreach activities, the "equilibrium" licensing number, licensing database issues, the status of the Enforcement Coordinator position, current complaints, licensing numbers, continuing education audits, and the request by California to use the Texas Geophysics exam.
- G. Regarding TBPG Committee Reports:
- The Application Review and Continuing Education Committee Report, given by Committee Chair Tom Hallmark, addressed the consideration of an amendment to 22 TAC 851.29 that would affect portability of licensure; continuing education audit policy guidelines; examination waiver policy guidelines; and licensing data.
  - The Compliance and Enforcement Committee Report, given by Committee Chair Barbara Roeling, addressed the committee's consideration of the standard operating procedures; the value of at least one board member being involved in the review of all complaints; current enforcement activities and outreach efforts; the committee's pending review of the FAQs on the TBPG website and possible updates; and review of the continuing education audit process.
  - The Financial Review and Strategic Planning Committee had not met; no report was given.
  - The General Issues Committee Report, given by Vice-Chairman Knobloch, addressed the committee's consideration of an amendment to §851.152; the committee's proposed schedule for hearings related to AOR #6, an issue related to electronically generated P.G. seals and signatures, and a CO2 sequestration issue. Regarding draft AOR #6, there was a motion by Chairman Kitchens that TBPG suspend all activity on AOR #6 and withdraw the proposal. After discussion, the motion passed in a vote of four to three, with members Johnson, Hallmark, Knobloch dissenting.
  - The Legislative Committee had not met; no report was given.
  - The Joint Committee with TBPE had not met; no report was given.
- H. Staff Reports:
- The Licensing Report, given by Licensing Coordinator Elsa Wofford, addressed the current licensing numbers and the upcoming ASBOG® examination.
  - The Financial Report, given by Chief Financial Officer Leticia Kappel, addressed current expenditures, revenue, the upcoming submission deadlines for the Strategic Plan and LAR, an upcoming Texas Workforce Commission audit, and the Comptroller's Biennial Revenue Estimate.
  - The Enforcement Report, given by TBPG Investigator Alberto Jimenez, addressed the status of current complaints, one Notice of Violation letter that was recently issued, and upcoming outreach activities.

The Board next considered items L through Q.

- L. Regarding the Application Review Committee's recommendation regarding a proposed amendment to §851.29 regarding "portability of licensure", the Board unanimously approved the proposed amendment as presented for posting to the Texas Register for public comment.



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- M. Regarding the development of TBPG's Strategic Plan 2013-2017, it was requested that the Board review the current plan and forward any suggested changes to Member Ulmer and Director Horton. It was also noted that due to the current budget situation, agencies may again be asked to develop a plan for various levels of reductions in appropriations.
- N. Regarding a proposed TBPG External Relations Initiative, the Board determined that it will focus on outreach to TBPG stakeholders by setting up a distribution/communications list for any who would like to have more frequent and focused communications regarding Board activities. It was suggested that an e-mail be sent out to TBPG license holders and other stakeholders, and add a link onto TBPG's website for any who would like to subscribe.
- O. Regarding 2012 TCEQ Trade Fair, it was requested that if any Board members would like to attend the conference to please contact staff as soon as possible. It was also noted that Member Johnson may be able to assist with the annual ethics presentation.
- P. The next Board meeting is scheduled on May 18, 2012. The ASBOG® Council of Examiners will meet on April 13-14, 2012. Member Hallmark will participate in the ASBOG® meeting on behalf of TBPG.
- Q. The meeting was adjourned at 1:13 p.m.

A handwritten signature in black ink, appearing to read "R. L. Kitchens", written over a horizontal line.

Ron Kitchens, TBPG Chairman