

# TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

## *Summary of Minutes*

### **Board Meeting**

*March 30, 2007, 10:00 a.m.*

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

Per Agenda item A, Chairman Gordon Ware called the meeting to order.

Per Agenda item B, the newly appointed Board Members were introduced and sworn in by Chairman Ware. New Board Members include Dr. Charles Thomas Hallmark, PG, Mr. Ronald L. Kitchens, Ms. Barbara O. Roeling, PG, and Mr. Gregory C. Ulmer.

Per Agenda item C, Secretary/Treasurer Rene Peña called roll and certified a quorum. Present were Member Krenz-Doe, Sec/Treasurer Peña, Chairman Ware, Member Lowenstein, Member Ulmer, Member Hallmark, Member Roeling, and Member Kitchens. Vice-Chairman Clark was not present.

Per Agenda item D, the Agency's new legal representation from the Office of the Attorney General was introduced: Mr. Kevin Heyburn, Assistant Attorney General.

Per Agenda item E, the minutes from the Board Meeting of November 17, 2006 were approved without changes.

Per Agenda item F, there were no comments from the public.

Per Agenda item G, Acting Executive Director Vincent Houston addressed the status of Executive Director LTC Hess and his current armed forces assignment in Iraq; the recent completion and graduation of Mr. Houston from the Governor's Executive Director Course; the continuation of the 80<sup>th</sup> legislative session, including the review of the TBPG appropriations request for 2008-09, the exceptional items request, the recommended increase of salary for the Executive Director, and the approval of out-of-state travel budget increase for TBPG; TBPG continues to operate within budget; staff merit increases will be reviewed by the Executive Director and will be kept within budget restraints; staff priorities include enforcement, firm registration, continuing education, and outreach to acquire new licensees.

Per Agenda item H, the Board discussed the status of Acting Executive Director Vincent Houston. The Board is pleased with Mr. Houston's handling of matters since the re-assignment of Executive Director LTC Hess to the U.S. Army; the Executive Director position will be held for LTC Hess upon his return and no action is necessary at this time. This issue will be addressed in the future at the committee level.

Per Agenda item I, Committee Reports include:

- The Application and Review Committee- The report was given by Member Krenz Doe. The committee has a recommendation for the Board, which will be addressed under Agenda item L.
- The Compliance and Enforcement Committee- The report was given by TBPG Investigator Alberto Jimenez, PG. He addressed a complaint from November 27, 2006 which related to "P.G." usage to sign a document in Texas by someone not licensed in Texas; a cease and desist letter was sent out. The review of reports at TCEQ is ongoing; 200 LPST reports have been reviewed since the last Board meeting; reviews are being conducted by county and with reference to population numbers; a suggestion was made to focus enforcement on important issues like water; also, how to assist Mr. Jimenez with the enforcement effort on a limited budget. The Enforcement and Compliance Plan is in place and includes outreach. Recent outreach opportunities have included speaking engagements at meetings of the Texas Association of Groundwater Districts, the Soil Survey and Land Resources Conference at Texas A&M University, and a recent Underground Storage Tank conference.
- The Financial Review- The report was given by Sec/Treasurer Peña, who discussed the current budget; travel expenditures; Agency expenditures are on track for the year; Agency funds can be re-allocated as necessary; management has done very well keeping within budget.

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- The General Issues Committee has not met since the last Board meeting; no Committee report was given. Due to time constraints of some participants at the Board Meeting, Chairman Ware proposes moving from Agenda item I to Agenda item L, then continuing with the Agenda as posted.

Per Agenda item L, regarding the request for waiver of examination from Mr. Carroll Don McReynolds, the Application Review Committee recommends the Board approve the waiver of examination requirement pursuant to Section 1002.259. Testimony was given on behalf of Mr. McReynolds by four individuals: Mr. William Mullican, PG, Mr. Jim Conkwright, Mr. David Jeffery, PG, and Mr. Charles Williams, PG. In a vote of six to two, the Board approves the waiver of examination for Mr. McReynolds.

Per Agenda item J, Acting Executive Director Houston addressed an e-mail sent to TBPG from the SEC regarding the sealing of reports from geologists in the Oil and Gas industry. Mr. Kevin Heyburn then clarified that these reports would be distributed among others in the industry, and that the SEC wants TBPG to interpret its own rules and statutes. Mr. Heyburn recommends if a concern exists regarding these reports and their distribution, that a complaint should be filed and investigated, and then a determination can be made as to the outcome. Member Ulmer advised that there is a danger with giving generic legal opinions without obtaining all the necessary facts; and there is an additional concern due to not knowing how such advice may be used or interpreted in the future.

Per Agenda item K, Mr. Houston stated that staff reports have already been covered in other sections of the meeting. Current licensing statistics were submitted for the Board to review.

Per Agenda item M, Chairman Ware outlined the recommendations for Board Committees. Clarifications on the committee assignments will be forthcoming once Vice-Chairman Clark is consulted.

Per Agenda item N, discussion of Rule 851.30, regarding deadlines for registration of geoscience firms, Chairman Ware recommends addressing this issue at the next meeting of the General Issues Committee.

Per Agenda item O, discussion of Rule 851.32, regarding supporting documentation requirements for Continuing Education exemptions, Chairman Ware recommends addressing this issue at the next meeting of the Continuing Education and Application Review Committee.

Per Agenda item P, Hydrologist Charles R. Williams, PG, introduced the challenges of groundwater management in Texas. He discussed the types of activities performed by geoscientists in the industry; defining the “rule of capture”; groundwater in Texas is managed by groundwater conservation districts; these districts develop rules and regulatory structures for groundwater usage; funding methods; single county districts versus multiple county districts; data collection criteria; groundwater management areas; enforcement issues; establishing “desired future conditions” of aquifers; PG activities; the usefulness of groundwater availability models in determining future projections.

Per Agenda item Q, the next Board Meeting of the Texas Board of Professional Geoscientists will be held on July 13, 2007.

The meeting was adjourned at 3:26 p.m.

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Y. Lynn Clark, Chairman  
Texas Board of Professional Geoscientists