



Texas Board of Professional Geoscientists

* * * *

Training for Implementation of
Texas Occupations Code
§§1002.206-207

* * * *

Introductions



- Charles Horton, *Executive Director*
- Wesley McCoy, P.G., *Enforcement Coordinator*
- *Guest Presenter, TBPG Board Member*

Terms and Acronyms



- Texas Geoscience Practice Act (TGPA, TOC 1002, the Act)
- Texas Occupations Code (TOC)
- Texas Board of Professional Geoscientists (TBPG)
- Board rules (Texas Administrative Code [TAC], Chapters 850 and 851)
- Professional Geoscientist (P.G.)
- Memorandums of Agreement (MOA)
- Memorandums of Understanding (MOU)

Senate Bill 138

83rd Texas Legislature



- Author: Senator Judith Zaffirini
- House Sponsor: Representative Ryan Guillen
- Amended the Texas Geoscience Practice Act (Texas Occupations Code, Chapter 1002)

Senate Bill 138



SB 138 (Zaffirini) Amended the Texas Geoscience Practice Act:

- TBPG required to work with each state agency that uses the services of a Professional Geoscientist/other appropriate state agencies as identified by the Board to educate agency employees regarding the procedures by which complaints are filed with and resolved by the TBPG
- A state agency that becomes aware of a potential violation of the Texas Geoscience Practice Act or a rule adopted by the TBPG is required to forward information relating to the potential violation and any subsequently obtained information to the TBPG
- Confidential information remains confidential; the forwarding of confidential information to the TBPG does not waive a privilege in or create an exception to the confidentiality; a state agency's provision of information or failure to provide information does not create a cause of action against the agency
- TBPG required to display more detailed information on its website regarding the procedures for filing a complaint
- TBPG required to provide a means by which a person may electronically file a complaint with the Board
- TBPG must accept a complaint regardless of whether the complaint is notarized

Senate Bill 138



LBB Performance Review / January 2013 GEER Report

- Legislative Budget Board (LBB) conducted a performance review of TBPG's enforcement efforts in 2012—published the results of the review in the January 2013 Texas State Government Effectiveness and Efficiency Report (GEER REPORT)
- LBB Performance Review Team staff reviewed licensing and enforcement (complaint) data, including the number of licenses issued by the Board, the number of jurisdictional complaints received and resolved and the source of those complaints
 - In FY 2012 there were approximately 4,800 Professional Geoscientists
 - Before FY 2010 there were very few complaints opened by the agency
 - From FY 2010 through FY 2011 most complaints were opened by the agency (70); few were filed by the public (20)
 - Although most non-exempt work performed by Professional Geoscientists is submitted to state agencies, no complaints were opened as a result of information forwarded to the Board by a state agency
- LBB recommendations were incorporated into TGPA by SB 138

Senate Bill 138



TBPG's Plan for Implementation of SB 138

- Memorandums of Agreement (MOA) with relevant state agencies
- TBPG to provide training to relevant state agencies' staff
- Referral procedure to ensure forwarded information is tracked and identified as confidential (when appropriate)
- State agencies may also fulfill the requirement of forwarding information regarding a possible violation by filing a formal complaint with the TBPG
- TBPG staff are available to consult with other state agencies' staff on questionable scenarios
- TBPG implemented changes on its website



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

P.O. Box 13225 • Austin, Texas 78711 • (512) 936-4400 • Fax (512) 936-4409

www.tbpg.state.tx.us

Memorandum of Agreement between the Texas Board of Professional Geoscientists (TBPG) And the Railroad Commission of Texas (RRC) regarding Professional Geoscience

(a) Purpose.

The purpose of this Memorandum of Agreement (MOA) is to coordinate the respective responsibilities and duties of TBPG and RRC in the regulation of professional geoscience in accordance with the Texas Occupations Code, Chapter 1002 (the Texas Geoscience Practice Act or TGPA). The intent of this MOA is to implement SB 138, passed by the 83rd Texas Legislature, and otherwise to protect the public from adverse environmental impacts that could result from the improper public practice of geoscience associated with activities regulated by the RRC.

(b) Definitions.

The words and terms used in this MOA shall have the same meaning as defined in the Texas Geoscience Practice Act and associated rules passed by the TBPG at Title 22, Part 39, Chapter 850 and Chapter 851 of the Texas Administrative Code unless the context clearly indicates otherwise.

(c) General Jurisdiction.

- (1) RRC jurisdiction. The RRC is the state agency with the primary regulatory jurisdiction over the oil and natural gas industry, pipeline transporters, natural gas and hazardous liquid pipeline industry, natural gas utilities, the liquefied petroleum (LP) gas industry, and coal and uranium surface mining operations. The RRC also is responsible for research and education to promote the use of LP-gas as an alternative fuel in Texas. The RRC exercises its statutory responsibilities under provisions of the Texas Constitution, the Texas Natural Resources Code, the Texas Water Code, the Texas Health and Safety Code, the Texas Utilities Code, the Coal and Uranium Surface Mining and Reclamation Acts, and the Pipeline Safety Acts. The RRC also has regulatory and enforcement responsibilities under federal law including the Surface Coal Mining Control and Reclamation Act, the Safe Drinking Water Act, the Pipeline Safety Acts, the Resource Conservation Recovery Act, and the Clean Water Act.
- (2) TBPG jurisdiction. The TBPG is the state agency with regulatory jurisdiction over the public practice of professional geoscience authorized by the TGPA. The TBPG licenses Professional Geoscientists, registers Geoscience Firms, and certifies Geoscientists-in-Training. The TBPG protects public health, safety, welfare and the state's natural resources by ensuring that only qualified persons carry out the public practice of geoscience and enforcing the Professional Code of Conduct the Board has established for its licensees. TBPG has the authority to adopt and enforce rules consistent with TGPA relating to Geoscientists, and necessary for the performance of its duties. These TBPG rules are identified in Title 22, Part 39, Chapter 850 and Chapter 851 of the Texas Administrative Code (TAC).
- (3) The RRC is an agency identified by the TBPG under the Texas Geoscience Practice Act, Section 1002.206, that utilizes the services of Professional Geoscientists.

(d) Coordination of Activities.

The TBPG and the RRC agree to coordinate with each other in the following activities:

- (1) The RRC and the TBPG agree to work together to ensure that complete regulation is maintained for the public practice of professional geoscience associated with oil and gas exploration, development, and production operations and surface mining or other activities under the jurisdiction of the RRC.
- (2) The RRC agrees to consult with the TBPG on issues that involve the public practice of professional geoscience in connection with activities under the jurisdiction of the RRC
- (3) The TBPG and the RRC agree to designate a liaison or representative to facilitate communication and coordination between the RRC and the TBPG.
- (4) The TBPG and the RRC agree to have agency representatives meet bi-annually, or as needed, to encourage increased communication between the agencies and discuss possible changes to this MOA as needed.
- (5) The TBPG agrees to educate RRC employees regarding the procedures by which complaints are filed with and resolved by the TBPG.

(e) Coordination of Complaints/ Coordination of Information.

- (1) Upon the identification by the RRC of a potential violation of the TGPA or a rule adopted under the TGPA, the RRC agrees to forward any information related to the potential violation and any subsequently obtained information to the TBPG.
- (2) As provided in Texas Administrative Code §851.157, the RRC will forward information to the TBPG by filing a formal complaint or providing information to TBPG on a prescribed form. The RRC is responsible for informing the TBPG of any confidentiality provisions that apply to information and documents it forwards to the TBPG.
- (3) The TBPG is responsible for taking appropriate actions, including consulting with RRC as needed to ensure confidentiality is maintained.
- (4) When deemed appropriate by both agencies, the RRC and the TBPG may cooperate on enforcement actions. Each agency shall retain the authority to undertake separate enforcement or legal actions.

(f) Miscellaneous.

