

## TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Meeting of March 21, 2003  
E. O. Thompson Building, 4th Floor  
920 Colorado  
Austin, Texas

### Summary of Minutes

The Chairman called the meeting to order at 9:42 a.m., March 21, 2003. Members present were Chairman W. Kevin Coleman, Vice Chairman Edward Miller, Secretary/Treasurer Rene Pena, Kelly Krenz-Doe, Gordon Ware, Kimberly Phillips, Shiela Hall and Murray Milford. Roll call verified a quorum was present.

The Chairman advised the Board that Danny Perkins would not be present because of work commitments. Rene Pena motioned that Danny Perkins absence be excused, seconded by Kimberly Phillips. The motion passed with a unanimous vote.

Staff present included: William Kuntz, Acting Executive Director, Texas Board of Professional Geoscientists and Executive Director of the Texas Department of Licensing and Regulation (TDLR); Brian Francis, Deputy Executive Director, TDLR; Chris Kadas, General Counsel; Kevin Ketchum, Intergovernmental Affairs; Don Dudley, Director of Licensing and E-Commerce; Tomas Spradlin, Budget Analyst; 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 January 22, 2003 meeting. Motion made by Gordon Ware to accept the minutes as presented; seconded by Shiela Hall. The motion passed with a unanimous vote.

The Chairman moved to agenda item D, Public Comment. There was no public comment.

The Chairman moved to agenda item E, Executive Directors Report Discussion and possible action. Bill Kuntz distributed a copy of a drafted press release to notify the potential geoscience licensees about the need to become licensed before the grandfathering period expired. He suggested that the Board review the press release and convey any suggested edits by the end of the meeting so that the press release can be ready to go by the end of the week. Bill gave an overview of the legislative session as it pertains and may affect the Board. He stated that when Ed Miller testified before House Appropriations he indicated that the desire of the Board of Professional Geoscientists was, first to be a stand-alone agency; second, consolidated with other professional licensing groups; and third, consolidated with TDLR. Bill stated that Chairman Swinford in the Government Reorganization Committee of the House filed House Bill 2489, which creates the Texas Department of Professional Licensing, a new professional licensing umbrella agency. It is a mirror image of TDLRs governing statute and structure. There was extensive discussion regarding HB2489 in its current form and how it could possibly affect the Board.

Gordon Ware, Strategic Planning commented that it is difficult to determine which direction this will go until the lobbying process starts. He suggested tracking this bill closely and to get direction from Bill as to where its headed and what type of pressure is out there from other lobbyists and other organizations and then make some determinations. Bill suggested that by the next meeting staff would possibly have a better direction as to where things are going with these consolidation issues. He suggested having this on the

agenda for the next meeting for the Board to vote on a preferred course and then the vote conveyed to the legislature as a vote of the Board. Rene Pena suggested that the Board not sit back and wait for the outcome to occur but to take the position that the Board will become a part of this and be proactive in helping the legislators with the decision and not have an outside theoretical vote but an inside actual vote as to how the Board will be regulated. Staff will keep the Board informed on the continued development of this bill and other legislation affecting the Board and will inform members of any scheduled hearings.

Bill Kuntz reported that at the last meeting there was some discussion regarding the Speakers Bureau. He advised the Board that General Counsel has advised against having persons other than Board members on the website listed as speakers. The Speakers Bureau set up and posted on the Board of Geoscientists website should only include Board members. Other organizations could have speakers to go and speak from their expertise but are not be sanctioned by the Board of Geoscientists. There were questions regarding links on the website to other organizations or entities. Bill Kuntz stated that for other people or organizations to link to the website is one thing but if you link to other organizations or persons then issues can arise about competition and discrimination on favor one organization over another. Chris Kadas, General Counsel with TDLR advised the Board that there is also an issue of using state resources for private benefit. If its a link to an association, a national organization, or a state that is non-profit thats one thing but when you link to a private business, it could be perceived as a benefit going to that private business.

The Chairman moved to agenda item F, Staff Reports. Don Dudley provided an update to the Board concerning applications received and the number of licenses to be processed. He reported that there are currently 227 licensees. There have been 255 applications received but are incomplete. Staff will be corresponding with these applicants to let them know what is needed to complete the application process. There are approximately 156 applications pending review and approximately 300 miscellaneous transcripts or letters that need to be matched-up with applications. Don advised the Board that from their records it appears there are approximately 1,050 persons wanting to receive a Texas license. Don also advised the Board that the FAQs have been posted on the website. He also presented the graphics work that has been done for the wall certificate, wallet card, and seal. Tomas Spradlin, Budget Analyst reported that as of today the amount of monies collected is \$156,000.

