



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

April 28, 2017, 8:30 a.m.

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower II, Room 225
Austin, Texas 78701

MINUTES


- A. The meeting of the Texas Board of Professional Geoscientists was called to order at 8:38 a.m. Roll was called, and a quorum was certified. Members present were Board Chairman C. Thomas Hallmark, PhD, PG, and Members W. David Prescott, II, PG, Vice-Chairman, Lindsey Lee Bradford, Steven Fleming, PG, and Christopher Mathewson, PhD, PG, PE. Member Bereket Derie, PhD, PG, arrived at 8:55 a.m. Members Becky Johnson, PG, Secretary/Treasurer, and Greg Ulmer, JD, were not present.
- B. The minutes from the February 24, 2017 Board Meeting were approved unanimously.
- C. Public comment. No members of the public were present.
- D. Chairman's Report: Dr. Hallmark addressed TBPG's upcoming activities related to Sunset review.
- E. Executive Director's Report: Mr. Charles Horton addressed fiscal and budgetary matters; use of staff resources; 85th Texas Legislative session; update on TBPG's appropriations process; and review of filed bills potentially affecting TBPG.
- F. Reports on recent Committee meetings and activities.
 1. The Application Review and Continuing Education Committee Report (4/27/17), given by Committee Chair David Prescott, addressed the development of consumer information/agency publications for general distribution.
 2. The Compliance and Enforcement Committee Report (4/27/17) was addressed by Dr. Hallmark. The Committee's items will be covered later on the agenda.
 3. The General Issues Committee Report (4/27/17), given by Committee Chair Christopher Mathewson, addressed recent activities related to facilitating communication with TDLR and the water well driller program regarding the review of statute and rules allowing geoscientists to use power equipment for extraction of soil and geologic samples and placement of piezometers.
 4. The Financial Review and Strategic Planning Committee had not met; no report was given.
- G. Staff Reports:
 1. Licensing Report. Ms. Elsa Paynes, Licensing Coordinator, reported on current licensing data, and ASBOG® examination statistics from the March exams. Ms. Molly Roman, Operations Manager, updated the Board on recent efforts to enter into reciprocity agreements with other jurisdictions.
 2. Financial Report. Ms. Lisa Stockton, Chief Financial Officer, mentioned revenues, expenditures, travel updates, and identification badges for Board members.
 3. Enforcement Report. Mr. T. Wesley McCoy, PG, Enforcement Coordinator, communicated current enforcement numbers, recent Complaint Review Team (CRT) meeting highlights, outreach opportunities, staff dismissal of complaints, and cases due to be heard at SOAH.
- H. Applications for P.G. license received from the following individual:

- a. Daniel Smith: Applicant for P.G. license requesting a waiver of the ASBOG® Fundamentals of Geology and ASBOG® Practice of Geology examinations. The Board unanimously approved Mr. Smith's request for waiver of the Fundamentals examination in a vote of 6-0; The Board also unanimously approved his request for waiver of the Practice examination in a vote of 6-0.
- I. Complaints recommended for dismissal by TBPB's Complaint Review Teams (CRT). The CRT had not met; no action was taken.
- J. Proposed Agreed Board Orders. Complaint Case No. 2016009 was adopted by unanimous consent, with Member Mathewson recused.
- K. Proposed Default Final Orders:
 - 1. Complaint Case No. 2015033, SOAH Docket #481.17.1577, passed by unanimous consent, with Member Mathewson recused.
 - 2. Complaint Case No. 2015035, SOAH Docket #481.17.1593, passed by unanimous consent, with Member Mathewson recused.
 - 3. Complaint Case No. 2015046, SOAH Docket #481.17.1592, passed by unanimous consent, with Members Mathewson and Hallmark recused.
 - 4. Complaint Case No. 2015008, SOAH Docket #481.17.1973, passed by unanimous consent, with Member Mathewson recused.
 - 5. Complaint Case No. 2016011, SOAH Docket #481.17.1972, passed by unanimous consent, with Member Mathewson recused.
- L. Application Review and Continuing Education Committee's recommendation regarding proposal of amendment to 22 TAC §851.20 Professional Geoscientist Licensing Requirements and Application Procedures. The Board approved by unanimous consent a proposal of amendment to §851.20, for posting to the Texas Register for public comment.
- M. Application Review and Continuing Education Committee's recommendation regarding proposal of amendment to 22 TAC §851.21, Licensing Requirements-Examinations. The item is still under review; no action was taken.
- N. Application Review and Continuing Education Committee's recommendation regarding proposal of amendment to 22 TAC §851.23, Qualifying Experience Record. The Board approved by unanimous consent a proposal of amendment to §851.23, for posting to the Texas Register for public comment.
- O. Application Review and Continuing Education Committee's recommendation to the full Board regarding proposal of amendment to 22 TAC §851.25, Education. The Board approved by unanimous consent a proposal of amendment to §851.25, for posting to the Texas Register for public comment.
- P. General Issues Committee's recommendation regarding proposal of amendment to 22 TAC §851.80, Fees. The Board approved by unanimous consent a proposal of amendment to §851.80, for posting to the Texas Register for public comment.
- Q. Compliance and Enforcement Committee's recommendation regarding proposal of amendment to 22 TAC §851.157, Complaints and Disciplinary Actions; repeal of current 22 TAC §851.158, Actions Against Non-License Holders and proposal of new 22 TAC §851.158, Procedures; proposal of new 22 TAC §851.159, Sanctions; and proposal of amendment to 22 TAC §851.203, Defaults; and proposal of new 22 TAC §851.220, Judicial Review Procedures. The Board approved by unanimous consent proposal of amendment to §851.157, Complaints and Confidentiality; repeal of current §851.158; proposal of new §851.158, Procedures; proposal of new §851.159, Sanctions; proposal of amendment to §851.203, Defaults; and proposal of new §851.220 Judicial Review Procedures, for posting to the Texas Register for public comment.



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- R. Application Review and Continuing Education Committee's recommendation for certain changes to section 1002.254 Examinations, Texas Geoscience Practice Act. The Board adopted by unanimous consent the Committee's recommendation to propose certain changes to section 1002.254 to TBPGE's set of recommended changes to the Texas Geoscience Practice Act for inclusion in future reports to the legislature.
- S. Date and agenda items for next meeting. The next Board meeting is August 18, 2017. Future items include: Review of public comments and potential adoption of amendments to 22 TAC §851.10, Definition of Authorized Official of a Firm; amendments to 22 TAC §851.20, Professional Geoscientists Licensing Requirements and Application Procedure; amendments to 22 TAC §851.21, Licensing Requirements-Examinations; amendments to 22 TAC §851.25, Education; amendments to 22 TAC §851.30, Firm Registration; amendments to 22 TAC §851.80, Fees; amendments to 22 TAC §851.157, Complaints and Disciplinary Actions; repeal of current 22 TAC §851.158, Actions Against Non-License Holders and proposal of new 22 TAC §851.158, Procedures; proposal of new 22 TAC §851.159, Sanctions; and proposal of amendment to 22 TAC §851.203, Defaults; proposal of new 22 TAC §851.220, Judicial Review Procedures.
- T. The meeting was adjourned at 10:59 a.m.


C. Thomas Hallmark, PhD, PG, Chairman