



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

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Compliance and Enforcement Committee Meeting Minutes

March 24, 2011 Meeting
William J. Hobby Jr. Building
333 Guadalupe, Tower 1, Room 1264
Austin, Texas 78701

- A.** The Compliance and Enforcement Committee (C&E) meeting was called to order at 1:30 p.m., roll was called and a C&E quorum established. Board members Glenn Lowenstein, Committee Chair, Dr. Thomas Hallmark, Kelly Krenz-Doe, and Y. Lynn Clark (arrived at approximately 2:15 p.m.) were present. Michael D. Hess, Executive Director, George Dunfield, Professional Standards Unit (PSU) Chief, Alberto Jimenez, Investigator, and Kevin Heyburn, Legal Counsel attended the meeting as staff.
- B.** The minutes of the October 24, 2010 C&E meeting were approved as written.
- C.** Public comment: Matthew Cowan, Professional Geoscientist (PG), representing the Texas Association of Professional Geoscientists (TAPG) attended the meeting and contributed to several agenda item discussions.
- D.** Complaint Review Team (CRT) report: Board Member Krenz-Doe reported that 31 jurisdictional cases were reviewed by category (retired/surrendered licenses, reporting violations, expired PG licensee or firm found offering professional geoscience services without registration, CE violations, etc.) to consider case scenarios more consistently. Board Members Kelly Krenz-Doe and Dr. Thomas Hallmark recognized PSU Chief Dunfield for his organized, effective and professional case reviews and presentations.
- E.** February 22, 2011 CRT meeting report: PSU Chief Dunfield reported that staff will issue 6 Notices of Violation (NOVs) for violations of the Texas Geoscience Practice Act and/or Board Rules and recommended that the C&E consider eliminating a PGs written reporting to the TBPG of his/her retirement date and employment status (ref. TAC section 851.112(a)(5)).
- F.** Compliance program report: PSU Chief Dunfield discussed presentation of Agreed Board Orders to the Board via a simplified PowerPoint format to address the need to maintain the confidentiality of respondents being issued non-public letters of reprimand and to more effectively conduct Board votes. Staff also reported the completion of the first Memorandum of Agreement (MOA) with another regulatory agency (Railroad Commission of Texas) to introduce the practical concept of professional geoscientific regulation to support quality geoscientific work submittals to the agency and the Texas public they represent. This MOA has facilitated similar discussions with the Texas Commission on Environmental Quality, Texas General Land Office, Texas Water Development Board and other state and local jurisdictions.

- G.** Responsible Charge requirements of organizations under Texas Geoscience Practice Act (TPGA) section 1002.002(8): The C&E directed staff to assure that professionally licensed Board staff maintains Responsible Charge interpretive geoscience related to Board staff activities in compliance with TPGA section 1002.002(8). A staff meeting to clarify what tasks may include the professional practice of geoscience was suggested by Kevin Heyburn and Board Member Krenz-Doe.
- H.** Compliance/enforcement planning: Item was tabled.
- I.** Development, defining and enforcing PG standards of care: C&E recommended defining the applied standard of care of professional geoscience in Texas through providing descriptive enforcement action summaries of failure(s) to practice technically defensible geoscience.
- J.** No new topics were added for discussion at the next C&E meeting (new C&E to be formed).
- K.** No new C&E member assignments were made (new C&E to be formed).
- L.** The next C&E meeting to be scheduled after the appointment of new C&E members. The C&E adjourned at 4:50 p.m.