

# TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

## *BOARD MEETING*

*July 13, 2007, 9:00 a.m.*

### *Summary of Minutes*

Agenda Item A: The meeting of the Texas Board of Professional Geoscientists was called to order at 9:04 a.m.

Agenda Item B: Members present were Chairman Y. Lynn Clark, PG, Secretary/Treasurer Glenn Lowenstein, PG, Member Gordon Ware, PG, Member C. Thomas Hallmark, PG, Member Barbara Roeling, PG, and Member Ronald Kitchens. Vice-Chairman Rene Peña and Member Greg Ulmer were late, and Member Kelly Krenz-Doe, PG, was not present. A quorum was certified.

Agenda Item C: The minutes from the March 30, 2007 Board Meeting were approved with one change.

Agenda Item D: Comments were presented to the Board from Mr. Matthew Cowan, PG, representing TAPG. He addressed the importance of the Board being able to accept anonymous complaints, and the issue of examination waivers, suggesting that specific criteria should be set out for those individuals requesting waivers of examination.

Agenda Item E: Acting Executive Director Vincent Houston addressed the current military status of LTC Michael Hess; the conclusion of the legislative session and the appropriations that were approved for the Agency, which includes the approved increase to the salary of the Executive Director, and the increase in the Out-of-State travel budget. The State Auditors Office will be auditing TBPG for the next four weeks. Director Houston also presented information on the "open door" policy from the Texas Ethics Commission regarding former Board members and their limited contact with the current Board.

#### Agenda Item F: Staff Reports

- Licensing- Ms. Annita Herrera, Director of Licensing, addressed the current number of geoscience firms registered with the Board and the current number of applicants for the September ASBOG® examination.
- Enforcement- Mr. Albert Jimenez, PG, Investigator, addressed the two complaints received since March 2007, and mentioned that there will be more outreach efforts in the coming months.
- Finance- Ms. Leticia Kappel, Accountant, referred this item to the Finance Committee Report, which will be presented under Agenda item G.

#### Agenda Item G: Committee Reports

- The Application Review Committee Report was presented by Member Hallmark, who addressed the educational criteria necessary to sit for the ASBOG® examination. The Board voted to approve applicants for examination if they have 15 or more hours of geology coursework. Reciprocity was addressed as an ongoing item for the committee; language is being drafted for future reciprocity agreements; Continuing Education course approval was also addressed; consideration of utilizing a national accreditation service; establishing standards for courses to meet for Board approval; possible establishment of an audit process; suggestion of utilizing a consultant for reviewing course content.
- The Compliance and Enforcement Committee Report was given by Member Roeling, who mentioned Mr. Henry Wise, PG's recent comments expressing concern for the lack of reserve monitoring. The committee will review the standard enforcement operating procedures and revise to include firms. Outreach was discussed: Member Lowenstein will handle educational institutions, Member Roeling will handle groundwater associations, and Albert Jimenez will handle professional societies and associations. Standardized fines will be addressed at a future meeting.

- Financial Review and Strategic Planning Committee Report was presented by Member Kitchens, who addressed the budget review for fiscal year 2007 through June; discretionary funds available at the end of the fiscal year; TBPG has stayed well within its budget; and the upcoming review of the Governor's Operating Budget, which is to be submitted in October. The strategic plan will be addressed in upcoming months. Also addressed by Vice-Chairman Peña were the changes in budget allocation for licensing and enforcement for fiscal year 2008.
- General Issues Committee Report was presented by Member Roeling. All items that were discussed at recent meetings will be addressed later in the agenda.
- Joint Committee with TBPE Report was presented by Chairman Clark, who addressed the issue of work that is both geoscience and engineering; the issue of self-initiating complaint investigations; the drafting of policy statements to clarify the responsibilities of PG and PE practitioners and Boards; and the posting of those policy statements on both TBPG and TBPE websites.

Agenda Item H: Waiver of examination request for applicant Leigh W. Dudash. Ms. Dudash passed a comparable exam for licensure in the state of California; the Board unanimously approves this waiver of examination.

Agenda Item I: 22 TAC 851.28, regarding license renewal notifications. An amendment was unanimously approved for posting to the Texas Register as written.

Agenda Item J: 22 TAC 851.31, regarding temporary licenses and the removal of redundant language. An amendment was unanimously approved for posting to the Texas Register.

Agenda Item K: Geophysics examination issues. This item is postponed until the next Board meeting.

