



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

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Compliance and Enforcement Committee Meeting Minutes

July 22, 2011 Meeting

333 Guadalupe, Tower 1, Room 1264
William P. Hobby Building, Austin, Texas

- A.** The Compliance and Enforcement Committee (C&E) meeting was called to order at 2:03 p.m., roll was called and quorum established. C&E members present were Barbara Roeling, PG, Committee Chair; Dr. Thomas Hallmark, PG; Becky Johnson, PG; and Justin McNamee, Public Member. Professional Standards Unit (PSU) Chief George Dunfield, PG and Investigator Alberto Jimenez, PG, were in attendance. Kevin Heyburn, TBPG legal counsel was available by telephone.
- B.** The minutes from the March 24, 2011 C&E meeting were approved, as edited.
- C.** There were no public comments.
- D.** PSU Chief George Dunfield and Investigator Alberto Jimenez provided an overview of Compliance and Enforcement program results from Fiscal Year (FY) 2005 through FY 2011 and showing how the Texas Board of Professional Geoscientists (TBPG) was on track to meet its compliance Performance Measures for FY 2011. The C&E directed staff to revise the TBPG complaint process flowchart and create a simplified self-initiated complaint flowchart.
- E.** Dr. Hallmark summarized the February 22, 2011 and July 22, 2011 Complaint Review Team (CRT) meetings comprising 49 case resolutions. The C&E recommended that two TBPG members should continue to participate in CRT meetings. The C&E agreed unanimously to make this recommendation to the TBPG. The C&E directed staff to now close simple or non-jurisdictional complaint case scenarios which the CRT has already provided direction (e.g. deceased practitioner is complaint subject, unlicensed practice complaints relating to engineering work sealed by a PE or PE firm, simple administrative violations by practitioners that practice solely in an exempt capacity, etc.). Staff was directed to provide a list of CRT case policy calls by compliant scenario received to date. All cases will continue to be reviewed by the C&E and scenarios to be reported to the TBPG by the C&E.
- F.** The C&E directed staff to maintain the confidentiality of individual complaint case records and to use the complaint summary presentation format suggested by TBPG legal counsel Kevin Heyburn for presentation of complaint information to the TBPG for TBPG action. Staff provided information on Leaking Petroleum Storage Tank (LPST) case file review efforts representing implementation of Texas Commission on Environmental Quality (TCEQ) TCEQ/TBPG Memorandum of Agreement (MOA) and new MOA efforts with the General Land Office and Texas Board of Professional Land Surveyors. Staff summarized the ongoing compliance and enforcement efforts including quarterly continuing education audits, reviews of PGs with expired licenses and evaluations of geoscience firm registration status.
- G.** The C&E re-reviewed and provided final edits to the C&E "Guidance for Use and Application of PG Seals" document and recommended its adoption by TBPG on August 12, 2011.

- H. The C&E reviewed and edited the TBPG compliance plans and will be responsible for updating and prioritizing TBPG compliance and enforcement efforts.
- I. Staff to provide samples of basic “standard of care” guidance documents for geoscience reports for discussion at the next C&E meeting. The C&E recommends to the TBPG that a combination of complaint case resolutions and standard of care guidance documents be used to communicate basic PG performance standards regulated by the TBPG to the licensees.
- J. Next C&E meeting topics will include i) review of the TBPG standard operating procedures and process flowcharts; ii) update and prioritization of the TBPG compliance and enforcement efforts; iii) TBPG member participation in outreach; iv) review of guidance documents; v) review of potential unlicensed practice by Corrective Action Specialist (CAS) firms; and vi) review of CRT case type scenarios and proposed recommended actions.
- K. The C&E member assignments will be made prior to the next C&E meeting.
- L. The next C&E meeting to be scheduled after the August 12, 2011 TBPG meeting; C&E meeting adjourned at 5:20 p.m.