

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS
Compliance and Enforcement Committee

William P. Hobby Bldg., Tower I, Room 1264
January 28, 2010
1:30 p.m.

Summary of Minutes

- A.** The meeting was called to order at 1:35 p.m.
- B.** Roll was called and a quorum was certified. Members present were Glenn Lowenstein, P.G., Committee Chair, Dr. Tom Hallmark, P.G., Lynn Clark, P.G., and Kelly Krenz-Doe, PG.
- C.** The minutes from the October 8, 2009, Compliance and Enforcement Committee Meeting were approved as written.
- D.** Public comment. No comments were offered.
- E.** Regarding staff recommendations for consideration by the committee for possible recommendations to the full Board regarding possible proposed amendments to 22 TAC 851, Subchapter B, Code of Professional Conduct; Subchapter C, Compliance and Enforcement; and Subchapter D, Hearings – Contested Cases, Interim Executive Director Charles Horton summarized the rule revisions he has been drafting. Once the revisions are complete, Mr. Horton was instructed to send a draft to Member Lowenstein and the other committee members for their review and comments before being submitted to the full Board.
- F.** Regarding the Board’s responsibility to inform consumers of geoscience services (firms and governmental agencies) that a report or other geoscience work product was found to have been submitted/completed in violation of licensing, firm registration, or other requirements, it was determined that consumers would not be contacted. A “general awareness” letter could be sent to consumers without naming specifics.
- G.** Regarding the agency complaint procedure in regard to the information that is conveyed in a notice violation and the process of obtaining an agreement that results in a Board disciplinary order, the Committee unanimously approves revising the complaint procedure to remove the requirement to sign the Agreed Board Order if the respondent admits to the violation(s). Mr. West’s item will be addressed on the March 2010 Board agenda.
- H.** Regarding a proposed “frequently asked question” (FAQ) on the topic of the requirement of PG licensure for the performance of geoscientific work for the benefit of the public vs. private industry, the FAQ document presented at the committee will be read and revisited for approval.
- I.** Regarding the committee’s recommendation to the full Board regarding possible areas on which to comment to the Sunset Commission during the Sunset Commission’s review of

the Texas Commission on Environmental Quality and the Railroad Commission of Texas, suggestions are being documented for submission by TBPG.

- J.** Regarding ongoing enforcement initiatives, there are sixteen complaints that will be discussed at the Complaint Review Team meeting on 1/29. Most are regarding jurisdictional issues. Alberto Jimenez, Investigator, will be traveling to Stephen F. Austin University for an outreach opportunity.
- K.** Regarding follow up actions and future topics, it was suggested to do a search on enforcement cases around the country regarding oil/gas issues and licensure.
- L.** A future meeting date was scheduled for March 18, 2010 at 6:00 p.m.
- M.** The meeting was adjourned at 3:58 p.m.