



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

July 22, 2016, 9:00 a.m.

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower I, Room 1250A
Austin, Texas 78701

MINUTES

- A. The meeting was called to order at 9:10 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, Greg Ulmer, JD, Christopher Mathewson, PhD, PG, PE, Lindsey Lee Bradford, Steven Fleming, PG, and Bereket M. Derie, PhD, PG. Member Joseph P. DeWoody was not in attendance.
- B. Oath of office and swearing in of new Board Members. New Board members Steven Fleming, PG, and Bereket M. Derie, PhD, PG, were sworn in.
- C. The minutes from the April 29, 2016 Board Meeting were approved as presented.
- D. Public comment. No members of the public were present. One licensee had submitted an email requesting TBPG to offer an "inactive" status. Chairman Hallmark tasked the General Issues Committee to research this issue.
- E. Chairman's Report: Chairman Hallmark mentioned TBPG's upcoming Sunset Review, and welcomed TBPG's new Board members.
- F. Executive Director's Report: Executive Director Charles Horton addressed fiscal and budgetary matters, introduced TBPG's new Chief Financial Officer Lisa Stockton, the upcoming Sunset Review process, and the display of information about Board Members on the TBPG website.
- G. Reports on recent Committee meetings and activities:
 1. Application Review and Continuing Education Committee meeting (07-21-16): Committee Chair Prescott addressed the Committee's review of TBPG's qualifying licensing examinations related to the Sunset standard; TBPG rules and processes related to: 1) qualifying applicants/examination candidates for examination and 2) administration for all parts of the ASBOG® and Texas Geophysics Examination (TGE); and the Committee's written justification for TBPG's use of the Texas Geophysics Examination.
 2. Compliance and Enforcement Committee meeting (07-21-16): Committee Chair Johnson mentioned the Committee reviewed TBPG's complaint tracking reports in light of the Sunset standards; and guidance from the Act on re-licensing a person who was the respondent to a previous complaint.
 3. General Issues Committee meeting (07-21-16): Committee Chair Mathewson addressed the Committee's discussion regarding development of an advisory committee; ways for licensees to communicate to TBPG about proposed rules in government that need to include PGs as individuals qualified to perform work that includes the public practice of geoscience; development of consumer publications; the status of "The Value of Professional Geoscience Licensing in Texas" document update; and review of rule 851.30, and the role of an Authorized Official of a Firm in response to an inquiry from a licensee.
 4. Financial Review/Strategic Planning Committee meeting (07-22-16): Committee Chair Ulmer discussed financial issues facing TBPG and other agencies.
- H. Staff Reports:
 1. Licensing Report. Licensing Coordinator Ms. Elsa Paynes addressed current licensing numbers, and exam statistics.
 2. Financial Report. Mr. Horton gave a brief overview of the end of year financial picture.

