

# TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

## *BOARD MEETING* *September 5, 2008, 9:00 a.m.*

### Summary of Minutes

- A. The meeting was called to order at 9:02 a.m.
- B. Roll call and certification of quorum. All members were present: Member Kelly Krenz-Doe, PG, Vice-Chairman Rene Peña, CPA, Member Gordon Ware, PG, Chairman Y. Lynn Clark, PG, Secretary/Treasurer Glenn Lowenstein, PG, Member Gregory Ulmer, Esq., Members Tom Hallmark, PG, Barbara Roeling, PG, and Ronald Kitchens. A quorum was certified.
- C. The minutes from the June 6, 2008 Board Meeting were approved as written.
- D. Public comment. Mr. Matthew Cowan, PG, representing the Texas Association of Professional Geoscientists (TAPG), voiced support of the Board.
- E. The Executive Director's Report was given by Acting Executive Director Vincent Houston, who addressed the status of the interviewing process in the search for a permanent Executive Director; the status of the agency's request to exceed its full-time equivalent (FTE) cap; the upcoming Joint Budget Hearing on September 9, 2008; and committee meetings. The agency's Strategic Plan and the Legislative Appropriations Request (LAR) were submitted on time.

The Board next considered Agenda item I.

I. Consideration and potential action to hire a permanent Executive Director: In accordance with Section 1002.101, Texas Government Code, the Board went into Executive Session at 9:15 a.m. to conduct interviews with the final applicants. The Board re-convened into open session at 1:28 p.m. Roll was called; all members were present. A quorum was certified. The Board unanimously approved the selection of Mr. Charles Horton as the next Executive Director of the Texas Board of Professional Geoscientists upon approval of the Board's request for an additional FTE.

The Board recessed for lunch at 1:30 p.m., and re-convened at 2:15 p.m., with Vice-Chairman Peña presiding. The Board next considered Agenda item F.

#### F. Staff Reports

-The Enforcement and Outreach update was given by Investigator Alberto Jimenez, PG. He outlined current activities, including enforcement letters sent to environmental businesses; mass mailings to expired licensees; informational letters to the Texas Council of Government Entities regarding the hiring of geoscientists; upcoming outreach activities; and the ongoing review of reports at the Texas Railroad Commission.

Chairman Clark returned to the meeting and continued presiding.

-The Financial update was given by Accountant Leticia Kappel, who addressed finances through the end of August; and revenue for Fiscal Year 08.

-The Licensing update was given by Ms. Annita Herrera, Director of Licensing, who addressed current licensee numbers (6,365); the upcoming ASBOG® exam; growth of 81 new licensees for FY08. The reciprocity agreement with Alabama was approved by the Alabama Board, and it will be addressed later in the agenda; California and Wyoming reciprocity agreements are currently being addressed by those respective Boards.

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### G. Discussion of Committee Reports

-The Application Review and Continuing Education Committee report was given by Member Hallmark, and all items will be addressed later in the agenda.

-The Compliance and Enforcement Committee report was given by Member Krenz-Doe, who addressed Compliance and Enforcement Initiatives regarding groundwater districts, water well drillers, and oil and gas exploration issues. She also mentioned information regarding a recent online survey of licensees in the oil and gas industry; outreach regarding sealing and permitting; current outreach opportunities; the need for complaints to come in from licensees; and obtaining seals from licensees.

-The Financial Review and Strategic Planning Committee had not met since the submission of the Strategic Plan and the LAR; Member Kitchens mentioned that now it is just a matter of following the LAR through the legislative process.

-The General Issues Committee report was given by Member Roeling, who mentioned that the primary issue addressed by the committee will be covered later in the agenda.

-The Legislative Committee report was given by Chairman Clark, who addressed proposed amendments to the statute, which will be covered later in the agenda.

-The Joint Committee with the Texas Board of Professional Engineers (TBPE) report was given by Chairman Clark, who addressed the approved Memorandum of Understanding between the two Boards; a Joint letter to firms registered as both engineering and geoscience firms. Member Ware also addressed the possibility of setting up Advisory Committees to address technical, industry, and educational issues, similar to the Engineering Board.

### H. Discussion on the job description of LTC Michael Hess upon his return to employment at TBPG: his short-term outlook for discharge remains the same; this item was postponed until a later date.

The Board next covered Agenda item N.

### N. The Board unanimously approved a motion for the Application Review Committee to develop and present a policy for permanently expired licensees who are seeking re-licensure. Some requirements under consideration are: the licensees should be in good standing at the time that their license expired and have met the continuing education requirement for the previous year; appropriate fees; and five years of geoscience practice without a violation.

The Board next covered Agenda item L.

### L. The Board approved the waiver of examination request for Stacy Burgess in a vote of seven to one, with Member Kitchens dissenting and Chairman Clark abstaining.

The Board next considered Agenda items V and U, respectively.

### V. The Board unanimously approved language for amending the Texas Professional Services Procurement Act, Texas Government Code Chapter 2254 Subchapter A, as written. The language will be submitted to Representative Goolsby's office for review and possible changes.

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- U. The Board approved language for amending Chapter 1002 of the Texas Occupations Code. It was approved with changes, and will be submitted to Representative Goolsby's office for review.
- J. Delegation of Authority: This item was postponed until a later date.
- K. Discussion and possible action on salary of Acting Executive Director. The Board went into Executive Session at 4:30 p.m. and came out of closed session at 5:08 p.m. No action was taken on this item.
- M. The Board unanimously approved an amendment to 22 TAC 851.32 (i)(2) Determination of Continuing Education Credit; it is approved for posting to the Texas Register.
- O. There was no action regarding 22 TAC 851.32 (f)(10) regarding the word "published".
- P. The Board unanimously approved a reciprocity agreement with the State of Alabama.
- Q. The Board unanimously approved an amendment to 22 TAC 851.80 Fees; it is approved for posting to the Texas Register.
- R. Oil and gas activities and jurisdiction were discussed briefly under the Compliance and Enforcement Committee Report.
- S. Outreach to the public was discussed previously under the Compliance and Enforcement Committee Report.
- T. The Board approved a guidance document with changes for use regarding sealing requirements of geoscience work.
- W. The election of Board Officers was postponed until the next Board meeting.
- X. The next Board meeting will be Friday, December 5, 2008.
- Y. The meeting was adjourned at 6:27 p.m.

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Y. Lynn Clark, Chairman