



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

April 29, 2016, 9:00 a.m.

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower III, Room 102
Austin, Texas 78701

MINUTES

- A. The regularly scheduled meeting of the Texas Board of Professional Geoscientists was called to order at 9:12 a.m. Roll was called, and a quorum was certified. Members present were TBPG Chairman C. Thomas Hallmark, PhD, PG, Vice-Chairman W. David Prescott, II, PG, Secretary/Treasurer Becky Johnson, PG, Joseph P. DeWoody, Greg Ulmer, JD, Christopher Mathewson, PhD, PG, PE, and Lindsey Lee Bradford. Members Steven Fleming, PG, and Bereket M. Derie, PhD, PG, were unable to attend.
- B. Oath of office and swearing in of new Board Members. Dr. Hallmark welcomed the new members to the Board. Member Lindsey Lee Bradford was given the oath of office and was sworn in.
- C. The minutes from the February 5, 2016 Board Meeting were unanimously approved as written.
- D. Public comment. No comments from the public were given.
- E. Chairman's Report: Dr. Hallmark reported on the ASBOG® meeting in Baton Rouge with the Executive Council meeting and the Council of Examiners, TBPG's Preparation for its Sunset Review, and the enforcement cases waiting to proceed to the State Office of Administrative Hearings (SOAH).
- F. Executive Director's Report: TBPG Executive Director Charles Horton addressed fiscal and budgetary matters, the Sunset Review process, a response to inquiry regarding US Environmental Protection Agency Spill Prevention Control and Countermeasures Plans, and that nothing has been received yet regarding TBPG's Attorney General Opinion Request regarding authority to accept a license resignation.
- G. Reports on recent Committee meetings and activities
 1. Application Review and Continuing Education Committee meeting (04-28-16) Committee Chair Prescott mentioned they are considering changes to §851.31, Temporary Licenses; consideration of other states' pre-ASBOG® geology competency examination as equivalent examinations per the TGPA; review of TBPG rules and processes related to the "good moral and ethical character" license eligibility requirement in the TGPA; review of TBPG processes related to: 1) qualifying examination candidates for examination and 2) administration for all parts of the ASBOG® and Texas Geophysics Examination (TGE); review whether TBPG has "compelling reason" for developing and using the TGE and develop a written justification for the TBPG's use of the TGE; determine whether TBPG's qualifying licensing examinations meet the Sunset Occupational Licensing/Regulation Model's standards; and review of TBPG's recent reciprocity requests.
 2. Compliance and Enforcement Committee meeting (04-28-16) Committee Chair Becky Johnson addressed the Committee's review of Complaint Standard Operating Procedures; review of TBPG's complaint tracking reports in light of the recommended Sunset Commission standards; the need for TBPG to

incorporate the Sunset Commission's standard related to utilizing a panel of experts to assist in the investigation of complaints; and review TBPG's potential use of mediated settlement conferences to resolve complaints.

3. General Issues Committee meeting (04-28-16) Committee Chair Dr. Christopher Mathewson mentioned the Committee's recommendation to request an update to the document, "The Value of Professional Geoscience Licensing in Texas" for TBPG's use to address the importance of regulation in Texas; development of an advisory committee to inform the TBPG regarding opportunities to comment to any federal or state agency regarding the need to include Professional Geoscientists as individuals qualified to perform work that includes the public practice of geoscience in relevant agencies' proposed rules; and consideration of TBPG's available consumer information for the public and licensees.
4. Financial Review/Strategic Planning Committee meeting (4-29-16) Committee Chair Greg Ulmer reported on TBPG's fiscal year deficit; the change to a new web host for the agency; and the upcoming Legislative Appropriations Request and Strategic Plan.

