

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Meeting of November 14, 2003
William P. Hobby Jr. Building
333 Guadalupe, Tower 3
Austin, Texas

Summary of Minutes

The Chairman called the meeting to order at 9:40 a.m November 14, 2003 as per Agenda Item A. Members present were Chairman W. Kevin Coleman, Vice Chairman Edward Miller, Murray Milford, Kimberly Phillips, Gordon Ware, Sheila Hall, Rene Pena, and Danny Perkins. Roll call verified as meeting quorum was present per Agenda Item B. Member Kelly Krenz-Doe was absent, but had notified the staff that she would be present for the meeting no later than 1 PM that day.

Staff present included: Michael Hess, Executive Director, Texas Board of Professional Geoscientists (TBPG), Annita Herrera, Director of Licensing, Vince Houston, Chief Financial Officer, Joyce Smith, General Counsel and Marty Denman, Executive Assistant of TBPG. Additionally, Frank Knapp, Assistant Attorney General, Office of the Attorney General and Richard Jaeske, Senior Project Manager, Versa Systems were also present to brief and support staff.

The Chairman immediately moved to Agenda Item G., discussion and action on recommendation of the Application Review Work Group on the following waiver requests and/or approval of applications.

Riaz Ala'i - Shiela Hall proposed a motion to approve under §6.09(b) of the Act which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Leonard C. Albright - Shiela Hall proposed a motion to deny under §6.05 of the Act which was seconded by Ed Miller. After discussion, the motion was passed by the Board by unanimous vote.

Robert M. Alford - Shiela Hall proposed a motion to deny under §6.05 of the Act which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

John D. Anderson - Kelly Krenz-Doe proposed a motion to deny under §6.05 of the Act which was seconded by Ed Miller. After discussion, the motion was passed by the Board by unanimous vote.

Chris Asimakopoulos - Shiela Hall proposed a motion to approve under §6.05(b) of the Act which was seconded by Gordon Ware. After discussion, the motion was passed by the Board by unanimous vote.

Robert Beaulkowski - Shiela Hall proposed a motion to approve under §6.09(b) of the Act which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

David R. Beaty - Shiela Hall proposed a motion to approve under §6.09(b) of the Act which was seconded by Danny Perkins, however after discussion, the motion was denied by the Board by unanimous vote. Kimberly Phillips, then, proposed a motion to deny the application and it was seconded by Gordon Ware. After discussion, the motion was passed by the Board by unanimous vote.

Helen P. Becka - Shiela Hall proposed a motion to approve under §6.05(b) of the Act which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Marcelo Benabentos - Shiela Hall proposed a motion to deny under §6.05 of the Act which was seconded by Kimberly Phillips, however after discussion, the motion was denied by the Board by unanimous vote. Shiela Hall, then, proposed a motion to approve under §6.09(b) of the Act which was seconded by Gordon Ware. After discussion, the motion was passed by the Board by unanimous vote.

Abiy K. Berehe - Shiela Hall proposed a motion to approve under §6.09 of the Act which was seconded by Danny Perkins. After discussion the motion passed by the Board by unanimous vote.

Joni L. Brown - Murray Milford proposed a motion to deny under §6.05(a) of the Act which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Hoy L. Bryson - Murray Milford proposed a motion to approve under §6.05(a) of the Act which was seconded by Gordon Ware. After discussion, the motion was passed by the Board by unanimous vote.

Robert P. Chelak - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Mark C. Cochran - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

William R. Cotton - Shiela Hall proposed a motion to approve under §6.09 of the Act which was seconded by Gordon Ware. After discussion, the motion was passed by the Board by unanimous vote.

Tom Edwards - Murray Milford proposed a motion to deny under §6.05(a) of the Act which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Otu Umoren Ukpo-Otu - Shiela Hall proposed a motion to approve which was seconded by Kimberly Phillips. After discussion, the motion was passed by the Board by unanimous vote.

Martin M. Fontenot - Murray Milford proposed a motion to deny which was seconded by Kimberly Phillips. After discussion, the motion was passed by the Board by unanimous vote.

Jason Goodwin - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

George Hatt - Murray Milford proposed a motion to approve which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Frederick M. Hines - Shiela Hall proposed a motion to approve which was seconded by Kimberly Phillips. After discussion, the motion was passed by the Board by unanimous vote.