3. Enforcement Report. Enforcement Coordinator T. Wesley McCoy, PG, gave current enforcement numbers, Complaint Review Team (CRT) meeting highlights, and review of recent complaints dismissed by staff.
- I. Proposed Agreed Board Orders:
 - The Board adopted Complaint Case No. 2016010 by unanimous consent, with Member Mathewson being recused.
 - The Board adopted Complaint Case No. 2016013 by unanimous consent, with Member Mathewson being recused.
 - The Board adopted Complaint Case No. 2016019 by unanimous consent, with Member Mathewson being recused.
 - The Board adopted Complaint Case No. 2016023 by unanimous consent, with Member Mathewson being recused.
 - The Board adopted Complaint Case No. 2016024 in a vote of 6-1, with Member Prescott dissenting and Member Mathewson being recused.
 - The Board adopted Complaint Case No. 2016025 in a vote of 6-1, with Member Prescott dissenting and Member Mathewson being recused.
 - J. TBPG Strategic Plan for fiscal years 2017-2021. Committee Chair Ulmer addressed that TBPG's strategic plan was submitted timely.
 - K. Legislative Appropriations Request (LAR) for FY 2018-2019. The Board approved making a request to restore the 4% budget reduction as an exceptional item request in the LAR.
 - L. Regarding the employment, evaluation and salary of the Executive Director, the Board went into closed session at 11:22 a.m. The Board reconvened into open session at 11:37 a.m. No action was taken in closed session. The Board unanimously approved to raise the salary of the agency's executive director to \$90,847 effective September 1, 2016.
 - M. The Board unanimously approved a proposal of amendment to 22 TAC §851.29, Endorsement and Reciprocal Licensure, as presented for posting to the Texas Register for public comment.
 - N. The Board unanimously approved a proposal of amendment to 22 TAC §851.31, Temporary License as presented, for posting to the Texas Register for public comment.
 - O. The Board unanimously approved a proposal of amendment to 22 TAC §851.32, Continuing Education Program, as presented, for posting to the Texas Register for public comment.
 - P. The Board unanimously approved a proposal of new rule, 22 TAC 851.35, regarding Voluntary Surrender of a License, Registration or Certification, as presented, for posting to the Texas Register for public comment.
 - Q. The Board unanimously approved proposal of new rule, 22 TAC §851.113, Duty to abide by Board order and timely pay administrative penalty, as presented, for posting to the Texas Register for public comment.
 - R. The Board unanimously approved proposal of new rule, 22 TAC 851.203, regarding default proceedings in contested case hearings scheduled with the State Office of Administrative Hearings (SOAH), as presented, for posting to the Texas Register for public comment.
 - S. The Board unanimously approved proposal of new rule, 22 TAC §851.204 Costs of Administrative Hearings, as amended, for posting to the Texas Register for public comment.
 - T. The Board approved the Compliance and Enforcement Committee's recommendation of the following motions:
 - The Board approved by unanimous consent to rescind previous board action that "staff 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 part of the staff investigation."
 - The Board approved by unanimous consent to rescind previous board action that "the 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."



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- The Board approved by unanimous consent to rescind previous board action “that the CRT meeting prior to issuance of an NOV, the respondent may present additional information at the risk of the loss of confidentiality; however, the complainant may not present any information.”
- The Board approved by unanimous consent to rescind previous board action “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.”
- The Board approved by unanimous consent a new motion that CRTs remain exempt from the Open Meetings Act.
- The Board approved by unanimous consent a new motion that CRTs identify violations and propose Notices of Violations (NOVs).
- The Board approved by unanimous consent a new motion that CRTs may recommend to the full board a case for dismissal but may not dismiss cases.

The Compliance and Enforcement Committee was tasked to make corresponding changes to the TBPG’s Standard Operating Procedures.

- U. The Board adopted the Application Review and Continuing Education Committee’s recommended ASBOG® Practice Exam Waiver Request Policy by unanimous consent.
- V. The Board reviewed the Application Review and Continuing Education Committee’s recommended criteria for the waiver of the education requirement as provided by Texas Occupations Code §1002.259. This item was sent back to Committee for further review.
- W. The Board adopted the Application Review and Continuing Education Committee’s recommended criteria for the substitution of experience for the education requirement as provided by Texas Occupations Code §1002.255(b) by unanimous consent.
- X. The Board reviewed the Application Review and Continuing Education Committee’s written policy statement concerning waiver of the experience requirement for licensure. The statement had been approved at the last Board meeting. No further action was necessary.
- Y. The Board adopted the Application Review and Continuing Education Committee’s recommended examination accessibility policy as amended by unanimous consent.
- Z. Applications for P.G. license received from the following individuals:
 - Jorge Rangel Aldao: The Board approved the applicant’s request for waiver of the ASBOG® Fundamentals of Geology exam in a vote of 7-1, with Member Mathewson abstaining. Additionally, the Board approved the applicant’s request for waiver of the ASBOG® Practice of Geology exam in a vote of 7-1, with Member Mathewson abstaining, provided that the applicant’s transcript upholds six of the eight areas of practice in the Board’s recently approved waiver policy.
 - Dr. John Paul Brandenburg: The Board unanimously approved the applicant’s request for waiver of the ASBOG® Fundamentals of Geology examination.
 - Jerry C. Eumont: The Board unanimously approved the applicant’s request for waiver of the ASBOG® Fundamentals of Geology and Practice of Geology examinations.
- AA. Date and agenda items for next meeting. The next Committee meetings are scheduled to be October 27, 2016. The next Board meeting is scheduled for October 28, 2016.
- BB. The meeting was adjourned at 2:00 p.m.


C. Thomas Hallmark, TBPG Chairman