



TBPG Newsletter

Fall 2017

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Help after Hurricane Harvey

The Texas Board of Professional Geoscientists (TBPG) has been closely tracking the impact of Hurricane Harvey and the actions taken by Governor Greg Abbott and other state agencies to assist with the emergency response efforts. Consideration has been given to Hurricane Harvey's impact on TBPG's licensees: licensed Professional Geoscientists (PGs), Geoscientists-in-Training (GITs), and registered Geoscience Firms (GFs).

TBPG recognizes that Professional Geoscientists are an integral part of many types of damage assessment, such as environmental site assessments or assessments of below ground structural issues. TBPG understands the importance of assisting PGs and Geoscience Firms impacted by Hurricane Harvey to renew licenses so they are available to assist in further response, recovery, and rebuilding.

Governor Greg Abbott has issued a number of Proclamations declaring a state of disaster in a number of counties.

See: [Governor's Proclamation](#)

As of this publication, the most recent list of counties (September 20, 2017) include Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kerr, Kleberg, Lavaca, Lee, Leon, Liberty, Live Oak, Madison, Matagorda, Milam, Montgomery, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Jacinto, San Patricio, San Augustine, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Willacy and Wilson counties.

INFORMATION FOR LICENSEES IN DISASTER COUNTIES

With regard to the impact of Hurricane Harvey on TBPG's licensees, TBPG's objectives have been to assist current licensees with renewals of licenses, expedite the processing of applications for new regular and temporary licenses, and to work with any licensee who was affected by Hurricane Harvey and was already involved in an audit for compliance with the continuing education requirements or is the Respondent to a complaint.

License renewals: TBPG staff are available by phone or e-mail to work with hurricane impacted licensees who need some assistance with the renewal of their licenses. Call (512) 936-4400.

PG licenses, GIT certifications, and Geoscience Firm registrations in a Governor-designated disaster county that was scheduled to expire between August 31, 2017 and November 30, 2017 shall expire on December 31, 2017.

- Licenses that would have expired, but haven't because of this emergency provision will not appear in a public license search. TBPG will have a list of impacted licensees available as a supplemental license search. The supplemental license search serves as an online verification of licensure equal to the current online license search. See: [List of License Expirations Extended through December 31, 2017](#)
- Late renewal fee. Normally if a license is renewed 60 days or more after it is expired, a \$50 late fee applies. Extending the expiration date of these licenses also extends the date the late renewal fee is assessed. Licenses in disaster counties that would have expired at the end of August, September, and October, and November 2017 can renew late as December 31, 2017 without any gap in licensure. Licenses that expire December 31, 2017 and that are renewed on or after March 1, 2018, will be subject to the 60-day late renewal fee.
- Upon the renewal of each Professional Geoscientist license, GIT certification, and Geoscience Firm registration that was extended by this emergency rule, the renewal fee shall be the same annual renewal fee for the license, certification, or registration listed in §851.80.

Continuing Education: A Professional Geoscientist or a Geoscientist-in-Training who resides in Governor-designated disaster affected counties is exempt from the continuing education requirement as long as the license or certification is renewed before August 31, 2018. Please see: [Licensees Temporarily Exempt from CE through August 31, 2018](#)

License certificates, wallet renewal cards, and wall renewal cards: If your PG License, GIT certification, and Geoscience Firm registration certificates or renewal wall/wallet cards were lost or destroyed in the storm, please contact the TBPG staff. We can provide a replacement at no cost.

Reciprocity: In the coming months, TBPG's Licensing staff will expedite any new or temporary applications for licensure that is based on reciprocity or on licensure in another jurisdiction.

Complaint/ Continuing Education Audit: If you are the Respondent to an open complaint or you are under an audit of your continuing education, please contact TBPG Enforcement staff:

Wesley McCoy, (512) 936-4410, Complaint inquiries
Valerie Arnold, (512) 936-4402, Continuing Education Audit inquiries

ACTION TAKEN BY TBPG'S APPOINTED BOARD

On September 28, 2017, TBPG's Appointed Board held an emergency Board meeting. The Appointed Board adopted emergency rules that impact licensees in the counties proclaimed by Governor Abbott to be a disaster. A link to the adopted emergency rules: [Emergency Rules 09/28/2017](#)

TBPG's Appointed Board Members and staff are committed to doing what we can do to assist individuals affected by Hurricane Harvey. We encourage impacted licensees and others to contact the TBPG office staff if they encounter issues with renewals, new license applications, or any other issue TBPG staff might be able to assist with. If you have been impacted and you are under a continuing education audit or are the respondent to a complaint, we encourage you to contact TBPG Enforcement staff.

TBPG Contacts

General questions about renewing a license:
Main line, 512 936-4400

Continuing Education Questions:
Valerie Arnold, 512 936-4402

Complaints or Enforcement Questions:
Wes McCoy, PG, 512 936-4410

New applications and waiver requests:
Elsa Paynes, 512 936-4403

Failing to Seal Geoscience Work

TBPG has seen a significant increase in the amount of unsealed public work, and we want to make sure that licensees are aware of the sealing requirements and avoid violations.