Douglas W. Jackson - Murray Milford proposed a motion to deny as a soil scientists which was seconded by Ed Miller. After discussion, the motion was passed by the Board by unanimous vote. Additionally, Shiela Hall proposed a motion to deny under Geology which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Steven R. Kennedy - Shiela Hall proposed a motion to deny due to lack of work experience which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Sherjil A Khan - Shiela Hall proposed a motion to approve under §6.09 of the Act which was seconded by Murray Milford. After discussion, the motion was passed by the Board by unanimous vote.

Roy D. King - Murray Milford proposed a motion to deny for lack of education and experience which was seconded by Ed Miller. After discussion, the motion was passed by the Board by unanimous vote.

William Lau - Shiela Hall proposed a motion to approve under §6.09 of the Act which was seconded by Kimberly Phillips. After discussion, the motion was passed by the Board by unanimous vote.

Craig R. Maddox - Shiela Hall proposed a motion to deny under §6.05(b) of the Act which was seconded by Gordon Ware. After discussion, the motion was passed by the Board by unanimous vote.

Michael F. Marcon - Shiela Hall proposed a motion to deny under §6.05(b) of the Act which was not seconded. After discussion, Kimberly Phillips proposed a motion to approve the applicant which was seconded by Murray Milford. After discussion, the motion was passed by the Board by unanimous vote.

Sushil K. Modak - Shiela Hall proposed a motion to approve under §6.09 of the Act which was seconded by Kimberly Phillips. After discussion, the motion was passed by the Board by unanimous vote.

Wasiu B. Odufisan - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Michelle A. Ogee - Shiela Hall proposed a motion to deny under §6.05 of the Act and was seconded by Danny Perkin. After discussion, the motion was passed by the Board by unanimous vote.

Vanentine A. Onyia - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Raaj U. Patel - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Dawn Pakebusch - Shiela Hall proposed a motion to deny which was not seconded. After discussion, Kimberly Phillips proposed a motion that the application be denied which was seconded by Shiela Hall. After discussion, the motion was passed by the Board by unanimous vote.

Stephane Ray - Murray Milford proposed a motion to deny which was seconded by Shiela Hall. After discussion, the motion was passed by the Board by unanimous vote.

Keith Sandel - Shiela Hall proposed a motion to deny which was seconded by Gordon Ware. After discussion, the motion was passed by the Board by unanimous vote.

Shondeep Sarkar - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Calvin Serpas - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Robin W. Shaver - Shiela Hall proposed a motion to deny under §6.05(b) of the Act which was seconded by Kimberly Phillips. After discussion, the motion was passed by the Board by unanimous vote.

Donn S. Smith - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Kevin V. Soders - Murray Milford proposed a motion to deny under §6.05(a) of the Act which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Dean L. Stoneman - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Victor M. Sustaita - Kimberly Phillips proposed a motion to deny which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Ned B. Troshanov - Shiela Hall recommended that the application be approved which was seconded by Kelly Krenz-Doe. After discussion, the motion was passed by the Board by unanimous vote.

Kevin Van Hook - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Anthony Vassiliou - Kelly Krenz-Doe recommended that the application be returned to staff for processing and the Board concurred.

Chad E. Vowell - Murray Milford proposed a motion to deny which was seconded by Kelly Krenz-Doe. After discussion, the motion was passed by the Board by unanimous vote.

Randal G. Weber - Murray Milford proposed a motion to deny as a soil scientists which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote. Kelly Krenz-Doe proposed a motion to deny under Geology which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Steven R. Wemple - Murray Milford proposed a motion to deny which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Franklin Williams - Shiela Hall recommended that the application be returned to staff for processing and the Board concurred.

Mark E. York - Shiela Hall proposed a motion to approve which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

Request pursuant to §6.05(b) of the Act for approval of qualifying work experience in lieu of educational requirements.

William K. Hutchison - Shiela Hall proposed a motion to approve which was seconded by Danny Perkins. After discussion, the motion was passed by the Board by unanimous vote.

