



# **TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS**

## **Board Meeting**

*November 22, 2013, 9:30 a.m.*

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

## **MINUTES**

- A. The regularly scheduled meeting of the Texas Board of Professional Geoscientists was called to order at 9:34 a.m. Roll was called, and a quorum was certified. Members present were Board Chairman Charles Knobloch, P.G., JD, Vice-Chairman C. Thomas Hallmark, P.G., Secretary-Treasurer Kelly Krenz-Doe, P.G., Chris Mathewson, P.G., P.E., PhD, Becky Johnson, P.G., Greg Ulmer, JD, Joseph P. DeWoody, and W. David Prescott, P.G. Member Justin McNamee was absent.
- B. The minutes from the August 9, 2013 Board meeting were approved as edited.
- C. Public comment. Ms. Katherine Nelson, P.G., representing the Texas Commission on Environmental Quality (TCEQ), was in attendance to answer any questions related to TCEQ's comments submitted in reference to the rule review. No comments were offered at this time.
- D. Public Hearing on rule review per Texas Government Code 2001.039 (Administrative Procedure Act—agency four-year rule review) regarding rules in Chapter 850 and Chapter 851. There was no input from the public at this time.
- E. Regarding discussion and possible action regarding public input on rules under review per Texas Government Code 2001.039 (Administrative Procedure Act—agency four-year rule review) regarding rules Chapter 850 and Chapter 851. No action was taken.
- F. Chairman's Report. TBPG Chairman Charles Knobloch gave his report. He mentioned the importance of the implementation of Senate Bill 138, and the Board's statutory responsibility to conduct the four-year rule review.
- G. Executive Director's Report. Director Charles Horton reported on TBPG's newest employee, Ms. Valerie Arnold, who will be assisting with Enforcement; he thanked TBPG's attorney, Mr. George Noelke, Assistant Attorney General for his continued assistance with agency needs; and he addressed an additional chart that the Committees have that will assist in their review of agency rules.
- H. Board discussion regarding processes involved in the review of all TBPG rules per Texas Government Code §2001.039. The Board discussed how the process has been working to date; Director Horton reviewed the timeline and guidelines for the review; and the Committees were tasked with having their recommendations ready to present at the next Board meeting.
- I. Committee Reports:
  - The Application Review and Continuing Education Committee Report, given by Committee Chair Tom Hallmark, mentioned the suggestion for a rule change offered by the Texas Geophysics Exam workshop attendees recently; the Committee's recommendation regarding a request for waiver; the status of the GIT mentoring program; and the issue of PG license holders also being registered as firms. This issue was directed to be handled by the General Issues Committee at their next meeting. Dr. Hallmark also discussed how staff are directed to handle negative reference statements for applicants; there was no action from the Committee on a licensee's request for reduced fees; a review of the continuing education audit policy; and a status update by Member Krenz-Doe on the Texas Geophysics Exam update.

- The Compliance and Enforcement Committee Report, given by Committee Chair Becky Johnson, addressed the Committee's progress on the rule review, and the implementation of Senate Bill 138. The Committee also discussed current complaints, P.G. seals, the Enforcement Report, and the Committee's determination that per Texas Occupations Code 1002.153, the Code of Professional Conduct applies to all licensees.
- The Financial Review and Strategic Planning Committee Report, given by Committee Chair Greg Ulmer, mentioned the agency's upcoming budget planning and appropriations process, the upcoming required reporting of the Operations Budget, the Strategic Plan, and the Legislative Appropriations Request. Member Ulmer also discussed expenditures, the implementation of Senate Bill 138, the potential reduction of revenue which could impact the agency's Biennial Revenue Estimate (BRE), and the rule review.
- The General Issues Committee Report, given by Committee Chair Kelly Krenz-Doe, addressed the Committee's open hearing; the review of staff recommendations for the rules under the Committee's purview; the review of the Guidance Principles; and the Committee's goal of standardizing common terms in the rules.
- The Legislative Committee had not met, according to Board Chairman Charles Knobloch. No report was given.
- The Joint Committee with TBPE had not met, according to Board Chairman Charles Knobloch. No report was given.

