



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

July 17, 2015, 9:00 a.m.

William P. Hobby, Jr. Building
333 Guadalupe Street, Room 102
Austin, Texas 78701

MINUTES

- A. The regularly scheduled meeting of the Texas Board of Professional Geoscientists was called to order at 9:10 a.m., roll was called and a quorum was certified. Board Members present were Board Chair C. Thomas Hallmark, P.G., PhD, Vice-Chair David Prescott, P.G., Secretary/Treasurer Becky Johnson, P.G., Charles Knobloch, P.G., JD, Kelly Krenz-Doe, P.G., Greg Ulmer, JD, and Christopher Mathewson, P.G., P.E., PhD. Member Joseph P. DeWoody had an excused absence.
- B. Oath of office and swearing in of new Board Members. No action was taken.
- C. The minutes from the April 17, 2015 Board Meeting were approved by unanimous consent.
- D. Public comment. No comments from the public were given.
- E. Chairman's Report: Dr. Hallmark addressed some challenges facing TBPG, namely the applicability of licensing in the state. Is it a protection? Is it a detriment? Is TBPG satisfying its legislative mandate? Also mentioned was the decrease in the number of licensees, and the need for maintaining a decent salary for staff.
- F. Executive Director's Report: Executive Director Charles Horton mentioned the fiscal year and expenditures, no recent agency personnel changes, issue of staff salaries, Governor Abbott's memo regarding Preserving Religious Liberty for all Texans, and a brief review of "TBPG Committee descriptions, rules assignments, and Committee and Board tasks."
- G. Reports on recent Committee meetings and activities:
 - 1. Application Review and Continuing Education Committee meeting (7/16/15): Committee Chair David Prescott addressed negative reference statements, which are reviewed by the Committee on a case-by-case basis, an exam waiver request policy, current requests for reciprocity, and the new reciprocity template.
 - 2. Compliance and Enforcement Committee meeting (7/16/15): Committee Chair Becky Johnson discussed minor updates to the Guidance documents that are posted on the website. The other items will be addressed later on the agenda.
 - 3. General Issues Committee meeting (7/16/15): Committee Chair Dr. Mathewson mentioned the Committee's review of whether the Board needs additional rules to govern staff. The Committee is interested in a future agenda item regarding the disposal of waste fluids in the subsurface. At the request of the GI committee, Dr. Hallmark directed this item be added to the next full Board meeting agenda.
 - 4. Financial Review/Strategic Planning Committee (7/17/15): Committee Chair Greg Ulmer discussed fiscal expenditures; travel expenditures; the agency is changing IT vendors; and an approved salary increase for the Executive Director. The Strategic Plan is due in June 2016.
- H. Staff Reports:

- Licensing Report: Licensing Coordinator Elsa Paynes mentioned current licensing numbers, the associated equilibrium number, and recent exam statistics.
 - Financial Report: Chief Financial Officer Leticia Kappel addressed fiscal items; 2015 expenditures and revenues, the two-year budget cycle, the Strategic Plan and Performance Measures.
 - Enforcement Report: Enforcement Coordinator T. Wesley McCoy, P.G. discussed current enforcement numbers, Complaint Review Team (CRT) meeting highlights, and recent outreach opportunities.
- I. The Board approved a request for waiver from Daniel Cravens to waive the ASBOG® Practice of Geology examination, in a vote of 6-1, with Member Mathewson dissenting.
 - J. Proposed Agreed Board Orders:
 - Complaint #2014008 was approved by unanimous consent, with Members Johnson and Hallmark being recused.
 - Complaint #2015007 was approved by unanimous consent, with Members Mathewson and Hallmark being recused.
 - Complaint #2015019 was approved by unanimous consent, with Members Johnson and Mathewson being recused.
 - Complaint #2015024 was approved by unanimous consent, with Members Johnson and Mathewson being recused.
 - Complaint #2015032 was approved by unanimous consent, with Members Johnson and Mathewson being recused.
 - Complaint #2015030 was approved by unanimous consent, with Members Johnson and Mathewson being recused.
 - K. Member Greg Ulmer reported on the projected agency budget for FY 2016, including options for redistributing expenditures to fund a salary increase for the Executive Director and to fund other staff salary increases. TBPG requested \$33,000 to raise the salary of the Executive Director, but the request was only appropriated funds of \$6300.
 - L. Evaluation, employment, and salary of the Executive Director. The Board went into closed session to consult with its attorney regarding personnel issues at 11:40 a.m. No action was taken in closed session. Open session resumed at 11:55 a.m. The Board unanimously approved a salary for the Executive Director in the amount of \$86,109 effective September 1, 2015.
 - M. Legislative issues: Mr. Horton gave an overview of the bills TBPG had been following and reviewed passed legislation that could affect TBPG.
 - N. The Board unanimously proposed new rule 22 TAC 851.26, regarding agency implementation of revisions to Texas Occupations Code Chapter (TOC) 55, Licensing of Military Service Member, Military Veteran or Military Spouse for posting to the Texas Register for public comment.
 - O. Regarding the proposal of amendments to existing rules to clarify the definition and use of terms in TBPG rules, including the terms “Professional Geoscience” and “Professional Geoscience Services” and TBPG Rules 22 TAC §§851.10 (30) and (31), and 850.62, 851.10, 851.20, 851.23, 851.29, 851.30, 851.101, 851.102, 851.104, 851.105, 851.106, 851.107, 851.108, 851.112, 851.152, 851.153, 851.156, and 851.157; the Board sent this item back to the Application Review Committee for further consideration. Rule 851.156 was assigned to the General Issues Committee.



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- P. Report on status of Texas Geophysics Exam: Member Krenz-Doe reported on the status of the exam; it is in the finishing stages and is expected to be completed soon.
- Q. Attorney General Opinion Request regarding whether the TBPG has the authority to accept a license resignation and whether the TBPG may impose conditions on a license resignation: The Board unanimously approved the letter for submission to the Attorney General with minor edits.
- R. Penalties and Suggested Sanctions table. Member Johnson mentioned that the table is still being developed for use by the Complaint Review Team. Once completed, it will then be brought to the Board for review and approval. No action was taken.
- S. Regarding implementation of changes to the Texas Geoscience Practice Act, §§1002.201-1002.207, as amended by SB 138, 83rd Legislative Regular Session 2013, Enforcement Specialist Valerie Arnold summarized the current status of implementation and outlined recent activities.
- T. Date for next Board meeting is October 16, 2015. Next agenda will include an item related to how license statuses are displayed on the agency website; whether they can be listed as current only; or licensed and not licensed; and the feasibility of doing so.
- U. Adjournment at 1:52 p.m.

A handwritten signature in cursive script that reads "C. Thomas Hallmark".

C. Thomas Hallmark, P.G., PhD.
TBPG Chairman