



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower I, Room 1264
Austin, Texas 78701

June 3, 2010, 9:00 a.m.

Board Meeting Minutes

- A. The meeting was called to order at 9:11 a.m.
- B. Roll was called and members present were Board Chair Barbara Roeling, P.G., Vice-Chair Ron Kitchens, Secretary/Treasurer Tom Hallmark, P.G., PhD, Y. Lynn Clark, P.G., Charles Knobloch, P.G., J.D., Glenn Lowenstein, P.G., Justin McNamee and Greg Ulmer, J.D. A quorum was certified. Member Kelly Krenz-Doe, P.G. arrived at 9:15 a.m.
- C. Minutes from the March 26, 2010 Board meeting were approved as written.
- D. Public comment - Matthew Cowan, P.G., from the Texas Association of Professional Geoscientists, was present. Mr. Cowan offered some suggestions regarding TBPG Rules section 851.22 relating to examination waivers.
- E. Regarding recommended rule revisions: the Compliance and Enforcement Committee submitted their proposed revisions to 22 TAC 850 to the Board for their approval. The Board unanimously approved the rules as revised to submit for posting to the Texas Register. Sections 851.108 and 851.109 were referred back to the Compliance and Enforcement Committee for further clarification as it relates to the Occupations Code. The Board suggested that the Committee refer to Kevin Heyburn, OAG for clarification.
- The Board took a short lunch break at 11:54 a.m. and reconvened 12:30 p.m.
- F. Executive Director's Report: Mr. Horton addressed the return of Colonel Hess on July 1, 2010; and the agency's recent addition of Lead Investigator George Dunfield. He gave an overview of staff functions; the move toward implementing a new Licensing and Enforcement database; and the work that has gone into the Strategic Plan, the Base Reconciliation, and the Legislative Appropriations Request (LAR) which will be discussed later in the agenda.
- G. Committee and Work Group Reports:
- *Application Review and Continuing Education Committee:* Dr. Hallmark, Committee Chair, briefly addressed the Texas Geophysics exam administration; the committee's recent decisions on requests for waivers for educational requirements and licensing exam; and noted that the Geoscientist-in-Training Program application and flyer are complete and ready to include on the TBPG website upon Board approval.
 - *Compliance and Enforcement Committee:* Member Lowenstein, Committee Chair, indicated that the Committee has completed its proposed amendments for full Board consideration. The Committee briefly discussed options for non-compliant firms and development of a TBPG operations statement. An ethical statement for firms is being prepared to be included on TBPG website.



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

- *Financial Review and Strategic Planning Committee:* Committee Chair Ron Kitchens briefly addressed revenue and expenditures, and the recent changes to Performance Measures definitions.
- *General Issues Committee:* Member Clark, Committee Chair, indicated that the discussion on "Responsible Charge" advisory opinion would be discussed in Agenda Item M.
- *Legislative Committee:* Chairman Roeling, Committee Chair, indicated that the Committee is planning to meet before the next Board Meeting, as the Legislative session is approaching. Chairman Roeling expressed interest in re-establishing contact with Legislative officials; and the desire to be informed of any legislation that may have an impact on TBPG. Mr. Cowen indicated that the House Licensing and Administrative Procedures Committee is scheduled to meet July 8, 2010 to discuss licensing programs and determine their impact on consumers.
- *Joint Committee with TBPE:* Chairman Roeling, Committee Chair, outlined items discussed during the most recent meeting of the Joint Committee held on May 19, 2010: the appointment of the new Executive Director Lance Kinney, their recent increase in licensees; and their success with recent outreach webinars. The Joint Committee also discussed the TPBE Policy Advisory 10-95-A, which clarified the difference between geological and non-geological work in regard to Petroleum Storage Tank Sites.
- *Oil and Gas Work Group:* Interim Director Mr. Charles Horton discussed the results of the meeting that was held on May 21, 2010; he mentioned a presentation given by Dr. Martin Cassidy regarding Carbon Sequestration for enhanced oil recovery. It was suggested that the Board be given an overview/presentation on the topic.

H. Staff Reports: licensing, enforcement, and financial updates.

- Licensing: Operations Manager Molly Roman referred to the current licensing numbers: 5013 current Professional Geoscientists; and 322 current Firms/Sole Proprietorships are registered. Eight licenses have been issued since the recent ASBOG exam results came in, and summary information was provided regarding the March ASBOG exam results.
- Enforcement: Lead Investigator George Dunfield, PG, gave information regarding current enforcement efforts: there are fifteen open cases; fourteen complaints are against unlicensed or unregistered entities.
- Financial: Chief Financial Officer Leticia Kappel encouraged Board Members to utilize direct deposit options for reimbursement, and addressed travel accommodations.

Item I was discussed later in the agenda.

- J. Ms. Kappel discussed the Strategic Plan FY 2011-2015 and Customer Service Report: the due date for submission of the Strategic Plan is June 18, 2010. It was noted that the recommended changes from LBB were reflected in the current document; and an



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

overview of the recommended changes was provided. The Board unanimously approved the Strategic Plan with edits.

- K. Regarding the agency's Base Reconciliation: Ms. Kappel mentioned that the Base Reconciliation was submitted on May 26, 2010, and it reports actual expenditures for fiscal year 2009 and estimates for 2010 and 2011. The budgets for fiscal years 2012 and 2013 will be determined by the Base Reconciliation. It was also noted that decisions will need to be made soon regarding a request for more money or to request a lower budget.
- L. Regarding the agency's Legislative Appropriations Request (LAR) for the 2012-2013 biennium: it was mentioned that the due date for report submission is August 2, 2010. It was recommended that the agency request the 10% cut to be returned. The Board unanimously approved the LAR's development, and its submission by the Chair and the Executive Director on behalf of the Board.
- M. Regarding Advisory Opinions: Agency responses to Advisory Opinions 10-001 and 10-002 were unanimously approved as edited. The Board deferred the self-initiated advisory opinion regarding "responsible charge" back to the General Issues Committee for refinement.

The Board next considered item I. Regarding the Memorandum of Understanding (MOU) with the Texas Board of Professional Engineers, the Board unanimously approved the MOU as edited by the Joint Committee, in addition to the process flowchart and technical committee documents.

- N. Regarding the Texas Geophysics Exam, Member Krenz-Doe gave an overview of the exam, and indicated that overall the Texas Geophysics exam is a good test. Information regarding the exam will be posted on the website. Regarding TBPG ownership of the exam, it was determined that TBPG should inquire of Mr. Heyburn regarding the necessity of an escrow agent in order to protect the confidentiality of the examination.
- O. Regarding the Legal Interpretation Committee's determination on oil and gas exemptions and scope of practice, Member Ulmer gave an overview of the Committee's discussion. The committee determined that the oil/gas exemption is not a blanket protection and that it is limited. Complaints will be reviewed individually for jurisdiction.
- P. The next Board meeting is scheduled to be held on September 24, 2010.
- Q. The meeting adjourned at 6:55 p.m.

Barbara Roeling, P.G., *TBPG Chairman*