J. Staff Reports:

- The Licensing Report, given by Licensing Coordinator Ms. Elsa Paynes, referred to the current licensing numbers and the equilibrium number, which projects future licensing numbers.
- The Financial Report, given by Chief Financial Officer Ms. Leticia Kappel, mentioned the numbers for Fiscal Year 2014. The BRE was lowered to 2.26 million for this biennium. TBPG has surpassed monthly revenue targets so far for this fiscal year.
- The Enforcement Report, given by Enforcement Coordinator Mr. T. Wesley McCoy, outlined the current complaint numbers: there were 12 complaints opened this quarter, and 25 are currently open. Outreach has been conducted by Board Member Christopher Mathewson regarding the ASBOG® examination and the Geoscientist-in-Training program. There will be another outreach opportunity in December for Mr. McCoy at an event for the Texas Association of Storage Tank Professionals.

K. Regarding the Application Review Committee's recommendation regarding a request for waiver of the ASBOG® Fundamentals and Practice of Geology for Mr. Stanley L. King, the Board unanimously approved the waiver.

L. Discussion and possible action regarding proposed Agreed Board Orders:

- Complaint Case No. 2012016: The Board approved the ABO in a vote of 4-2 with Member Prescott and DeWoody dissenting, Member Johnson being recused, and the Chairman abstaining.
- Complaint Case No. 2012022: The Board approved the ABO in a vote of 3-2 with Member Prescott and DeWoody dissenting, Members Mathewson and Hallmark being recused, and the Chairman abstaining.
- Complaint Case No. 2013039: The Board approved the ABO in a vote of 5-0, with Members Johnson and Mathewson being recused, and the Chairman abstaining.
- Complaint Case No. 2013041: The Board approved the ABO in a vote of 4-1, with Member Prescott dissenting, Members Mathewson and Johnson being recused, and the Chairman abstaining.



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- Complaint Case No. 2013042: The Board approved the ABO in a vote of 5-0, with Members Mathewson and Johnson being recused, and the Chairman abstaining.
  - Complaint Case No. 2013044: The Board approved the ABO in a vote of 4-1, with Member Prescott dissenting, Members Mathewson and Johnson being recused, and the Chairman abstaining.
- M. Regarding the upcoming draft Strategic Plan for 2015-2019, the Financial Review/Strategic Planning Committee Chair Gregory Ulmer reviewed the upcoming timeline for submission of the Strategic Plan and Legislative Appropriations Request submission. The Committee recommends no increase in the appropriations request.
- N. Regarding the public comments received on the proposed amendments to 22 TAC 850.62, 851.10, 851.101, and 851.157, the Board reviewed the proposed amendments, public comments received, and the suggested responses drafted by the Compliance and Enforcement Committee. After discussion, the Board took the following actions:
- The Board unanimously adopted an amendment to §850.62, as originally published in the Texas Register.
  - The Board unanimously adopted an amendment to §851.10, as originally published in the Texas Register.
  - The Board unanimously adopted an amendment to §851.101, as originally published in the Texas Register.
  - The Board unanimously adopted an amendment to §851.157, as amended.
- The Board next considered agenda item Q.
- Q. The next Board meeting was scheduled on February 14, 2014. It was suggested that the Committees all meet on a two-day period of January 23-24, 2014 to finalize their recommendations for the rule review. Chairman Knobloch assigned the General Issues Committee to take up the issue regarding P.G.s that are also required to register as sole proprietors.
- Member Krenz-Doe left the meeting at 1:00 p.m. The Board continued with the rest of the agenda as posted.
- O. A presentation on the development and design of the ASBOG® Fundamentals of Geology and Practice of Geology examinations was given by Member Mathewson.
- Member Prescott left the meeting at 1:30 p.m.
- P. Regarding the possible need for clarification regarding which activities performed by individuals in the academic community require a license; Member Hallmark reviewed a draft white paper that he proposed could be a starting point for discussion with those in the academic communities. The Board discussed what would be the desired outcome, which Dr. Hallmark confirmed would be to get feedback from the academic community, makes revisions as needed based on feedback, and hopefully obtain buy-in from the academic community. If that were to be achieved, Dr. Hallmark mentioned that the Board could use the information to draft an Advisory Opinion.
- R. The Board adjourned at 1:50 p.m.

A handwritten signature in black ink, appearing to read "Charles Knobloch".

Charles Knobloch, P.G., TBPG Chairman