- (1) Nothing in this MOA shall be construed to reduce the statutory jurisdiction of either agency.
- (2) Agency representatives shall meet bi-annually, or as needed, to discuss coordination of complaints under paragraph (e) of this MOA, to discuss possible changes in this MOA, to encourage increased communication between the agencies, and to increase public protection through effective use of the public protection mechanism of Professional Geoscience licensure and regulation.
- (3) If any provision of this MOA is held to be invalid, the remaining provisions shall not be affected thereby.

(g) Effective Date.

This MOA will take effect upon approval by both agency Executive Directors. This MOA will remain in effect until rescinded by either agency by board or commission action taken in accordance with the terminating agency's procedures.

JOHN TINTERA, PG
Executive Director
Railroad Commission of Texas

Date

CHARLES HORTON
Executive Director
Texas Board of Professional Geoscientists

Date

Training Key Goals



- Background information on SB 138
- Understanding the requirements of the Act, TBPG Board rules, and the authority of the TBPG
- Understanding how to recognize a potential violation of the Act/TBPG Board rules
- **Understanding how to forward information regarding a potential violation or file a formal complaint**
- **Understanding how TBPG resolves complaints**
- Understanding how to access TBPG website and TBPG staff for consultation

Texas Geoscience Practice Act



- Texas Geoscience Practice Act §1002.251 (License Required):
 - Unless exempted by the Act, “a person may not engage in the public practice of geoscience unless the person holds a license”...issued by the Board
 - Unless the person is licensed, a person may not “1) Use the term, ‘Licensed Professional Geoscientist’ or the initials ‘P.G.’ as part of a professional, business, or commercial identification or title or 2) otherwise represent that the person is qualified to practice as a geoscientist or engage in the public practice of geoscience”

Texas Geoscience Practice Act



- Texas Geoscience Practice Act §1002.251 (License Required):
 - “A person may not take responsible charge of a geoscience report or a geoscientific portion of a report required by a municipal or county ordinance, state or federal law, state agency rule, or federal regulation that incorporates or is based on a geoscientific study or geoscientific data unless the person is licensed under this chapter” (the Act).

Texas Geoscience Practice Act



- Texas Geoscience Practice Act :
 - Creates the Board (TBPG) and authorizes and requires the Board to:
 - Adopt and enforce rules consistent with the Act and necessary for the performance of its duties
 - Issue and deny licenses in accordance with standards provided in the Act
 - Adopt and enforce a Code of Professional Conduct that is applicable to all license holders issued under the Act
 - Enforce the Act, Board rules and the Code of Professional Conduct

TBPG Rules



- Texas Administrative Code, TITLE 22, Part 39, Chapters 850 and 851
- Chapter 850 includes organization and powers and duties of the Board
- Chapter 851 includes:
 - Professional Geoscientist Licensing, Firm Registration and Geoscientist-in-Training certification requirements and process for application, examination and renewal
 - Code of Professional Conduct applicable to all licenses, registrations and certifications issued by the Board
 - Compliance and Enforcement
 - Contested hearings

TBPG Rules



TAC §851.30 Firm Registration required

- Unless an exemption applies as outlined in the TGPA §1002.351(b), per Board rule TAC §851.30, a firm or corporation may only engage in the public practice of geoscience if the firm is registered with the TBPG
- Geoscience Firms are required in Board rule TAC §851.152(i) to clearly indicate the firm name and registration number on all geoscience documents which require a P.G. seal and are released, issued, or submitted by or for a Geoscience Firm
- P.G.s who offer or perform services as an unincorporated sole proprietor are exempt from the Geoscience Firm Registration requirement
- Engineering Firms are usually exempt from the TBPG's Geoscience Firm requirement registration

Texas Geoscience Practice Act



- 1002.263(b) A geoscientific report, document, or other record, as defined by the Board, that is offered to the public and prepared or issued by or under the supervision of a licensed geoscientist must, in accordance with rules adopted by the Board, include the **full name, signature, and license number** of the license holder who prepared the report, document or other record or under whose supervision it was prepared and bear an impression of the license holder's **seal**.

Texas Geoscience Practice Act



- Provides complaint investigation authority;
- Provides the authority to impose appropriate sanctions for:
 - Fraud or deceit in obtaining a license
 - Incompetence, misconduct, fraud, gross negligence, or repeated incidents of negligence in the public practice of geoscience
 - Conviction of a license holder of a crime involving moral turpitude or a felony
 - The imposition of an administrative or civil penalty or a criminal fine, or imprisonment or probation instead of a fine, for a misdemeanor arising out of the public practice of geoscience
 - The issuance of a cease and desist order or a similar sanction arising out of the public practice of geoscience
 - Using the seal of another license holder or using or allowing the use of the license holder's seal on geoscientific work not performed by or under the supervision of the license holder

Texas Geoscience Practice Act



Provides the authority to impose appropriate sanctions for (continued):

- Aiding or abetting a person in the violation of this chapter
- The revocation or suspension of a license, the denial of a license, or other disciplinary action taken by a state agency, board of registration, or similar licensing agency for geoscientists or a profession or occupation related to the public practice of geoscience
- Practicing or offering to practice geoscience or representing to the public that the person or the person's firm or corporation is licensed or qualified to practice geoscience if the person is not licensed under this chapter (the Act) or the person's firm or corporation does not employ a licensed geoscientist as required under this chapter (the Act)
- Violating this chapter (the Act), a rule adopted under this chapter, including the Code of Professional Conduct, or a comparable provision of the laws or rules regulating the practice of geoscience in another state or country

Texas Geoscience Practice Act



Authorizes the following disciplinary actions:

- Refuse to issue or renew a license
- Permanently revoke a license
- Suspend a license for a specified time, not to exceed three years, to take effect immediately notwithstanding an appeal if the board determines that the license holder's continued practice constitutes an imminent danger to the public health, safety, or welfare
- Issue a public or private reprimand to an applicant, a license holder, or an individual, firm, or corporation practicing geoscience under this chapter (the Act)
- Impose limitations, conditions, or restrictions on the practice of an applicant, a license holder, or an individual, firm, or corporation practicing geoscience under this chapter
- Require that a license holder participate in a peer review program under rules adopted by the board

Texas Geoscience Practice Act



Authorizes the following disciplinary actions:

- Require that a license holder obtain remedial education and training prescribed by the board
- Impose probation on a license holder requiring regular reporting to the board
- Require restitution, in whole or in part, of compensation or fees earned by a license holder, individual, firm, or corporation practicing geoscience under this chapter (the Act)
- Impose an appropriate administrative penalty as provided by Subchapter J for a violation of this chapter or a rule adopted under this chapter (the Act) on a license holder or a person who is not licensed and is not exempt from licensure under this chapter (the Act)
- Issue a cease and desist order

Texas Geoscience Practice Act



- Provides for the administration of oaths and affirmations, the issuance of subpoenas, and the seeking of injunctions against a violation of the chapter (the Act) or a rule adopted under the chapter (the Act)
- Provides that a person has a right to a hearing before the board may suspend or revoke the person's license
- Procedures or rules under which an administrative penalty is assessed must conform to the requirements of the Administrative Procedures Act (APA)
- Before formal disciplinary action is taken, Respondents to complaint investigations are afforded certain due process safeguards

Texas Geoscience Practice Act



Key term defined (§1002.101):

(3) “Geoscience”

- Means the science of the earth and its origin and history, the investigation of the earth’s environment and its constituent soils, rocks, minerals, fossil fuels, solids, and fluids, and the study of the natural and introduced agents, forces, and the processes that cause changes in and on the earth

Texas Geoscience Practice Act



Key term defined (§1002.101):

(4) “Geoscientist”

- Means a person qualified to engage in the public practice of geoscience because of the person’s knowledge, acquired through education and practical experience of geoscience, mathematics, and the supporting physical, chemical, mineralogical, morphological, and life sciences

Texas Geoscience Practice Act



Key term defined (§1002.101):

(6) “Practice for the public”

- Means providing professional geoscientific services:
 - For a governmental entity in this state;
 - To comply with a rule established by this state or a political subdivision of this state; or
 - For the public or a firm or corporation in this state if the practitioner assumes the ultimate liability for the work product; and
- Does not include services provided for the express use of a firm or corporation by an employee or consultant if the firm or corporation assumes the ultimate liability of the work product

