

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

BOARD MEETING

Summary of Minutes

November 17, 2006, 10:00 a.m.

William P. Hobby, Jr. Building
333 Guadalupe Street, Room 100
Austin, Texas 78701

Per Agenda Item A, the meeting was called to order at 10:06 a.m. by Chairman Gordon Ware.

Per Agenda Item B, Secretary/Treasurer Pena conducted roll call and certified a quorum. Board Members present were Chairman Gordon Ware, Vice Chairman Y. Lynn Clark, Secretary/Treasurer Rene Pena, Members Glenn Lowenstein, Danny Perkins, PhD., Shiela Hall, Dr. Murray Milford, and Kelly Krenz-Doe.

Per Agenda Item C, the minutes from the August 18, 2006 Board Meeting were approved.

Per Agenda Item D, public comments were received from Dr. Judy Reeves, P.G., who addressed a job posting advertised by the *Llano Estacado Underground Water Conservation District*. The job posting lists duties that must legally be performed by a Professional Geoscientist, but it does not list P.G. licensure as a prerequisite for the position. Copies of the job posting were requested by the Board.

Per Agenda Item E, the Executive Director's Report: Acting Executive Director Vincent Houston addressed recent staff changes; the status of LTC Hess; the Legislative Appropriations Request for Fiscal Year 2008/9 which is currently under review; TBPG finances; the upcoming Legislative Session in January; recent outreach visits; the number of active licensees is 6,461; the recently completed TBPG Risk Management Program Review; Agency priorities which include enforcement, firm registration, continuing education, and additional outreach activities.

Per Agenda Item F, the Staff Reports:

The Compliance and Enforcement Report was presented by Investigator Albert Jimenez, and included: five hundred LPST files have been reviewed at TCEQ; certified letters regarding the P.G. seal are yielding results with a 75% response rate; recent outreach activities; the need for proper sealing procedures to be made available to the licensees; addressed question of whether enforcement goals are being met; only written complaints are counted; and enforcement is appropriately supported at this time; as complaints increase there could be a need for additional enforcement resources.

The Licensing Report presented by Ms. Annita Herrera addressed the following: fifty Geoscience firms are now registered with TBPG; approximately fifty CE audits have been performed so far, and about half have passed the audit; the recent ASBOG® exam results are in with a possibility of eleven new licensees; update from the recent ASBOG® conference.

The Financial Report was presented by Acting Executive Director Vincent Houston who addressed the revenues for Fiscal Year 2006; Fiscal Year 2007 breakdowns were given. Secretary/Treasurer Pena addressed the Agency budget which was balanced by TBPG successfully; the travel budget has been maintained; and the monthly expenditures are being kept within budget so far for Fiscal Year 2007.

Per Agenda Item G, Dr. Murray Milford, P.G. gave an overview of the recent Council of Soil Science Examiners Conference including test question evaluation; the averages for passing scores; and that increasing numbers are taking the exam.

Per Agenda Item H, Member Shiela Hall, P.G. gave an overview of the recent ASBOG® Conference. Items addressed included: standards of evaluating test questions; the next ASBOG® conference dates; the possible development of examinations for additional specialties; a fee increase effective October 2008; task analyses to ensure exam questions are representative; recent news regarding lawsuit won in Florida; problems in state of Utah due to grandfathering of licensees; and the importance of TBPG utilizing the ASBOG® Council of Examiners.

Per Agenda Item I, Committee Reports:

The Compliance and Enforcement Committee Report was presented by Member Perkins, who addressed a complaint regarding an unlicensed individual practicing before the public; the Committee's recommendation that a C&D letter to be sent out to the individual and a copy of the letter to be sent to the HPWD was passed unanimously by the Board; no other action to be taken at this time. Also addressed was the recommendation that Mr. Randy Williams, P.G., be invited to give a presentation to the Board regarding groundwater issues; a suggestion that professionals in specific fields be invited to pertinent committee meetings or workgroups for advisory purposes; that the General Issues Committee discuss the possibility of setting up an advisory committee; the reviewing of committees and committee membership; and a statement being developed for contract managers and agents to ensure compliance with State Law.

The Application Review Committee report, given by Dr. Murray Milford, addressed qualifications for becoming licensed, the ongoing need for new licensees; how to encourage more to apply; how to get more public awareness through outreach; and the necessity and importance of P.G. licensure.

Agenda Item J, the report by the Secretary/Treasurer on fiscal, budgetary and strategic planning matters, was addressed earlier under Agenda Item F, in the Staff Reports.

Per Agenda Item K, the issues from the General Issues Committee were presented by Vice Chairman Clark. He addressed: ongoing bi-weekly calls to the Executive Director; an item regarding a Continuing Education (CE) course supposedly "endorsed" by TBPG; the "endorsement" still exists; a cease and desist letter was recently sent to the entity; this item to be discussed at the next General Issues Committee. Mr. Matthew Cowan, P.G., who is President of Texas Association of Professional Geoscientists, made recommendations regarding CE endorsement: suggested mirroring the Texas Board of Professional Engineers' CE program with slow development of the endorsement program; being careful not to make the endorsement criteria overly specific; and inviting professional societies to have a part in the meetings determining these criteria. Items to be discussed at the next General Issues Committee include: handling false CE endorsements; setting a date when organizations can submit their CE materials for review; whether the Application Review Committee can be reformatted to be the CE Review Committee or whether a new committee needs to be formed.

The meeting was adjourned for lunch at 12:35 p.m. and reconvened at 1:30 p.m.

Per Agenda Item L, Items one and two were removed from the agenda. Ms. Kathleen O'Reilly's request for waiver of the examination was discussed; the Committee recommends Board approval of the request. Ms. O'Reilly's request for waiver is approved by 2/3 vote.

Per Agenda Item M, 22 TAC §851.30: the Board unanimously approves adoption of the firm registration amendment as written.

Per Agenda Item N, 22 TAC §851.32: the Board unanimously approves the adoption of the continuing education amendment as written.

Per Agenda Item O, the Board recognizes the contributions of exiting Member Kimberly Phillips by awarding her a plaque recognizing her contributions to the Board during her years of service.

Per Agenda Item P, the status of new Board member applications at the Governor's office: Chairman Ware will be contacting Ms. Fraser at the Governor's office soon regarding applications that have been received.

Per Agenda Item Q, the Officers' term lengths were discussed; are all expiring in May 2007. Chairman Ware recommends any who wish to become Chairman should rotate into the position; the Chairman will serve his full term until May 2007 and assist the new Chairman with the responsibilities. Board elections were held: the Board elected Vice Chairman Y. Lynn Clark to the office of Chairman effective May 2007; the Board elected Secretary/Treasurer Rene Pena to the office of Vice Chairman effective May 2007; the Board elected Member Glenn Lowenstein to the office of Secretary/Treasurer effective May 2007.

Per Agenda Item R, the date of the next Board meeting will be March 30, 2007 in Austin. Future agenda items include inviting Mr. Randy Williams, P.G., to give a presentation to the Board regarding groundwater management issues.

Per Agenda Item S, the meeting was adjourned at 3:19 p.m.

Gordon Ware, P.G., Chairman
Texas Board of Professional Geoscientists