Agenda Item L: The April 2007 complaint. This person was unaware of the Board's existence before the complaint was filed, but the information in question was promptly removed from the individual's website. The Committee approved a letter to be sent to the individual. The Board approved the sending of Cease and Desist letters for future cases to go out within fifteen days allowing respondents fifteen days to correct the cited problem without an imposed fine.

Agenda Item M: Potential litigation. This item will be addressed later in closed session.

Agenda Item N: 22 TAC 850.62, regarding activities regulated by the Board. An amendment was unanimously approved for posting to the Texas Register.

Agenda Item O: The letter received from the Houston Geological Society. Chairman Clark sent a response letter to the Houston Geological Society because he felt that Committee action or Board approval was not necessary in this case. The Board agreed that when similar letters come in regarding the public practice of Geoscience, or Board jurisdiction or activities, a letter should go out in a timely manner notifying them that the reviewing process is underway.

Agenda Item P: 22 TAC 851.152, regarding Firm Compliance. This item was referred back to the Compliance and Enforcement Committee. The Board agreed to have a statement regarding firm registration to be sent out on license renewal reminders.

Agenda Item Q: Fines and other sanctions for violations of TBPG rules. This item is postponed until the next Compliance and Enforcement Committee meeting.

Agenda Item R: 22 TAC 851.156, regarding Geoscientist's Seal and a PG's responsibility. This item is referred to the next General Issues Committee for further review.

Agenda Item S: 22 TAC 850.63, regarding the directing of complaints to the Board. The Board referred this item back to the next General Issues Committee for further review.

Agenda Item T: 22 TAC 850.82, regarding dishonored check fees. An amendment was unanimously approved for posting to the Texas Register.

Agenda Item U: 22 TAC 851.80, regarding updating fees for geophysics examination and insufficient funds. An amendment was unanimously approved for posting to the Texas Register.

Agenda Item V: 22 TAC 850.1, regarding changing the language to reference the Texas Occupations Code. An amendment was unanimously approved for posting to the Texas Register.

Agenda Item W: 22 TAC 850.10, regarding changing the language to reference the Texas Occupations Code. An amendment was unanimously approved for posting to the Texas Register.

Agenda Item X: 22 TAC 851.10, regarding changing the language to reference the Texas Occupations Code. An amendment was unanimously approved for posting to the Texas Register.

Agenda Item Y: 22 TAC 851.101, regarding changing the language to reference the Texas Occupations Code. An amendment was unanimously approved for posting to the Texas Register.

Agenda Item Z: 22 TAC 851.107, regarding changing the language to reference the Texas Occupations Code. An amendment was unanimously approved for posting to the Texas Register.

The Board next considered Agenda Item FF: Dr. Christopher C. Mathewson, a Professional Geoscientist from Texas A&M University, gave a presentation to the Board regarding ethical issues in the geoscience industry.

The Board met in Executive session beginning at 2:34 p.m. to consider Agenda Items M and DD, as authorized by the Texas Open Meetings Act. Closed session ended at 3:43 p.m. and the Board meeting continued with Agenda Item AA.

Agenda Item AA: The Board agreed to pursue the option of offering an inactive status to licensees. The General Issues Committee will continue to work on this item.

Agenda Item BB: The Board unanimously approved Chairman Clark as the new Subject Matter Expert (SME) for ASBOG® provided he passes the next ASBOG® examination. Otherwise, Albert Jimenez will attend as acting representative of the Board.

Agenda Item CC: Regarding the proposed by-laws for the ASBOG® Foundation, the Board will do further investigation on this matter. The Board unanimously approved the appointment of Vice-Chairman Peña to direct Mr. Jimenez on the Board's position for the upcoming vote.

Agenda Item DD: This was discussed previously in closed session. The Board unanimously approved a 5% merit increase for the Acting Executive Director, effective August 1, 2007. The Board additionally concurred with the recommended salary increase of TBPG's Executive Director approved by the 80<sup>th</sup> legislature.

Agenda Item EE: Parliamentary Procedure Training for Board Members. The Board agreed that a training class in Parliamentary Procedures would be beneficial for Board Members. Mr. Houston will schedule the training to be held before the next Board meeting.

Agenda Item GG: The next Board Meeting of the Texas Board of Professional Geoscientists will be held November 30, 2007.

Agenda Item HH: The meeting was adjourned at 4:31 p.m.

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Y. Lynn Clark, Chairman