Texas Geoscience Practice Act



Key term defined (§1002.101):

- (7) “Public practice of geoscience”
- Means the practice for the public of geoscientific services or work, including consulting, investigating, evaluating, analyzing, planning, mapping, and inspecting geoscientific work and the responsible supervision of those tasks

Texas Geoscience Practice Act



Key term defined (§1002.101):

(8) “Responsible charge”

- Means the independent control and direction of geoscientific work or the supervision of geoscientific work by the use of initiative, skill, and independent judgment

Texas Geoscience Practice Act



§1002.252 Exemptions. The following activities do not require a license under this chapter (the Act):

- (1) geoscientific work performed by an **employee or a subordinate of a license holder** under this chapter if the work does not include the responsible charge of geoscientific work and is performed under the direct supervision of a licensed geoscientist who is responsible for the work;
- (2) geoscientific work performed by an **officer or employee of the United States** practicing solely as such an officer or employee;
- (3) geoscientific work performed exclusively in **exploring for and developing oil, gas, or other energy resources, base metals, or precious or nonprecious minerals, including sand, gravel, or aggregate**, if the work is done in and for the benefit of private industry;
- (4) **geoscientific research** conducted through an academic institution, local, state, or federal governmental agency, nonprofit research institution, or for-profit organization, including submission of a report on the research to a public agency, unless the work is covered by Section 1002.251(c);
- (5) **teaching geoscience** or a related physical or natural science;
- (6) work customarily performed by a cartographer, technician, or physical or natural scientist, including a geologist, geophysicist, soil scientist, chemist, archaeologist, geographer, or oceanographer, **if the work does not include the public practice of geoscience**;
- (7) work performed by an archaeologist, geoscientist, or other person conducting a stratigraphic or historical geological investigation for archaeological purposes;

Texas Geoscience Practice Act



§1002.252 Exemptions (Continued). The following activities do not require a license under this chapter (the Act):

- (8) **testifying or preparing and presenting** an exhibit or document for the sole purpose of being placed in evidence before an administrative or judicial tribunal or hearing if the testimony, exhibit, or document does not imply that the person is licensed under this chapter;
- (9) the **evaluation by a state agency**, as defined by Section 2001.003, Government Code, or by a hearing examiner of an exhibit or document offered or placed in evidence before an **administrative tribunal**; or
- (10) the **determination of the suitability of a site for a specific on-site sewage disposal system** by a person who has successfully completed site evaluation training approved by the Texas Commission on Environmental Quality and is:
 - (A) registered by the commission as:
 - (i) an installer, if the commission recognizes only one level of installer; or
 - (ii) the highest level of installer recognized by the commission, if the commission recognizes more than one level of installer;
 - (B) a designated representative; or
 - (C) a registered professional sanitarian.

Texas Geoscience Practice Act



Important points...

The public practice of geoscience includes:

- Geoscience work performed for the individual citizens/entities
- Geoscience work submitted to governmental agencies
- Geoscience work performed for (both employees and contractors) governmental agencies
- Geoscience work authorized by governmental agencies



Back to the basics.....

Why Professional Geoscientist licensure?

To protect public health, safety and welfare



Back to the basics.....

Geoscience work performed for the public must be performed competently and ethically because it affects our publicly shared natural resources, and it puts public (governmental) and private citizens (who are also the public) assets and property at risk.

It's all of our responsibility.



The TBPG is partnering with other state agencies to achieve the regulation intended by the Texas Geoscience Practice Act

- Texas Commission on Environmental Quality
- Railroad Commission of Texas
- Texas Water Development Board
- Texas Board of Professional Engineers
- Texas Board of Professional Land Surveying

...and we are working to set up agreements and relationships with other agencies



Texas Board of Professional Geoscientists

Guidelines for Employees of State and Local Governments

Wesley McCoy, P.G., Enforcement Coordinator

Guidance on Requirements of the TGPA for Employees of State and Local Governments



Key point:

Many licensed Professional Geoscientists (P.G.s) in Texas are employed by state and local governments as technical reviewers of geoscience reports (and reports that include geoscience work) submitted to the various organizations as part of compliance or permitting programs. These P.G.s are in a position to detect unregistered geoscience work by a Firm and unlicensed geoscience work by an individual and substandard or unethical geoscience work performed by P.G.s as documented in these reports.

Guidance on Requirements of the TGPA for Employees of State and Local Governments

(continued)



Key point:

Other staff, administrative or non-technical reviewers, may also receive geoscience reports or reports that contain geoscience work products. These staff are in a position to recognize geoscience work performed by a person/firm that is not licensed or registered with the Texas Board of Professional Geoscientists.



Guidance on Requirements of the TGPA for Employees of State and Local Governments

(continued)

Key points:

- TOC 1002.207 requires that a state agency that becomes aware of a potential violation of the Act or a TBPG Board rule shall forward any information relating to the potential violation and any subsequently obtained information to the TBPG
- A state agency may fulfill this requirement by forwarding information relating to the potential violation to the TBPG through a procedure mutually agreed upon (TBPG provides a form for this purpose)



Guidance on Requirements of the TGPA for Employees of State and Local Governments

(continued)

Key points:

- Board rules require that a P.G. who becomes aware of violation of the Act/Board rules report the violations to the Board.

Guidance on Requirements of the TGPA for Employees of State and Local Governments

(continued)



Key points:

- Under law and a Memorandum of Understanding (MOU) between the TBPG and the Texas Board of Professional Engineers (TBPE), Professional Engineers (P.E.s) may engage in the public practice of geoscience as long as the P.E. is qualified and authorized to do so.
- A copy of the MOU may be obtained from both the TBPG and TBPE websites.

Guidance on Requirements of the TGPA for Employees of State and Local Governments



How to recognize a potential violation of the TGPA or Board Rules:

- Always check for a signature, seal, and firm “title block” (name of Geoscience Firm and registration number on documents that contain non-exempt geoscience work.
- Always check the TBPG website to determine whether a person submitting work that requires a license was currently licensed by the Board at the time the document was signed/sealed.
- Always check that the Geoscience Firm was currently registered at the time the report was signed, dated and submitted to the agency.
- Always check the licensure status of a person who uses the title “Professional Geoscientist” (or the initials, “P.G.”) in a professional representation of any kind (reports letters, e-mail, etc.)

Guidance on Requirements of the TGPA for Employees of State and Local Governments



How to look up licensure and firm registration on the TBPG website

NEW NOTE: TBPG displays only current (not expired) licenses and registrations on our website.

Browser window showing the Texas Board of Professional Geoscientists website. The address bar displays <http://vu2063.hcp.dimensioninteractive.com/>. The page features the Texas Board of Professional Geoscientists logo and the title "Texas Board of Professional Geoscientists". The navigation menu includes: Home, About Us, Board, Licensing, Enforcement, FAQs, and Online Services. The "Online Services" dropdown menu is open, showing: License Search, Renew License Online, and Update Contact Information. The main content area displays a landscape image and the heading "Our Mission". The mission statement reads: "The mission of the Texas Board of Professional Geoscientists is to protect the public health, safety, welfare and the state's natural resources by ensuring that only qualified persons carry out the public practice of geoscience and enforcing the Professional Code of Conduct the Board has established for its licensees." Below the mission statement, a banner reads "TBPG Website – New!". The Windows taskbar at the bottom shows the time as 12:13 PM on 12/12/2013.



Texas Board of Professional Geoscientists

- Home
- About Us
- Board
- Licensing
- Enforcement
- FAQs
- Online Services
 - License Search
 - Renew License Online
 - Update Contact Information

Our Mission

The mission of the Texas Board of Professional Geoscientists is to protect the public health, safety, welfare and the state's natural resources by ensuring that only qualified persons carry out the public practice of geoscience and enforcing the Professional Code of Conduct the Board has established for its licensees.

TBPG Website – New!

