



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

October 28, 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 9:03 a.m. Roll was called, and a quorum was certified. Members present were TBPG Chairman C. Thomas Hallmark, PhD, PG, Vice-Chair W. David Prescott, II, PG, Secretary/Treasurer Becky Johnson, PG, Lindsey Lee Bradford, Public Member, Bereket Derie, PhD, PG, Steven Fleming, PG, Christopher Mathewson, PhD, PG, PE, and Gregory Ulmer, JD. Member Joseph P. DeWoody was absent.
- B. The minutes from the July 22, 2016 Board Meeting were approved as written.
- C. Public comments. Comments from two licensees were forwarded to the Board via TBPG's Executive Director Charles Horton. One comment was submitted from Mr. Ron Weir, PG, requesting TBPG to offer an "inactive status," and another comment was provided by Mr. John Jordan, PG, of the Houston Geological Society, requesting a reduced fee for license holders aged 60 and over.
- D. Chairman's Report. Chairman Hallmark addressed the upcoming ASBOG® meetings that would be taking place the first week of November.
- E. Executive Director's Report. Director Horton addressed fiscal and budgetary matters and use of staff resources, Sunset Review items, and the organization of resource materials for Board members.
- F. Reports on recent Committee meetings and activities
 1. Application Review and Continuing Education Committee meeting report (10-27-16): Committee Chair David Prescott reviewed TBPG new written processes related to admission to the ASBOG® Fundamentals and Practice Examinations and the Texas Geophysics Examination (TGE), progress of the TBPG's "Texas Geophysics Examination Candidate Handbook," and he reported on activities related to reciprocity requests with other State Boards.
 2. Compliance and Enforcement Committee meeting report (10-27-16): Committee Chair Becky Johnson reviewed TBPG's complaint tracking reports in consideration of the Sunset standards. All other items appear later on the agenda.
 3. General Issues Committee meeting report (10-27-16): Committee Chair Christopher Mathewson addressed the Committee's development of an online link on TBPG's website that PGs can use to inform the TBPG regarding opportunities to comment to any federal or state agency regarding their proposed rules and the need to include Professional Geoscientists as individuals qualified to perform work that includes the public practice of geoscience; the Committee determined that the development of an advisory committee in this regard was not necessary at this time. Dr. Mathewson discussed the committee's review on the development of consumer publications for the website and general distribution. The Committee determined that the topics regarding "what is soil science" and "what is geophysics" would best be handled by Dr. Hallmark and Dr. Derie, respectively. On behalf of the Committee, Dr.

Mathewson requested Dr. Hallmark's and Dr. Derie's assistance in the development of these topics for agency publications. It was also noted that document, "The Value of Professional Geoscience Licensing in Texas" was provided in draft form to the Committee and is ready for technical review. The committee also reviewed an inquiry from a licensed PG regarding Firm Registration and the role of an Authorized Official of a Firm. Dr. Mathewson was tasked in contacting the inquirer; no action was taken. The Committee also discussed recent professional engineering licensure issues and considerations. The Committee was not in favor at this time of further research into TBPG's ability to offer an inactive license status.

G. Staff Reports

1. Licensing Report. Licensing Coordinator Ms. Elsa Paynes reviewed current licensing numbers, exam statistics and recent activities related to developing reciprocity agreements with other jurisdictions.
2. Financial Report. Chief Financial Officer Ms. Lisa Stockton mentioned end of fiscal year 2016 finances, current revenues and expenditures, and travel issues.
3. Enforcement Report. Enforcement Coordinator Mr. T. Wesley McCoy discussed current enforcement numbers, Complaint Review Team (CRT) meeting highlights, recent outreach opportunities, staff dismissal of complaints, and the status of cases awaiting a hearing at SOAH. Enforcement Specialist Valerie Arnold gave an update on recent training activities regarding the implementation of SB 138.

H. Consideration and possible adoption of the Application Review and Continuing Education Committee's recommended criteria for the waiver of the education requirement, the Board unanimously adopted the policy as edited.

I. Applications for P.G. license received from Mr. Mark Varhaug. Regarding his request for a waiver of the ASBOG® Fundamentals of Geology and Practice of Geology examinations, the Board unanimously approved both waiver requests.

J. Consideration and possible adoption of the Application Review/Continuing Education Committee's proposed policy providing criteria for retaking the Texas Geophysics Examination, the policy was adopted by unanimous consent.

K. Consideration of the Compliance and Enforcement Committee's recommended changes to TBPG's Complaint Standard Operating Procedures (SOPs), the Board unanimously adopted the Committee's recommended changes to the SOPs.

L. Complaints that TBPG Complaint Review Teams have proposed for dismissal by the Appointed Board, Complaint Cases 2016031, 2016032, 2016033, 2016054, the Board dismissed the complaints by unanimous consent.

M. Proposed Agreed Board Orders. Complaint Case No. 2015025 was adopted by unanimous consent, with Members Johnson and Mathewson recused. Complaint Case No. 2016020 was adopted by unanimous consent with Member Mathewson recused. Complaint Case No. 2016035 was adopted by unanimous consent with Members Mathewson and Bradford recused. Complaint Case No. 2016043 was adopted by unanimous consent with Members Bradford and Mathewson recused. Complaint Case No. 2016044 was adopted by unanimous consent with Members Bradford and Mathewson recused.

N. TBPG's use of Committee alternates. TBPG reviewed the issue regarding use of alternates on the Committees.



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- O. Consideration and recommendation from the Application Review and Continuing Education Committee's recommendation regarding adoption of amendment to 22 TAC §851.29, Endorsement and Reciprocal Licensure. No public comments were received regarding the proposal. The Board unanimously adopted the amendment as published in the Texas Register.
- P. Consideration and recommendation from the Application Review and Continuing Education Committee's recommendation regarding adoption of amendment to 22 TAC §851.31, Temporary License. No public comments were received. The Board adopted the amendment by unanimous consent.
- Q. Consideration and recommendation from the General Issues Committee's recommendation regarding adoption of new rule, 22 TAC 851.35, regarding Voluntary Surrender of a License, Registration or Certification. No public comments were received. The rule was adopted by unanimous consent.
- R. Consideration and recommendation from the Compliance and Enforcement Committee's recommendation regarding adoption of amendment to 22 TAC §851.32, Continuing Education Program. No public comments were received. The Board adopted the amendment by unanimous consent.
- S. Consideration and recommendation from the Compliance and Enforcement Committee's recommendation regarding adoption of new rule, 22 TAC §851.113 Duty to abide by Board order and timely pay administrative penalty. No public comments were received. The Board adopted the rule with changes by unanimous consent.
- T. Consideration and recommendation from the Compliance and Enforcement Committee's recommendation regarding adoption of new rule, 22 TAC §851.203, regarding default proceedings in contested case hearings scheduled with the State Office of Administrative Hearings (SOAH). No public comments were received. The Board adopted the rule by unanimous consent.
- U. Consideration and recommendation from the Compliance and Enforcement Committee's recommendation regarding adoption of new rule, 22 TAC §851.204 Costs of Administrative Hearings. No public comments were received. The Board adopted the rule by unanimous consent.
- V. Date and agenda items for next meeting. Next Committee meetings are scheduled on February 23, 2017. The next Board meeting is February 24, 2017. Topic for the next Board Meeting agenda: Election of Board officers.
- W. The meeting was adjourned at 12:17 p.m.

A handwritten signature in cursive script that reads "C. Thomas Hallmark".

C. Thomas Hallmark, PhD, PG
TBPG Chairman