



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

August 9, 2013, 9:30 a.m.

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

MINUTES

- A. The meeting of the Texas Board of Professional Geoscientists was called to order at 9:46 a.m. in room 100 of the William P. Hobby, Jr. building at 333 Guadalupe, Austin, Texas. Roll was called and a quorum was certified. Members present were Board Chairman Charles Knobloch, P.G., JD, Vice-Chair C. Thomas Hallmark, P.G., PhD, Joseph P. DeWoody, Public Member, Becky Johnson, P.G., Christopher C. Mathewson, P.G., P.E., PhD, Justin McNamee, Public Member, W. David Prescott, II, P.G., and Gregory Ulmer, JD, Public Member. Secretary-Treasurer Kelly Krenz-Doe, P.G., was absent.
- B. The minutes from the April 19, 2013 Board Meeting were unanimously approved as written.
- C. Public comment. Written comments included a request for a reduction of fees for those with hardship; requests for an inactive license status; and for a retired status with reduced fees. Public testimony was given by Mr. Matthew Cowan, P.G., representing himself and the Texas Association of Professional Geoscientists, also present as an observer for the Houston Geological Society. He gave comments regarding the importance ethics and the Code of Professional Conduct for Professional Geoscientists, and the difference between the registration of geoscience firms/ sole proprietors offering services to the public and the licensing of Professional Geoscientists, verifying that one is qualified to perform geoscience. He also addressed the recent legislative session, and upcoming issues with water rights. Chairman Knobloch directed that the written comments be forwarded to the Application Review and Continuing Education Committee for consideration at its next meeting.
- D. Chairman's Report. Chairman Knobloch thanked TBPG stakeholders for their support of the TBPG, and requested their assistance in the upcoming statutory review of TBPG rules.
- E. Executive Director's Report. Director Charles Horton addressed the close of the legislative session, the passing of TBPG's budget, the passing of Senate Bill 138, other bills affecting TBPG, and the proposed plan to implement SB 138. Director Horton also welcomed new staff member Dominique Maldonado to the agency.
- F. Regarding the schedule for the review of all TBPG rules per Texas Government Code §2001.039, the Board unanimously approved initiating its review and consideration for re-adoption of each of its rules pursuant to the Texas Occupations Code, Administrative Procedures Act, Section 2001.039, effective August 9, 2013.
- G. Committee Reports:
 - The Application Review and Continuing Education Committee Report, given by Committee Chair Dr. Hallmark, addressed the Committee's consideration of eight waiver requests, the issue of P.G. licensees also doing work as sole proprietors, and the update of the Texas Geophysics Exam.
 - The Compliance and Enforcement Committee Report, given by Committee Chair Becky Johnson, addressed an upcoming comprehensive review of rule §851.156, the update to the FAQs on the website, the statutory exemption related to academic research, and consideration of the complaint procedures.

- The Financial Review and Strategic Planning Committee Report, given by Committee Chair Greg Ulmer, addressed upcoming agency reports for 2014: Operating Budget, Strategic Plan, and the Legislative Appropriations Request.
 - The General Issues Committee Report, given by Committee Member Justin McNamee, addressed a report submitted to the Committee by Dr. Barry Cohn, P.G., regarding hydro- fracking, and the committee's consideration of rule §851.156 regarding usage of an electronic seal.
 - 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 Paynes, addressed current licensing numbers, the numbers for the upcoming ASBOG® examination, and future projections for licensing numbers.
 - The Financial Report, given by Chief Financial Officer Leticia Kappel, addressed travel arrangements and issues, the upcoming security measures for the Hobby building, and current agency expenditures and revenue.
 - The Enforcement Report, given by Enforcement Coordinator T. Wesley McCoy, P.G., addressed the number of open complaints, the number of closed complaints, and the cases that have been sent to the State Office of Administrative Hearings (SOAH).
- I. Regarding the Application Review Committee's recommendations regarding requests for licensing requirement waivers / substitutions of the following applicants for licensure:
- Chad Cadenhead: The Board approved the substitution of relative work experience for the education requirement in a vote of 7-0, with Member Johnson recusing herself.
 - Christine Peach: No action was taken.
 - Gebremeskel Tesfa: No action was taken.
 - Christopher Johnson: The Board approved his waiver request of the ASBOG® Fundamentals of Geology exam in a vote of 7-0 with Chairman Knobloch abstaining.
 - Sheyore John Omovie: No action was taken.
- J. Regarding the following proposed Agreed Board Orders
- Complaint Case No. 2012021, the Board approved the Agreed Board Order in a vote of 4-1, with Member Prescott dissenting, Chairman Knobloch abstaining, and Members Hallmark and Mathewson recusing themselves.
 - Complaint Case No. 2013015, the Board unanimously approved the Agreed Board Order.
 - Complaint Case No. 2013017, the Board unanimously approved the Agreed Board Order.
- K. Regarding the employment, evaluation, and salary of the Executive Director, the Board went into closed session pursuant to Texas Government Code §551.074 to discuss personnel matters at 12:19 p.m. No actions were taken during closed session. The Board resumed open session at 12:41 p.m. The Board unanimously approved increasing the salary of the Executive Director to \$76,109, which is provided for in the General Appropriations Act.
- L. Regarding the review and possible approval of the Compliance and Enforcement Committee's recommended plan for the implementation of SB 138, the Board unanimously approved the plan as presented.
- M. Regarding the Compliance and Enforcement Committee's recommendations for proposed amendments to TAC Chapters 850 and 851 to comply with SB 138 which requires the TBPG to adopt rules necessary to implement the changes to the Texas Geoscience Practice Act resulting



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from the passage of SB 138, the Board unanimously approved proposals of amendment to TBPG rules §850.62, §851.10, §851.101, and §851.157 as presented.

- N. Regarding an amendment to 22 TAC §851.20, regarding the Professional Geoscientist Licensing Requirements and Application Procedure, and the first renewal of a license, the Board unanimously adopted the amendment as published in the Texas Register.
- O. Regarding an amendment to 22 TAC §851.28, regarding Professional Geoscientist License Renewal and Reinstatement, and the first renewal of a license and the late renewal of a license, the Board unanimously adopted the amendment as published in the Texas Register.
- P. Regarding an amendment to 22 TAC §851.32, regarding the Continuing Education Program, and the continuing education requirement for a license that is renewed for less than one year, the Board unanimously adopted the amendment as published in the Texas Register.
- Q. Regarding an amendment to 22 TAC §851.156, regarding a Professional Geoscientist's Seal, and the use and format of an electronic seal, the Board unanimously adopted the amendment as published in the Texas Register.
- R. Regarding the renewal of a P.G. license and identifying whether a P.G. is operating as a sole proprietor, the Board took no action.
- S. Regarding a Board review of the question of whether the Code of Professional Conduct adopted by the Board under Texas Occupations Code §1002.153 applies to a licensee's activities that are exempt from the requirement of licensure under Texas Occupations Code §1002.252, the Compliance and Enforcement Committee had no recommendation at this time. The Committee was directed to continue their review of the item and to formulate either a draft Advisory Opinion or a proposal of amendment for the Board to review at its next meeting.
- T. Regarding reciprocity agreements with geoscience regulatory entities of other State jurisdictions, the Board reviewed the current information, and unanimously approved TBPG's designate to ASBOG® to bring the issue before ASBOG® regarding the need to standardize reciprocity between the states.
- U. The next Board meeting was scheduled on November 8, 2013. No future topics were determined.
- V. The Board adjourned at 2:06 p.m.

A handwritten signature in cursive script, appearing to read "Charles Knobloch".

Charles Knobloch, *TBPG Chairman*