Browser window showing the Texas Board of Professional Geoscientists (TBPBG) website. The address bar displays: <https://licensing.tbpg.state.tx.us/datamart/mainMenu.do>. The page title is "Welcome to TBPBG Online".

Texas Board of Professional Geoscientists

Welcome to TBPBG Online

1. To use TBPBG online services to renew your license or update your information, please log into the system with your user ID and password. If you are a new user, please select the link to "Sign up for a TBPBG online account". The system will prompt you through the steps to create an account and set up a unique user id and password. If you have already created a TBPBG Online Account, you may access TBPBG Online services by logging into the system.

2. You may use the public license search feature to find a Professional Geoscientist (PG), a registered Geoscience Firm, or a certified Geoscientist-in-Training (GIT) regulated by TBPBG.

Please note: A public search cannot be conducted while logged into a TBPBG Online Account.

Looking for an Existing Licensee? Search Here

[Public License Search](#)

Already have a TBPBG Online Account? Enter ID and Password.

* User ID:

* Password:

Log On

Forgot your password? Click [here](#).

Forgot User ID? Click [here](#).

General Services

[SIGN UP for a TBPBG Online account - for NEW users only](#)

Texas Board of Professional Geoscientists
Online License Services Disclaimer

The Texas Board of Professional Geoscientists certifies that it maintains the information for license verification on the TBPBG Online License Services Website, that the information is updated on a regular basis, usually within a 24-hour period and that the information is considered to be a secure, primary source for license verification. More information regarding TBPBG's privacy and security policy can be found at <https://tbpg.state.tx.us/privacy.html>.

Footer: <https://licensing.tbpg.state.tx.us/datamart/selSearchTypeTXBPG.do?from=loginPage>

Browser address bar: <https://licensing.tbpg.state.tx.us/datamart/selectSearchTypeTXBPG.do?from=loginPage>

Page Title: Texas Board of Professional Geoscientists

Navigation: File Edit View Favorites Tools Help

Search Bar: Suggested Sites TOUGH CHIK LV Tote Google Outlook Web App tumblr colapin handbags Twitter Hot Pink! Pin It B 8914 Black Burberry Outl...

Logo: Texas Board of Professional Geoscientists

Logon

Select Search Type

Usage Terms

Use this tool to search for a Professional Geoscientist (P.G), a Geoscience Firm, or a Geoscientist-in-Training (GIT) regulated by the Texas Board of Professional Geoscientists.

Verified Information

Information regarding the license status, license type; expiration date; and license, certification, or registration number for a Professional Geoscientist (P.G), a Geoscience Firm, or a Geoscientist-in-Training (GIT) regulated by the Texas Board of Professional Geoscientists **is verified by the Texas Board of Professional Geoscientists to be accurate**. Information regarding any **disciplinary action** taken by the Texas Board of Professional Geoscientists **is also verified** by the Board.

Non-Verified Information

TBPG license holders submit some of the data. TBPG licensees (licensed Professional Geoscientists, certified Geoscientists-In-Training, and registered Geoscience Firms) have the option of providing and updating the information on this page regarding **Practice Area** and **Comments** regarding the licensee's practice in the areas identified. The TBPG **does not verify** the accuracy of information provided.

Other Notes

Data is updated daily and may be considered the most current information available. Access to this computer system is authorized for the automated verification system only. All other access to this computer system is expressly prohibited. Any unauthorized access or use of this is subject to both civil and criminal penalties.

If you have any questions or comments regarding information provided in the Public Licensee Search feature, please contact the Board at (512) 936-4400 or by [e-mail](#).

By utilizing one of the search options, you agree to and accept all usage terms.

Select a type of search below to enter search criteria.

Press "Back" to return to the previous screen.

[Search by Name](#)

[Search by Name for a Specified License Type](#)

[Search by License Number](#)

[Search by City](#)

[Search by County](#)

[Search by Practice Area](#)

Taskbar: Windows, Chrome, File Explorer, Edge, Mail, Word

System Tray: 125%, 2:01 PM, 12/10/2013

Browser window showing the Texas Board of Professional Geoscientists (TBPGE) website. The address bar displays: <https://licensing.tbpg.state.tx.us/datamart/searchByLicNumber.do>. The page title is "Texas Board of Professional Geoscientists".

The page content includes a search form titled "Search by License Number". The form instructions state: "Choose the license type which best fits the type of license you wish to verify. The exact level of licensure will be displayed as 'License Rank' on the search results page. Please note: The GIT license requires a GIT- prefix."

The search criteria entered are:

- License Type: (Dropdown menu)
- * License Number: 50032
- Rows Per Page: 5

Buttons for "Search", "Clear", and "Back" are visible.

A W3C XHTML 1.0 validation error message is displayed: "Contact TBPGE".

The Windows taskbar at the bottom shows the time as 2:01 PM on 12/10/2013.

Browser window showing the Texas Board of Professional Geoscientists (TBPBG) search page. The address bar displays <https://licensing.tbpg.state.tx.us/datamart/searchByName.do>. The page title is "Search by Name".

The page header includes the TBPBG logo and the text "Texas Board of Professional Geoscientists". A "Logon" link is visible in the top right corner.

The main content area is titled "Search by Name" and contains instructions: "Enter your search criteria and press 'Search' to find a license. Press 'Back' to return to the previous screen. Press 'Clear' to clear the search criteria."

There are two search options:

- ☐ **Search by Individual**
 - * Last Name: (At least 2 characters are required)
 - * First Name:
- ☒ **Search by Organization**
 - * Organization Name:

Below the search options, there is a "Max to Display per Page:" dropdown menu set to "5".

At the bottom of the search section, there are three buttons: "Search", "Clear", and "Back".

A "W3C XHTML 1.0" validation logo is displayed, along with a "Contact TBPBG" link.


The footer shows the URL <https://licensing.tbpg.state.tx.us/datamart/searchByName.do> and the system clock indicating 2:02 PM on 12/10/2013.

https://licensing.tbpg.state.tx.us/datamart/list.do?anchor=e1a8c78.0

File Edit View Favorites Tools Help

Suggested Sites TOUGH CHIK LV Tote Google Outlook Web App tumblr colapin handbags Twitter Hot Pink! Pin It B 8914 Black Burberry Outl...

Page Safety Tools

 **Texas Board of Professional Geoscientists**

[Logon](#)

Search Results List

The status of a Professional Geoscientist license, Registered Firm registration or Geoscientist-in-Training certification that is current is one of the following:

Current - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification.
90 Day Temporary Certificate - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification.
Conditional - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under non-disciplinary conditions or stipulations.

The status of a Professional Geoscientist license, Registered Firm registration or Geoscientist-in-Training certification that is not current is one of the following (unless the license has had disciplinary action imposed against it):

Expired, Eligible to Renew - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.
Permanently Expired - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.

If a license status is affected by Board authorized disciplinary action, the status may be one of the following:

Revoked - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.
Disciplinary Relinquishment - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.
Suspended - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.
Current with Probation - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under conditions or stipulations.
Current with Recent Disciplinary Action - The Board has imposed a disciplinary action taken within the past 5 years. The licensee has satisfied all of the terms of the disciplinary action.
Current with Obligations - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under non-disciplinary conditions or stipulations.
Expired with Conditions - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.

Click on "Name" to see details.

Search Criteria		Search By Name			
Organization Name:	Lone Star Environmental				
Name	License Number	License Type	License Status	Expiry Date	
LONE STAR ENVIRONMENTAL	50032	Geoscientist Firm	Current	11/30/2014	

125%

2:02 PM
12/10/2013

Browser window showing the Texas Board of Professional Geoscientists website. The address bar displays: <https://licensing.tbpg.state.tx.us/datamart/detailsTXBPG.do?anchor=e1a8c78.0.0>. The page title is "Texas Board of Professional Geoscientists".

Licensee Profile

The status of a Professional Geoscientist license, Registered Firm registration or Geoscientist-in-Training certification that is current is one of the following:

- Current** - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification.
- 90 Day Temporary Certificate** - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification.
- Conditional** - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under non-disciplinary conditions or stipulations.

