

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

BOARD MEETING SUMMARY OF MINUTES

333 Guadalupe Street, Suite 100

April 24, 2009, 9:00 a.m.

- A. The meeting was called to order at 9:00 a.m.
- B. The newly-appointed Board members have not been confirmed by the Senate. Charles Knobloch, PG, was in attendance as a member of the public.
- C. Roll was called and a quorum was certified. Members present were Y. Lynn Clark, PG, Chair, Barbara Roeling, PG, Vice-Chair, Glenn Lowenstein, PG, Secretary/Treasurer, Greg Ulmer, JD, Tom Hallmark, PG, Ron Kitchens, and Kelly Krenz-Doe, PG. Member Gordon Ware, PG, arrived late, and Member Rene Peña, CPA, was absent.
- D. The minutes from the December 5, 2008 Board Meeting were unanimously approved as written.
- E. Public comments were given by Mr. Charles Knobloch, PG, a member of the public and newly appointed TBPG Board member. The Board welcomed Mr. Knobloch to the meeting.
- F. The Executive Director's Report was given by Interim Executive Director Charles Horton: He addressed the progress of the geoscience bills in the House and Senate; the status of agency appropriations for 2009, and 2010-2011; agency staffing issues; and the expected return of Executive Director LTC Hess on July 16, 2009. He also addressed Compliance and Enforcement initiatives; agency priorities, including the creation of an operational plan and more fully defining the complaint process. The agency budget continues to be tight. The Board expressed appreciation for the hard work and initiative of Interim Executive Director Horton, who has accomplished a lot in a short period of time. Chairman Clark placed the agency contingency/re-organization plan on hold.
- G. Staff Reports:
- The Licensing report was given by Ms. Annita Herrera, who addressed the number of current licensees; expired licensees; new licensees since the recent ASBOG® exam; and the status of reciprocity agreements with Kentucky, Arkansas, Wyoming, South Carolina, North Carolina and California. Two licenses have been processed since reciprocity was instituted. It was requested that a chart be produced at future meetings to show licensing trends for the last twelve months.
 - The Compliance and Enforcement report was given by Mr. Alberto Jimenez, PG, Investigator, who addressed outreach opportunities and enforcement. A recent letter of inquiry went out to 131 firms registered as CAS Firms with the Texas Commission on Environmental Quality; thirty-six firms have responded to the inquiry so far; ninety-five firms have not responded. The letter will be re-sent via certified mail to the approximately 95 firms that did not respond.
 - The Financial report was given by Ms. Leticia Kappel, who addressed agency expenditures; revenues; TexasOnline fees; agency salaries; and FTEs, which will be over the cap limit upon the return of LTC Hess. TBPG is within budget for 2009, but must be careful to remain within the budget.
- H. Committee Reports:
- The Application Review and Continuing Education Committee Report was given by Committee Chair Tom Hallmark, PG, who briefly addressed reciprocity and firm registration.
 - The Compliance and Enforcement Committee Report was given by Committee Chair Kelly Krenz-Doe, PG, who addressed that the complaint process is being reviewed and refined; outreach; an agency operations plan is being developed to coordinate and track forward movement on priorities.
 - The Financial Review and Strategic Planning Committee Report was given by Committee Chair Ron Kitchens. The committee had not met, but their next item will be to review final FY 2009 expenditures. They are also waiting on the final appropriations to be approved.

- The General Issues Committee Report was given by Committee Chair Barbara Roeling, PG, who addressed that fees for geoscience firm registration and renewal are being reviewed; the other items addressed in committee will be considered later in the agenda under items I and K.
 - The Legislative Committee Report was given by Chairman Lynn Clark, PG, who addressed the status of Senate Bills 940 and 941, and House Bills 2820 and 2821. Both bills have passed out of the Senate and are currently in the House. He also addressed agency appropriations; increased appropriations could require increasing fees up to \$70 - \$100 per license or more, based on licensing numbers.
 - The Joint Committee with the Texas Board of Professional Engineers (TBPE) had not met before the Board meeting. A Joint Committee meeting is scheduled on April 30, 2009.
- I. Discussion and possible action on waiver of examination requests pursuant to Section 1002.259. The request by Ms. Cynthia Ardito for a waiver of examination was unanimously approved by the Board. Additionally, Douglas Charlton and Brian McCord both had applied for waivers of examination, but the committee found that waivers were not required because both applicants had taken licensing exams that were equivalent to the ASBOG®. Both applications are being processed.
- J. Discussion and possible action regarding 22 TAC 851.30, regarding renewals to Firm Registration. The amendment to 22 TAC 851.30 was unanimously adopted as written.
- K. Discussion and possible action regarding proposed changes to 22 TAC 851.106 regarding Responsibility to the Geoscience Profession. No proposal was recommended. This item will be taken up by the General Issues Committee.
- L. Discussion and possible action relating to proposed changes in 22 TAC 851.30, regarding Firm Registration exemptions. The committee proposes to strike the word “annual” in reference to certificates of registration, and to strike the word “geoscience” in the second sentence, adding “as a Geoscience Firm” after the word registration. The amendment to 22 TAC 851.30 was approved with changes for posting to the Texas Register.
- M. Discussion and possible action relating to Agency and Staff re-organization. The Board went into Executive Session at 10:43 a.m. Executive Session ended at 12:58 p.m. and the full Board reconvened at 1:13 p.m. No action was taken, and no further work was advised on the re-organization until more information is known.
- N. Discussion and possible action on the re-employment of Michael Hess as Executive Director of TBPG and the status of Charles Horton as Interim Executive Director of TBPG. No action was taken; this item was postponed until more information is known.
- O. Discussion and possible action on Board Member/Committee assignments. No action was taken.
- P. The next regularly scheduled Board meeting will be held on September 18, 2009, with Committee meetings being held on September 17, 2009. There may be a need for a Board meeting before that time, but no information was available on a possible date.
- Q. The Chairman presented a Resolution to commemorate the service of founding Board Members Gordon Ware, PG, and Rene Peña, CPA to the Texas Board of Professional Geoscientists. The Board members expressed to Members Ware and Peña the undying gratitude of the present and past Board members for their contributions to the Board.
- R. The meeting was adjourned at 1:30 p.m.

Y. Lynn Clark, PG, *Chairman*