Many of our recent complaints have stemmed from the mistaken idea that "if work is not submitted to a government agency, it doesn't have to be sealed." Nothing could be further from the truth. The rules are clear - any final work product that involves geoscience **MUST** be sealed. (See [851.156\(k-l\)](#))

Many of our recent violations involve Phase II Environmental Site Assessments.

While the TBPG has determined that a Phase I ESA does not require a seal, Phase II and Phase III work do. (See [Enforcement FAQs](#)). A number of our interactions involve licensees that sign and seal Phase IIs going to TCEQ, but don't sign and the seal Phase IIs that are "only going to a client." Some call this an "internal" document - let me be clear - THIS IS NOT AN INTERNAL DOCUMENT AND MUST BE SEALED. Performing a Phase II (or any other non-exempt work) for a client constitutes performing geoscience for the public and is subject to regulation regardless of whether this work is submitted to a regulatory agency or sealed. (See [851.156\(k\)](#)).

Lastly, we have had several licensees state that they are "stingy" or "cautious" with their seals and they "don't seal just anything," instead only sealing work submitted to a regulatory agency. While we appreciate PGs taking their sealing duties seriously, being "careful" should not cause you to violate the sealing rules. Rather, a PG's caution and care should result in quality work that is worthy of your seal.

-Contributed by TBPG Board Member Becky Johnson



Current Licensing Numbers

August 31, 2017

4029 Professional Geoscientists
334 Registered Firms
138 Geoscientists-in-Training

Board Meeting Highlights - August 18, 2017

Waiver Requests.

- John M. Seeley: The applicant met the Board's policy for waiver of the examination requirement for licensure. The Board unanimously approved the applicant's request for waiver of the ASBOG® Fundamentals of Geology and Practice of Geology examinations.
- Jimmy Hall: The Board unanimously approved the applicant's request for waiver of the ASBOG® Fundamentals of Geology and Practice of Geology examinations.
- Madelyn A. Flannagan: The Board unanimously approved the applicant's request for waiver of the ASBOG® Fundamentals of Geology exam.
- Cristian Astorga: The Board reviewed the applicant's request for considerations available under Texas Occupations Code, Chapter 55, Benefits for Military Veterans. The Board unanimously granted Mr. Astorga a P.G. license based on his alternate demonstration of

competency for a license.

Complaints dismissed. The Board dismissed Complaint Case #2013040 by unanimous consent, with Members Johnson and Mathewson recused. The Board dismissed Complaint Case #2017039 by unanimous consent, with Members Johnson and Bradford recused.

Proposed Agreed Board Orders. The Board adopted the Proposed Agreed Board Order for Complaint Case #2017024 by unanimous consent, with Members Bradford and Johnson recused. The Board adopted the Proposed Agreed Board Order for Complaint Case #2017030 by unanimous consent, with Members Bradford and Johnson recused.

Proposed Default Final Orders. Complaint Cases #2015031 and 2016037 were adopted by unanimous consent, with Member Mathewson and Johnson recused.

Proposal for Decision and Disciplinary Board Order. The Board adopted the disciplinary Board order for SOAH Docket #481-17-1971, Complaint Case #2016012, by unanimous consent, with Member Mathewson recused.

Please note that disciplinary actions, including Board Orders and Final Orders, taken by the Appointed Board may be found on the website under the [Enforcement/Disciplinary Actions](#) link.

Proposed amendment. The Board proposed an amendment to 22 TAC 851.21, Licensing Requirements-Examinations, by unanimous consent, for posting to the Texas Register for public comments.

Adopted new rules, amendments and repeal. The Board adopted the following rule changes by unanimous consent:

- Adoption of amendment §851.20, PG Licensing Requirements and Application Procedures
- Adoption of amendment §850.23, Qualifying Experience Record
- Adoption of amendment §851.25, Education
- Adoption of amendment §851.80, Fees
- Adoption of amendment §851.157, Complaints & Disciplinary Actions
- Adoption of repeal of §851.158, Actions against Non-License Holders, and replace with new rule §851.158, Procedures
- Adoption of new rule §851.159, Sanctions
- Adoption of amendment §851.203, Defaults
- Adoption of new rule §851.220, Judicial Review

The Board adopted these items by unanimous consent, and they will appear in the September 22, 2017 issue of the *Texas Register*. A link to the posting on the *Texas Register* will be provided on the agency website once available.

Upcoming Meetings

November 16, 2017

- Application Review/Continuing Education Committee
- Compliance/Enforcement Committee
- General Issues Committee

November 17, 2017

- TBPG Board Meeting

Agendas with times and locations of the meetings will be available on the TBPG website soon.

Appointed Members of the Board

C. Thomas Hallmark, PhD, PG, *Chairman*
Hearne, Texas

W. David Prescott, II, PG, *Vice-Chairman*
Amarillo, Texas

Becky Johnson, PG, *Secretary/Treasurer*
Fort Worth, Texas

Lindsey Lee Bradford, *Public Member*
Edna, Texas

Bereket M. Derie, PhD, PG, *Professional Member*
Round Rock, Texas

Steven Fleming, PG, *Professional Member*
San Antonio, Texas

Christopher Mathewson, PhD, PG, PE, *Professional Member*
College Station, Texas

Gregory Ulmer, JD, *Public Member*
Houston, Texas