The status of a Professional Geoscientist license, Registered Firm registration or Geoscientist-in-Training certification that is not current is one of the following (unless the license has had disciplinary action imposed against it):

- Expired, Eligible to Renew** - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.
- Permanently Expired** - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.

If a license status is affected by Board authorized disciplinary action, the status may be one of the following:

- Revoked** - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.
- Disciplinary Relinquishment** - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.
- Suspended** - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.
- Current with Probation** - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under conditions or stipulations.
- Current with Recent Disciplinary Action** - The Board has imposed a disciplinary action taken within the past 5 years. The licensee has satisfied all of the terms of the disciplinary action.
- Current with Obligations** - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under non-disciplinary conditions or stipulations.
- Expired with Conditions** - the individual or firm **may not use** the title and engage in the practice or activities authorized by the license, registration or certification.

Press "Search Results" to return to the Search Results list.
Press "New Search Criteria" to do another search of this type.
Press "New Search" to start a new search.

License Number: 50032		Current Date: 12/10/2013 02:02 PM
Name:	LONE STAR ENVIRONMENTAL	
License Type:	Geoscientist Firm	
License Status:	Current	

Press "New Search" to start a new search.

License Number: 50032		Current Date: 12/10/2013 02:02 PM	
Name:	LONE STAR ENVIRONMENTAL		
License Type:	Geoscientist Firm		
License Status:	Current		
Expiration Date:	11/30/2014		
License Issue Date:	11/14/2006		
Addresses			
Mailing Address / Address of Record	Address	8806 TRIOLA LANE HOUSTON , TX HARRIS 77036 US	
	Phone Number:	713 818 3114	
Practice Area		Comment	
ESAs/Remediation Evaluation/Monitoring			
Engineering Geosci., Structural Geosci.			
General Geoscience			
Geoinformatic GIS/Geodata Interpretation			
Teaching/Geoscientific Research			
Water Supply			
Discipline(s) Imposed			
No disciplinary actions exist.			
Discipline(s) Imposed		Date of Action:	Action(s):
Authorized Official			
Licensee's Role:	Firm		
Related Party Role:	Authorized Official		
Related Party Name	License Type	Address	
COWAN, MATTHEW R.		HOUSTON , TX HARRIS 77036 US	

[Search Results](#)
[New Search Criteria](#)
[New Search](#)
[Print](#)



Guidance ...

How to recognize a potential violation
of the TGPA or Board rules
(continued)

Become familiar with the Professional Geoscientists'
Code of Professional Conduct—key areas:

- Competence/negligence (§851.102)
- Recklessness (§851.103)
- Dishonest Practice (§851.104)
- Conflict of Interest (§851.105)
- Responsibility to the Geoscience Profession (§851.106)
- Prevention of Unauthorized Practice (§851.107)



Guidance ...

DUTY OF STATE AGENCY TO REPORT POTENTIAL VIOLATION

TOC §1002.207 requires a state agency that becomes aware of a potential violation of the Act (TGPA) or a rule adopted by the TBPG Board to forward any information relating to the potential violation to the TBPG.

There are two ways a state agency may fulfill the requirement:

1. Forward information using a TBPG “State Agency Potential Violation Referral Form” to the TBPG Enforcement Coordinator
2. Submit a formal complaint to the TBPG deputy to the Secretary-Treasurer (TBPG Enforcement Coordinator)



Guidance ...

DUTY OF STATE AGENCY TO REPORT POTENTIAL VIOLATION

Option 1: Using the **State Agency Potential Violation Referral Form XIII**

1. Instructor review the fields on the form.
2. Instructor explains:
 - a. Upon receipt of forwarded information, TBPG Enforcement Staff will review the information, seek clarifying information (as applicable), and determine whether prima facie evidence or a possible violation exists.
 - b. If prima facie evidence of a violation does not exist, then no further action will be taken.
 - c. If prima facie evidence of a violation does exist, TBPG Enforcement staff will open a complaint.

Special Note:

Due to confidentiality provisions in the Act, the referring agency will NOT be informed whether a complaint was opened and will NOT be treated as a Complainant (i.e., receive notices or otherwise be involved as a Complainant). Referring agency could be called upon to provide witness statement(s), provide further evidence and/or testimony in enforcement proceedings.



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

*P. O. Box 13225 • Austin, Texas 78711 • office (512) 936-4400 • fax (512) 936-4409
www.tbpg.state.tx.us*

State Agency Potential Violation Referral Form

A state agency should use this form to forward information relating to the potential violation of the Texas Geoscience Practice Act or TBPG rules, in compliance with TOC §1002.207.

Texas Occupations Code (TOC), Chapter 1002 (Texas Geoscience Practice Act, TGPA or the Act), Sec. §1002.207(b) states: "A state agency that becomes aware of a potential violation of this chapter or a rule adopted under this chapter shall forward any information relating to the potential violation and any subsequently obtained information to the board."

Texas Occupations Code (TOC), Chapter 1002, Sec. §1002.207(c) states, in part: "Information forwarded by a state agency under this section that is privileged or confidential remains privileged or confidential following receipt by the board...."

Texas Administrative Code, TITLE 22, PART 39, CHAPTER 851, Subchapter D, §851.157(a) states, in part: "... A state agency that becomes aware of a potential violation of the Act may fulfill the requirements of the Act in Texas Occupations Code, §1002.207, by filing a formal complaint with the Board or providing the information relating to a potential violation in writing to the Board...."

This form should be used by a state agency to forward information relating to a potential violation and any subsequently obtained information to the TBPG. This form should also be used by a state agency to notify the TBPG that information forwarded to the TBPG per TOC, Chapter 1002, Sec. §1002.207(b) is confidential and provide the citation(s) applicable to the confidentiality of the information to the TBPG.

To file a complaint with the TBPG, a state agency should use the Complaint Form (Form XI) found on the agency website at <https://tbpg.state.tx.us/enforcement>

Please complete the following fields, attach copies of relevant documentation, and send to the TBPG via e-mail to enforcement@tbpg.state.tx.us or via regular US Mail or interagency mail to TBPG Enforcement Coordinator, P.O.Box 13225, Austin Texas 78711.

Referring Agency: _____

Agency Address: _____

Referring Agency Authorized Contact Person: _____

Contact person's phone number

Contact person's e-mail address

The information conveyed with this form is provided as required by TOC §1002.207(c).
Information regarding the privilege or confidentiality attached to the information has been provided.

Signature

Date

State Agency Potential Violation Referral Form

Is the information being submitted privileged or confidential: Yes: _____ No: _____

If the information being submitted privileged or confidential, please provide the citation under which the information is privileged or confidential, a brief statement how or why the information is confidential, and the contact information of a person who can communicate with the TBPB regarding the privilege or confidentiality of the information.

Citation: _____

Privilege or confidentiality statement:

Referring Agency Contact Person regarding the privilege or confidentiality of information provided:

☐ Check here if you are the Referring Agency Contact Person listed on Page 1 of this form.

Printed Name

Phone number

E-mail address

INFORMATION THAT MAY INDICATE A POTENTIAL VIOLATION OF THE TGPA

Name of firm, other entity, or individual:

Is this entity or individual licensed? ☐ Yes ☐ No ☐ Unsure

P.G. #: _____ (if applicable) License Expiration date: _____

Geoscience Firm Registration #: _____ (if applicable) Expiration date:

Referring Agency staff member who is the most familiar with the circumstances and documents that relate to the potential violation:

☐ Check here if you are the Referring Agency Contact Person listed on Page 1 of this form.

Name: _____

Contact Information: Phone Number: _____

E-mail Address: _____

State Agency Potential Violation Referral Form

Brief description of the conduct or actions that may be a potential violation of the TGPA or TBPG Board rules. Please relate to documents provided, as applicable:

TOC Chapter 1002 statute or TBPG Board rule that was potentially violated (if known):

List of documents provided.

- 1.
- 2.



Guidance ...