The Chairman moved to Agenda Item F., Staff Reports. Annita Herrera briefed that we had 3,000 more licenses to approve, but that all the licenses are into the final stage of the approval process. Vince Houston briefed on the current and anticipated financial situation. Joyce Smith briefed on the open records requirements and the need for the Board to be aware of possible violations of the Open Records Act if more than two (2) members communicated via e-mail, telephone, or interfaced personally. Marty Denman provided handouts regarding travel and hotel guidelines, agency performance measures, and state directory requirements for the upcoming 2004 publication of the agency. Richard Jaeske briefed on the implementation of the Versa system.

The Chairman moved to Agenda Item E., Executive Director's Report. Michael Hess briefed the Board on the upcoming Board meeting dates: January 16th, April 23rd, and August 6th and on projected implementation of computer systems and of recommended changes to Board procedures.

The Chairman moved to Agenda Item H., Discussion and action on adoption of proposed rule 22 TAC, Subchapter A, §851.23 regarding the granting of credit by the Board of full-time graduate study in the discipline of geoscience. Gordon Ware made a motion that the Board adopt rule §851.23 which was seconded by Murray Milford. The motion passed by unanimous vote.

The Chairman moved to Agenda Item I., Discussion and possible action to consider new rules under 22 TAC, Subchapter §851.28 regarding license renewal. The Vice-Chairman outlined the discussion and the implications of prorating the license renewals. The Chairman concurred with the concept of prorating the license renewals, but cautioned that this would be best done through a rule change. Frank Knapp and Joyce Smith both concurred that it would be in the best interest of the agency to prorate the renewals through a rule change.

The Chairman moved to Agenda Item J., work group reports. Gordon Ware briefed on the necessity of changing our performance measure as they currently stand in the strategic plan. Danny Perkins briefed and outlined his concept for the drafting and development of revised licensing procedures and recommended that that process be outsourced. The Chairman briefed on his positive visit with the Executive Director to the Engineering Board and the possible MOU's that would be developed with that board. Additionally, the Chairman briefed on his successful development of the CAPM process with the Texas Commission on Environmental Quality (TCEQ). The procedure, as established by the Chairman, and TCEQ is that licensed professional geoscientists may acquire an affidavit from our agency which they can include in their paperwork to TCEQ for the CAPM.

The Chairman moved to Agenda Item K., Creation and abolishment of certain work groups by the Chairman as appropriate. The Board decided to table this discussion until all "grandfathered" applicants had received their licenses. There was no discussion for Agenda Item L., Executive session under §551.074 Government Code, discussion of personnel matters or Agenda Item M.

The Chairman moved to Agenda Item N., Discussion and possible action regarding titles of unlicensed geoscientists acceptable to the Board. Gordon Ware stated that this should not be an issue unless an unlicensed geologist uses the professional geoscientists (PG) behind his or her name.

The Chairman moved to Agenda Item O., Development of a resolution thanking the TCEQ for their support of the Texas Board of Professional Geoscientists. The resolution was developed by Kimberly Phillips and unanimously approved by the Board.

The Chairman moved to Agenda Item P., Guidelines for the use of the professional geoscientist license seal. The Vice-Chairman led the discussion and directed the implementation of new language that further explained the use of the professional geoscientist license seal. The changes were immediately implemented by staff and are now routinely sent out with all new geoscientist licenses.

The Chairman moved to Agenda Item C., Approval of the summary of the August 22, 2003 minutes. Gordon Ware made a motion to approve which was seconded by Danny Perkins. The Board unanimously approved the minutes.

The Chairman moved to Agenda Item Q., Recommendation for agenda items for the next board meeting. The Board agreed that they wanted reports on the following: financial statements and final year-end reports, proposed new rule for prorating license renewals, staff reports, applications for review by the Board, the Executive Director report, Work Group reports, Geophysics exam, and the status of the geology and soil science exams.

The Chairman moved to Agenda Item R., Discussion of date, time and location of the next board meeting. January 16, 2004 at 9:30 AM was selected with the location to be decided by staff. There was no public comment as per Agenda Item D.

The Chairman moved to Agenda Item S., Adjournment. Danny Perkins made a motion to adjourn the meeting. Murray Milford seconded the motion. The motion passed by unanimous vote.

William K. Coleman, Chairman
Texas Board of Professional Geoscientists