The Chairman moved to agenda item G, 78th Legislative Session Overview. Bill Kuntz stated that most of this information was reported in the Executive Directors report. He reported that the appropriations were accepted. There was some discussion in the Senate and House about the 7% cut. The concept of returning the emergency grant was accepted very well and they did not ask for anything different from that. The appropriations for the biennium is \$897,907, which is \$473,704 the first year and \$424,203 for the second year. In the first year, there are infrastructure costs such as desks and computers, which explain the difference.

The Board moved into break out sessions for work groups at 11:25 a.m. and then adjourned for lunch at 12:30 p.m. The Board reconvened at 1:45 p.m.

The Chairman moved to agenda item H, Work Group Reports Discussion and possible action.

Application Review Work Group-Danny Perkins, Group Leader In Danny Perkins absence the Chairman presented the work group report. Waiver requests were reviewed for Dan Choate, Grayson Pointer, Chris Muller, Ted Hromadka, Gabe Macias, Paul Hunt, Richard Mountfield, Zafar Kureshi, Mark Gentry, and Joe Cruseturner. Applications were reviewed for Robert Pennyson, and Geoffrey Reeder, and Scott Williams. The Board reviewed each applicants request for waiver and/or application as listed below.

Dan Choate The applicant requests a waiver of the educational requirements. The motion was made by Murray Milford to approve the qualifying work experience in lieu of the educational requirements pursuant to 6.05(b) of the Act, seconded by Kelly Krenz-Doe. The motion passed by unanimous vote.

Grayson Pointer The applicant requests a waiver of the educational requirements. The motion was made by Kimberly Phillips to approve the qualifying work experience in lieu of the educational requirements pursuant to 6.05(b) of the Act, seconded by Kelly Krenz-Doe. The motion passed by unanimous vote.

Chris Muller The applicant requests a waiver of the educational requirements. After discussion and further review of the application, the conclusion was that it was not necessary for the applicant to request a waiver because he met the educational requirements. The motion was made by Kimberly Phillips to approve Chris Mullers application, seconded by Murray Milford. The motion passed by unanimous vote.

Ted Hromakda The applicant requests a waiver of the educational requirements. The work group recommended to approve the applicants alternative educational requirements pursuant to 6.05(a)(2)(B) of the Act. Kimberly Phillips motioned to accept the recommendation of the work group, seconded by Kelly Krenz-Doe. The motion passed by unanimous vote.

Gabe Macias The applicant requests a waiver of the educational requirements. The work group established that the applicant did not need a waiver of the educational requirements because he meets all the education, degree, and experience requirements and recommended approval of the application. Murray Milford motioned to accept the recommendation of the work group, seconded by Kelly Krenz-Doe. The motion passed by unanimous vote.

Paul Hunt The applicant requested a waiver for geophysics hours. The work group established that the applicant did not need a waiver of the educational requirements and recommended approval of the application based on his experience and education. Kimberly Phillips motioned to accept the recommendation of the work group, seconded by Shiela Hall. The motion passed by unanimous vote.

Richard Mountfield The applicant requested a waiver of the official transcript because the universities in Britain do not have official transcripts. He does have a letter from the university. The work group recommends approval of the waiver of the official transcript pursuant to 6.05(a)(2)(B). Murray Milford motioned to accept the recommendation of the work group, seconded by Kelly Krenz-Doe. The motion passed by unanimous vote.

Zafar Kureshi The applicant requested a waiver of the official transcript because his education was received abroad and the universities do not have official transcripts. He has certified letters from the universities to serve as a transcript equivalent. The work group recommends approval of the waiver of the official transcript pursuant to 6.05(a)(2)(B). Murray Milford motioned to accept the recommendation of the work group, seconded by Kelly Krenz-Doe. The motion passed by unanimous vote.

Mark E. Gentry The applicant requested a waiver of the educational requirements. The work group established that he did not have sufficient education or experience and recommended that his application be held pending successful completion of the examination and then be reconsidered at that time for eligibility. After some discussion, Chris Kadas, General Counsel recommended not holding the application until September 1, 2003 when the examination provision is required, but to act upon the application. Kimberly Phillips motioned to deny the waiver of the educational requirements thereby denying his application

because the applicant does not have a sufficient level of work experience or degree to offset the lack of his educational requirements, seconded by Kelly Krenz-Doe. The motion passed by unanimous vote.

Joe Cruseturner The applicant requested a waiver of the educational requirements. The work group established that the applicant does not have sufficient experience to offset the difference of the educational requirements and therefore recommends denial of the waiver. Murray Milford motioned to accept the recommendation of the work group seconded by Ed Miller. The vote was 7 in favor of the motion and 1 against the motion. The motion passed by majority vote.