DUTY OF STATE AGENCY TO REPORT POTENTIAL VIOLATION

Option 2: Using the **TBPG Complaint Form**

1. Instructor review the fields on the form.
2. Instructor explains that the complaint will be treated like any other complaint submitted to the TBPG. Referring agency will be considered the Complainant and provided notices and opportunities for participation in the Complaint process afforded to any other Complainant. Like any other Complainant, the Referring agency could be called upon to provide a witness statement and/or testimony in enforcement proceedings.



COMPLAINT FORM

To make a formal complaint against a licensed geoscientist or member of the public, and/or public or private entity, or to report possible violations of the Texas Geoscience Practice Act, please fill out this form in its entirety and submit to:

Texas Board of Professional Geoscientists
Attn: Secretary/Treasurer
P.O. Box 13225
Austin, Texas 78711

Date: _____

Complaint is against: ☐ Firm or business entity
☐ Individual

Name of entity or individual that complaint is being filed against: _____

Is this entity or individual licensed? ☐ Yes ☐ No ☐ Unsure

P.G. #: _____ (if applicable)

Firm Registration #: _____ (if applicable)

Complaint Submitted by: _____

Contact Information: Phone Number: _____ Fax Number: _____

Address: ☐ Home ☐ Business _____

E-mail Address: _____

1. I, _____, hereby submit the following complaint for consideration of disciplinary action by the Board in accordance with §§1002.154, 1002.203, 1002.204, and 1002.205 of the Texas Geoscience Practice Act. I am personally familiar with the facts and circumstances hereinafter presented and the impropriety of this matter suggests gross negligence, incompetence, or misconduct in the practice of professional geoscience. Because this matter affects the public's health, safety and welfare, I am filing this complaint against the above-cited person(s), entity or entities believing that their activities and/or conduct may be in violation of the Act or Board rules. I understand that the cited person(s), entity or entities will be furnished with a copy of this complaint for the purpose of response/rebuttal.

2. It is my contention that the cited person(s), entity or entities should be held accountable to the public through the authority of the Board for the following conduct, the details of which I am providing to show reasonable cause why the Board should investigate and act:



3. I also offer in evidence Exhibit A (through _____). I have attached hereto a list of these exhibits for the Board's consideration in evaluating this complaint. The exhibits themselves will be submitted to the Board in the following manner:

(Please check the appropriate box)

- ☐ Scanned and sent electronically to complaint@tbpg.state.tx.us
☐ Faxed to 512/936-4409 to the attention of Mr. Wesley McCoy
☐ Mailed separately from this complaint
☐ Enclosed with this complaint

4. I have also included a list containing the names, business addresses and telephone numbers and e-mail addresses (if available) of all other persons who have direct interest or possess pertinent information in this matter, and whose testimony should be considered by the Board in determining its final disposition of this matter.

5. The nature and details of my specific complaint are:

(Use additional sheets if necessary)

I understand that this form must be completed in its entirety and all supporting evidence and exhibits must be submitted before the Board will consider this complaint. I also understand that if the evidence and exhibits are not received within 10 business days of my initial complaint then my complaint will be dismissed. ***I swear that all the information I have provided for this complaint is true and accurate.***

Printed name of Complainant

Signature of Complainant

For office use only:

Date received:	Investigated by:	Investigation Start Date:	Investigation End Date:	Attach findings



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

TOC §1002.206:

1. The procedures by which complaints are filed with the TBPG
2. The procedures by which complaints are resolved by the TBPG

<https://tbpg.state.tx.us>



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are filed with the TBPG

It is preferred and more effective if a person submitting a complaint uses the TBPG's complaint form found at <https://tbpg.state.tx.us/enforcement>

When mailing a complaint to the TBPG, use the following address:

Texas Board of Professional Geoscientists

Attn: Enforcement Coordinator

P.O. Box 13225

Austin, TX 78711

When faxing a complaint to the TBPG, use the following fax number:

(512) 936-4409

When hand delivering a complaint to the TBPG, the TBPG's physical location is:

333 Guadalupe Street, Tower I, Suite 530

Austin, Texas



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are filed with the TBPG

A person may submit a complaint to the TBPG in any of the following ways:

1. Go to the TBPG website and open/save a copy of the TBPG Complaint form, complete the form from a computer or other device, e-mail to the TBPG at complaint@tbpg.state.tx.us or print the form and mail (or hand deliver, personally or by courier) or fax it to the address/fax number listed below. The person submitting the complaint should also submit (scanned or printed, as appropriate) supporting documentation (i.e. a copy of a sealed report, advertisement, etc.).



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are filed with the TBPG

A person may submit a complaint to the TBPG in any of the following ways:

2. Go to the TBPG website and open a copy of the TBPG Complaint form. Print a copy of the TBPG Complaint Form. Complete the form by hand. Scan and e-mail the completed form to complaint@tbpg.state.tx.us or mail (or hand deliver, personally or by courier) or fax the completed form to the address/fax number listed below. Again, the person submitting the complaint should also submit (scanned or printed, as appropriate) supporting documentation (i.e. a copy of a sealed report, advertisement, etc.).



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are filed with the TBPG

A person may submit a complaint to the TBPG in any of the following ways:

3. Go to the TBPG website and use the **online complaint submission form**. The online complaint submission form allows the user to complete fields detailing the complaint and attach scanned supporting documentation (i.e. a copy of a sealed report, advertisement, etc.).

TBPG Online Complaint Form

http://tbpg.state.tx.us/enforcement/file-a-complaint/

File a Complaint | T... (all11) License Search Staff Login

File Edit View Favorites Tools Help

GetFitTexas! TOUGH CHIK LV Tote Google Outlook Web App tumblr colapin handbags Twitter Hot Pink! Pin It B 8914 Black Burberry Outl...

Texas Board of Professional Geoscientist... 2 0 + New Edit Page WPSQT


Howdy, Molly

TBPG News


The TBPG Commit

Enter Search Criteria

Text Size: S M L

 **Texas Board of Professional Geoscientists**

Home About Us Board Licensing Enforcement FAQs Online Services



Disciplinary Actions
File a Complaint
P.G. Seal Requirement

Home » Enforcement » File a Complaint

Upcoming Events

FEB 14 Fri 7:00 am Application Review and Continuing Education Committee @ Hobby Building Twr 2, Room 225

File a Complaint

To report conduct detrimental to public health, safety and welfare or that may be a violation

125%

11:03 AM 2/4/2014

http://tbpg.state.tx.us/enforcement/file-a-complaint/

File a Complaint | T... (all11) License Search Staff Login

File Edit View Favorites Tools Help

GetFitTexas! TOUGH CHIK LV Tote Google Outlook Web App tumblr colapin handbags Twitter Hot Pink! Pin It B 8914 Black Burberry Outl...

Texas Board of Professional Geoscientist... 2 0 + New Edit Page WPSQT

Howdy, Molly

Upcoming Events

FEB 14 Fri 7:00 am Application Review and Continuing Education Committee @ Hobby Building Twr 2, Room 225

9:30 am Compliance and Enforcement Committee @ Hobby Building Twr 2, Rm 225

1:00 pm Financial Review / Strategic Planning Committee @ Hobby Building, Twr 2, Rm 225

3:00 pm General Issues Committee @ Hobby Building, Tower 2, Rm 225

File a Complaint

To report conduct detrimental to public health, safety and welfare or that may be a violation of the Texas Geoscience Practice Act, please complete a **Complaint Form (Form XI)** and send to TBPG (Attention of Deputy to the Secretary/Treasurer) by the following:

- **Mail:** TBPG, P.O. Box 13225, Austin, Texas 78711
- **Fax:** (512) 936-4409
- **E-mail:** Download the form above and submit it by e-mail to TBPG

^ You may select this link to submit a complaint online.

General Information

General Information

Today's date *

This complaint is being filed against what type of entity: *

Firm or business entity

Name of entity that complaint is being filed against: *

Is this entity or individual licensed: *

150%

10:59 AM 2/4/2014

http://tbp.state.tx.us/enforcement/file-a-complaint/

File Edit View Favorites Tools Help

GetFitTexas! TOUGH CHIK LV Tote Google Outlook Web App tumblr colapin handbags Twitter Hot Pink Pin It 8914 Black Burberry Outl...