H. Staff Reports:

- Licensing Report: Licensing Coordinator Elsa Paynes reported on current licensing numbers, and March ASBOG® exam statistics.
- Financial Report: Chief Financial Officer Leticia Kappel addressed TBPG finances. Agency revenues and expenditures are on track.
- Enforcement Report: Enforcement Coordinator T. Wesley McCoy, PG, mentioned current enforcement numbers, open cases, recent Complaint Review Team (CRT) meeting highlights, and outreach. Enforcement Assistant Valerie Arnold addressed TBPG's implementation of TOC §§1002.206-1002.207 as amended by SB 138, 83rd Legislative Regular Session 2013.

I. Application for P.G. license received from the following individuals:

- Jesse G. White: Applicant for P.G. license requesting a waiver of the ASBOG® Fundamentals of Geology exam. This item was not considered; no action taken.
- Leigh Cunningham: The Board unanimously approved a waiver of the ASBOG® Fundamentals of Geology exam for Ms. Cunningham in a vote of 7-0.

J. Proposed Agreed Board Orders:

- Complaint Case No. 2015025: The Board adopted a \$200 fine and no public reprimand, in a vote of 5-0, with Members Mathewson and Johnson recused.
- Complaint Case No. 2015051: The Board adopted the Proposed Board Order by unanimous consent, with Members Mathewson and Johnson recused.

K. TBPG Strategic Plan for fiscal years 2017-2021. The Board unanimously granted authority to finalize the Strategic Plan and approval to submit the final draft to the state on or before June 24, 2016 to Committee Chair Ulmer and Board Chair Hallmark.


L. Legislative Appropriations Request (LAR) for FY 2018-2019. The Board unanimously granted authority to Board Chair Hallmark to approve and submit the final LAR for TBPG on or before the stated submission deadline.

M. Criteria for waiver of the ASBOG® Practice of Geology exam. The Board unanimously moved to table this item, and send it back to Committee for further revision.



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- N. Regarding whether continuing education courses can be counted as “equivalent coursework” for the educational requirements for licensure per Texas Geoscience Practice Act (TGPA) §1002.255(a)(2). The Board unanimously approved an FAQ as presented to allow for continuing education courses taught as technical/scientific courses that are equivalent to an upper division academic course with a primary learning objective of providing professional level education be counted as “equivalent coursework” for the educational requirement for licensure.
- O. Regarding a policy relating to the substitution of experience for education required for licensure, in light of Sunset Occupational Licensing/ Regulation standards. This item was recommended to be carried over until the next Board meeting. No action was taken.
- P. Regarding a policy relating to the waiver of education required for licensure, in light of Sunset Occupational Licensing/ Regulation standards. This item was recommended to be carried over until the next Board meeting. No action was taken.
- Q. Regarding a policy relating to the waiver of experience required for licensure, in light of Sunset Occupational Licensing/ Regulation standards. The Board unanimously approved that qualifying work experience is required for Professional Geoscience licensure as per the statute and rules and should not be waived.
- R. Complaint Investigation and Enforcement Standard Operating Procedures (SOPs). The Board unanimously approved that the Complaint and Enforcement Committee review and update the SOPs to incorporate the following policies:
- That in the investigation stage of a complaint, staff can dismiss administrative, meritless, and non-jurisdictional complaints;
 - That staff can investigate and inform the respondent that this is the last opportunity to present information and maintain its confidentiality and not in a public meeting, as a part of the staff investigation;
 - That the Complaint Review Team (CRT) meeting will be conducted as an open meeting, will be attended by one professional and one public Board member, and complaints will be redacted or de-identified;
 - That the CRT meeting prior to issuance of a Notice of Violation (NOV), the respondent may present additional information at the risk of the loss of confidentiality; however, the complainant may not present any information; and
 - That CRT meetings conducted after the NOV is issued are conducted as open meetings, and new information related to the complaint no longer needs to be redacted.
- S. The next Board meeting is scheduled on July 22, 2016. Committees are scheduled to meet on July 21, 2016.
- T. The meeting was adjourned at 12:58 p.m.


C. Thomas Hallmark, PhD, PG
TBPG Chairman