Robert Pennyson and Geoffrey Reeder Staff requested input from the work group regarding the review and approval of these applications. The work group recommended approval of the applications. Rene Pena motioned to accept the recommendation of the work group, seconded by Kelly Krenz-Doe. After some discussion the motion was amended in respect to Geoffrey Reeder's application to reflect that the application is approved pursuant to 6.05(b) because he has a masters degree in soil science and has qualifying work experience in lieu of the hours requirement under the statute. Rene Pena accepted the friendly amendment and the second accepted the friendly amendment. The amended motion passed by unanimous vote.

Scott Williams Staff requested input regarding the review and approval of this application. The majority vote of the work group was to recommend denial of the application for lack of sufficient education to meet the requirements and the applicant did not request a waiver. Kimberly Phillips motioned to remand this application back to staff to compile a complete application package for each member of the Board to review and the Board will take action on the application at the next meeting, seconded by Ed Miller. The motion passed by unanimous vote. The Board recommended that staff to communicate to the applicant the waiver options.

Rules and Examinations Work Group-Ed Miller, Group Leader Ed Miller presented two drafts of the code of professional conduct. At the previous meeting, it was requested that Board members review both drafts and submit comments to Ed Miller. Mr. Miller stated that since there were no comments received he recommended the draft prepared by Chris Kadas, General Counsel be utilized since it incorporated what was included in the draft submitted by Kelly Krenz-Doe and Kimberly Phillips. Shiela Hall motioned to accept the draft of the code of professional conduct as written for approval and publishing in the Texas Register, seconded by Rene Pena. After some discussion, the motion was amended to allow Chris Kadas to make the draft language consistent when referring to the rules before submitting the proposal to the Texas Register. Shiela Hall accepted the friendly amendment and the second accepted the friendly amendment. The amended motion passed by unanimous vote.

Ed Miller stated that at the previous meeting there was some discussion about reciprocity and the issuance of a reciprocal license. To address this issue he presented a draft of a proposed new rule regarding a reciprocal license or license by endorsement. The proposed new rule was drafted by Chris Kadas pursuant to 6.07 titled Reciprocal License of the Act authorizing the Board to approve individuals for license in this state that are licensed in another state but have not met our examination requirements. After some discussion, Kimberly Phillips motioned to approve submitting the draft rule as amended to the Texas Register for publication and public comment, seconded Kelly Krenz-Doe. The motion passed by unanimous vote.

Ed Miller advised the Board that he met with Chris Kadas and Don Dudley and presented some suggestions for compliance and enforcement rules as well as specific language for the usage and size of the geoscientist seal. Chris Kadas will review this wording and send to the Board members for comment prior to the meeting. He will also be preparing a guideline for the usage of the seal. Ed Miller advised the Board that

Chris Kadas will be reviewing the Act and identify all the instances where the Act requires the Board to adopt rules in a particular area as well as those areas where rulemaking is discretionary and will report back to the Board.

Finance Work Group-Rene Pena, Group Leader Rene Pena reported that the work group recommends continuing the agreement with TDLR. As revenue is received, it is deposited and once the \$200,00 is exceeded then request the budget be approved. Any additional funds over this mark could be utilized in acquiring next years budgeted items this year. There was no action to recommend at this time.

Outreach Work Group-Murray Milford, Group Leader Murray Milford reported that the work group presented an outline of different strategies to use for outreach purposes. Kelly Krenz-Doe reported on the different outreach strategies completed or in the process of being completed. Some of these strategies are to issue a press release, develop and upload FAQs to the website, development of a speakers bureau, participation in various trade fairs, and place an ad in the AAPG newsletter. The work group is working on developing other ideas for outreach purposes. The Board reviewed and edited the submitted press release. Murray Milford will work with Kevin Ketchum on getting this press release distributed.

Strategic Planning Work Group-Gordon Ware, Group Leader Gordon Ware reported that the work group recommends that all the needed promulgated rules be completed prior to the time where critical decisions will need to be made as to the structure of the organization. The work group also requests that staff to keep the Board informed of the status and development of HB2, HB2489, and HB3000 and various options that the Board may have.

The Chairman moved to agenda item I, Discussion and possible action to dissolve or consolidate old work groups and establish new work groups. The Chairman suggested leaving the work groups as they are currently established.

The Chairman moved to agenda item J, Recommendations for agenda items for next meeting. Chris Kadas suggested that any applications that will be considered by the Board be transmitted to the Board members prior to the next meeting. Don Dudley agreed. Chris Kadas also suggested listing the applicants name on the agenda that will be deliberated by the Board. It was suggested to repeat the same items that are on this agenda for the next meeting.

The Chairman moved to agenda item K, Discussion of date, time, and location of next Board meeting. The next meeting was scheduled for May 9, 2003 at 9:30 a.m.

The Chairman moved to agenda item L. Adjournment. Kimberly Phillips made a motion to adjourn the meeting seconded by Ed Miller. The motion passed by unanimous vote and the meeting adjourned at 4:45 p.m.

**William K. Coleman**, *Chairman*  
Texas Board of Professional Geoscientists