Texas Board of Professional Geoscientist... 2 0 + New Edit Page WPSQT Howdy, Molly

Complaint Information

I hereby submit the following complaint for consideration of disciplinary action by the Board in accordance with §§1002.154, 1002.203, 1002.204, and 1002.205 of the Texas Geoscience Practice Act. I am personally familiar with the facts and circumstances hereinafter presented and the impropriety of this matter suggests gross negligence, incompetence, or misconduct in the practice of professional geoscience. Because this matter affects the public's health, safety and welfare, I am filing this complaint against the above-cited person(s), entity or entities believing that their activities and/or conduct may be in violation of the Act or Board rules. I understand that the cited person(s), entity or entities will be furnished with a copy of this complaint for the purpose of response/rebuttal. It is my contention that the cited person(s), entity or entities should be held accountable to the public through the authority of the Board for the following conduct, the details of which I am providing to show reasonable cause why the Board should investigate and act.

Number of exhibits you will submit as evidence: *

How will you submit the exhibits to TBPB: *

E-mailed separately

The nature and details of your complaint are: *

150%

11:00 AM
2/4/2014

http://tbp.state.tx.us/enforcement/file-a-complaint/

File Edit View Favorites Tools Help

GetFitTexas! TOUGH CHIK LV Tote Google Outlook Web App tumblr colapin handbags Twitter Hot Pink Pin It 8914 Black Burberry Outl...

Texas Board of Professional Geoscientist... 2 0 + New Edit Page WPSQT Howdy, Molly

Issues
Committee @
Hobby Building,
Tower 2, Rm 225
View Calendar →

Is this entity or individual licensed: *

Yes

P.G. #: (if applicable)

Firm Registration #: (if applicable)

Your full name: *

Your phone number: *

Your fax number:

Your address type: *

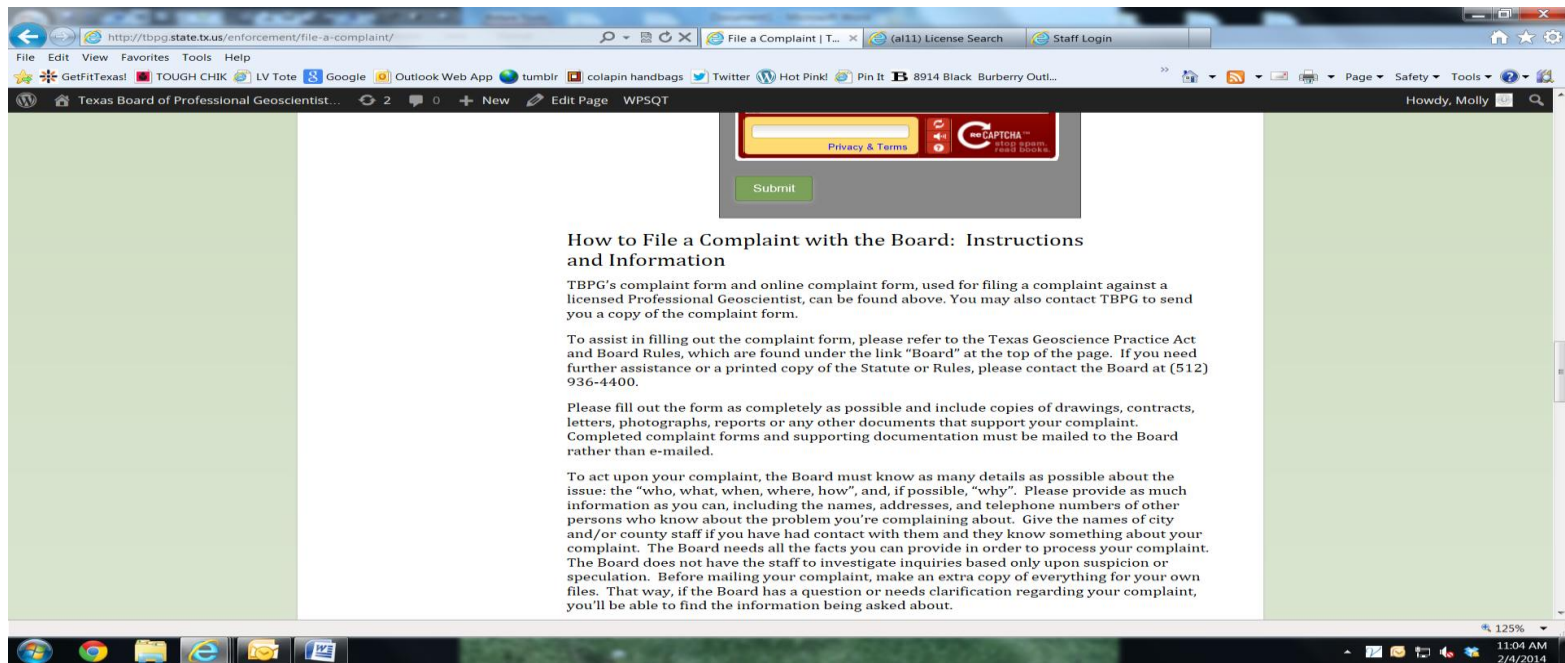
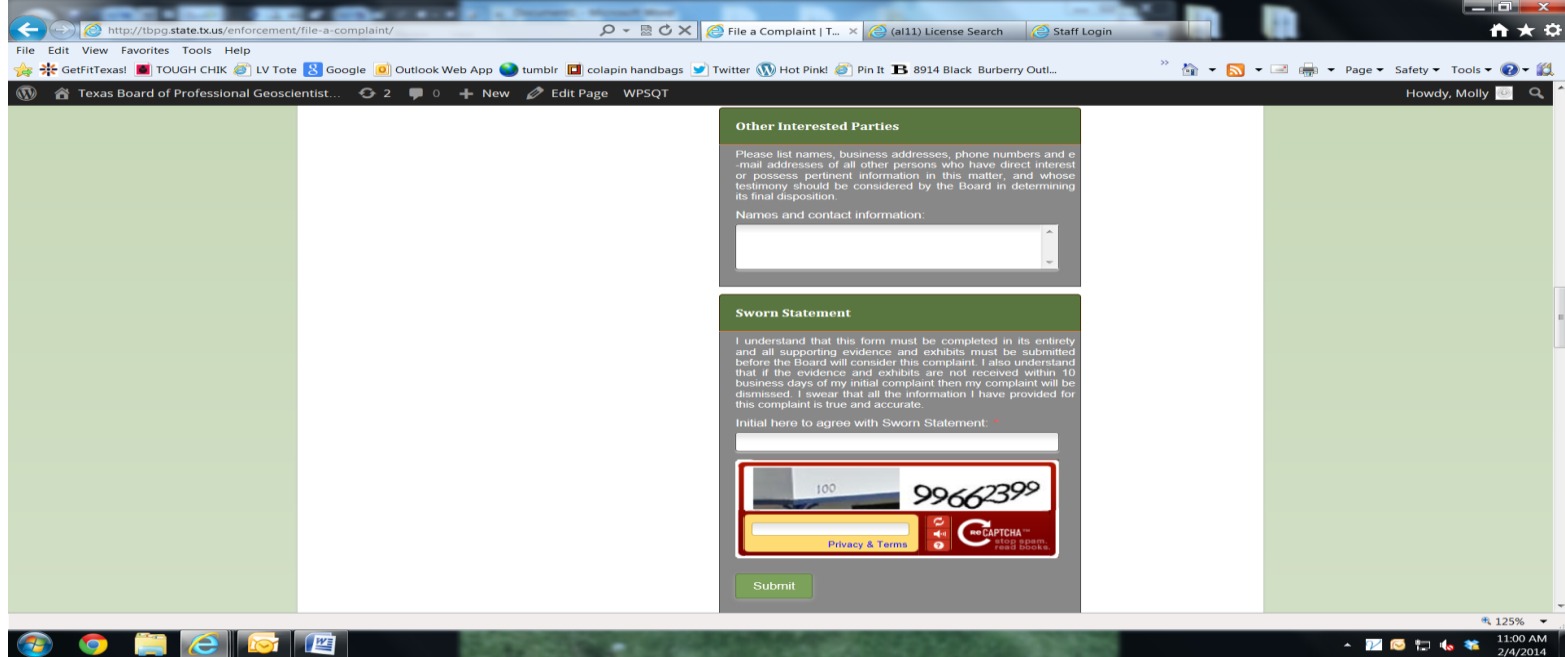
Home

Your physical address: *

Your e-mail address: *

150%

10:59 AM
2/4/2014



Molly Roman

From: Complaint Form [mroman@tbpg.state.tx.us]
Sent: Wednesday, January 15, 2014 11:15 AM
To: Molly Roman
Subject: Online Complaint Submitted

A complaint has been submitted through the TBPG website, see below

COMPLAINT FORM

To make a formal complaint against a licensed geoscientist or member of the public, and/or public or private entity, or to report possible violations of the Texas Geoscience Practice Act, please fill out this form in its entirety and submit to:

Texas Board of Professional Geoscientists
Attn: Secretary/Treasurer
P.O. Box 15225
Austin, TX 78711

Date: 1/15/14

Complaint is against Individual

Name of entity or individual that complaint is being filed against: John Doe

Is this entity or individual licensed? No

P.G. #: (If Applicable)

Firm Registration #: (If Applicable)

Complaint Submitted by: Wesley McCoy

Contact Information: Phone Number: (512) 635-5374 Fax Number:
Address: Home | 255 Datto Trail Liberty Hill, TX 78642
Email Address: texas_gael@yahoo.com

I, Wesley McCoy, hereby submit the following complaint for consideration of disciplinary action by the Board in accordance with Sections 1002.154, 1002.203, 1002.204, and 1002.205 of the Texas Geoscience Practice Act. I am personally familiar with the facts and circumstances hereinafter presented and the impropriety of this matter suggests gross negligence, incompetence, or misconduct in the practice of professional geoscience. Because this matter affects the public's health, safety and welfare, I am filing this complaint against the above-cited person(s), entity or entities believing that their activities and/or conduct may be in violation of the Act or Board rules. I understand that the cited person(s), entity or entities will be furnished with a copy of this complaint for the purpose of response/rebuttal.

2. It is my contention that the cited person(s), entity or entities should be held accountable to the public through the authority of the Board for the following conduct, the details of which I am providing to show reasonable cause why the Board should investigate and act:

I also offer in evidence 1 exhibit. I have attached hereto a list of these exhibits for the Board's consideration in evaluating this complaint. The exhibits themselves will be submitted to the Board in the following manner: E-mailed separately.

4. I have also included a list containing the names, business addresses and telephone numbers and e-mail addresses (if available) of all other persons who have direct interest or possess pertinent information in this matter, and whose testimony would be considered by the Board in determining its final disposition of this matter.

5. The nature and details of my specific complaint are:

Unlicensed practice.

I understand that this form must be completed in its entirety and all supporting evidence and exhibits must be submitted before the Board will consider this complaint. I also understand that if the evidence and exhibits are not received within 10 business days of my initial complaint then my complaint will be dismissed. *I swear that all the information I have provided for this complaint is true and accurate.*

WM

Online signature

Wesley McCoy

Printed name of Complainant

For office use only:

Date received	Investigated by	Investigation Start Date	Investigation End Date	Attach Findings



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are filed with the TBPG

A person may submit a complaint to the TBPG in any of the following ways:

4. A person may also submit a complaint in the form of a written letter (along with copies of supporting documentation), but the letter must be signed and sworn to by the person submitting the complaint. The letter/supporting documentation may be submitted to the TBPG by any means (mail, hand delivery, e-mail, fax, etc.).



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

Under TOC §1002.202, a complaint filed with the TBPG is confidential unless (until) charges are filed by the Board. Charges are filed by the TBPG when a Notice of Violation letter has been sent to the Respondent.

1. The complaint is submitted to the TBPG. A complaint may also be initiated by TBPG staff or Board Members.



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

2. TBPG staff verify that a received complaint was submitted by the person identified as the Complainant on the Complaint form. If the information submitted on a complaint form is unclear, TBPG staff will assist the Complainant, as needed, to specify what the person is complaining about.
3. The complaint is opened in the TBPG system. This is a set of administrative activities.



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

4. TBPG staff review the complaint for jurisdiction. A complaint is within the TBPG Board's jurisdiction if the complaint alleges a violation of the Act or TBPG Board rules.
5. TBPG staff review the complaint to determine whether there is substantial evidence that the subject of the complaint poses an immediate and ongoing threat to the safety and well being of the public. If so, certain measures may be taken to address the threat.



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

6. The complaint is prioritized as required by the Act.
Complaints are prioritized based on the potential harm to the public.
7. The Complainant is notified that the complaint was received.
The subject of the complaint (Respondent) is notified of the complaint and given the opportunity to respond (unless notifying the Respondent could jeopardize an investigation).



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

8. The complaint is investigated by TBPG staff. The investigation is documented in a complaint investigation report.



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

9. A TBPG Complaint Review Team (CRT) reviews the complaint investigation. The meeting is not public. The Respondent is always invited to attend. The Complainant is always invited to attend. Relevant witnesses may also be invited or required to attend. The CRT will review the investigation and determine whether:
 - a. Violation(s) is believe to have occurred
 - b. Disciplinary action is recommended by the CRT to be taken.

Note: *If a CRT determines that no violation occurred or a violation occurred that does not warrant formal disciplinary action, the CRT will recommend to the full TBPG Appointed Board that the complaint be dismissed with no action or with a non-disciplinary advisement. A CRT may also send the case back for further investigation.*



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

10. If a CRT determines that a violation that warrants disciplinary action is believed to have occurred, TBPG staff sends a “Notice of Violation” to the Respondent detailing the violation(s), the conduct that constitutes the violation(s), and the disciplinary action that is proposed to be taken against the Respondent. Once a Notice of Violation has been sent a complaint is no longer confidential under Texas Occupations Code, Chapter 1002

Note: *The CRT’s determination and recommended sanction are subject to the full TBPG Board’s approval.*



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

11. The Respondent has the option to agree to the CRT's findings and accept the proposed disciplinary action, request an informal conference, and/or a formal hearing with the State Office of Administrative Hearings (SOAH). An informal conference is an opportunity for the Respondent to show compliance (that no violation occurred) or demonstrate why the violation should not warrant the disciplinary action that has been proposed. An informal conference could result in the closure of a complaint or a reduction in the severity of a recommended disciplinary action.



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

12. A proposed Agreed Board Order (ABO) is included with the Respondent's notice. The ABO details the violation and the disciplinary action proposed to be ordered by the Board.
13. If, following an informal conference (or if the respondent waives the informal conference), the Respondent has not demonstrated compliance agreed to a proposed finding or sanction, the case is referred to SOAH. An Assistant Attorney General represents the TBPG at SOAH. The SOAH Administrative Law Judge will hear the case and issue a "Proposal for Decision," or PFD. The PFD essentially communicates the SOAH Judge's recommendation for how the case should be dispensed.



Guidance ...

DUTY OF TBPG TO EDUCATE OTHER STATE AGENCIES

The procedures by which complaints are resolved by the TBPG

14. Finally, the TBPG Board reviews the ABO or the PFD (if the case went to SOAH).
15. The Board makes a final decision on how to dispose of the case. The Board may accept a proposed ABO, dismiss a case entirely, or propose another action to be taken (more or less severe than sanction in the ABO). If the Board is reviewing a PFD, the Board may dismiss a case with no action or determine the appropriate action to take and take the action by Board Order.



Wesley McCoy, P.G., Enforcement Coordinator
(512) 936-4410

wmccoy@tbpg.state.tx.us

Charles Horton, Executive Director
(512) 936-4401

chorton@tbpg.state.tx.us

Act and Rules available at TBPG Website
<http://tbpg.state.tx.us>