



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

August 18, 2017, 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 9:01 a.m. Roll called and a quorum was certified. Board Members present were TBPG Board Chairman C. Thomas Hallmark, PhD, PG, Vice-Chairman W. David Prescott, II, PG, Secretary/Treasurer Becky Johnson, PG, Lindsey Lee Bradford, Bereket M. Derie, PhD, PG, Steven Fleming, PG, Christopher Mathewson, PhD, PG, PE, and Gregory Ulmer, JD.
- B. The minutes from the April 28, 2017 Board Meeting were approved by unanimous consent as edited.
- C. Public comment. No comments from the public were offered.
- D. Chairman's Report: Dr. Hallmark addressed that TBPG's Sunset Review has begun and that the agency's Self Evaluation Report will be submitted by the due date of September 1.
- E. Executive Director's Report: Executive Director Charles Horton discussed the Self Evaluation Report and requested Board Member input on the professional associations that should be included in the contacts section. Mr. Horton also mentioned legislation from the 85th legislative session that had been filed but not adopted that would have impacted state agencies' ability to raise fees.
- F. Reports on recent Committee meetings and activities
 1. Application Review and Continuing Education Committee meeting (8/17/17)
 - Committee Chair Prescott presented information regarding the discussion of offering an additional ASBOG® Examination administration site in the West Texas area; and the ongoing development of consumer information and publications for use by TBPG.
 2. Compliance and Enforcement Committee meeting (8/17/17)
 - Committee Chair Johnson addressed the Committee's review and revision of documents that TBPG uses and displays related to complaint procedures, including: the Complaint Standard Operating Procedures (SOP), complaint process flow diagram, the set of information provided to Complainants and Respondents, "How the TBPG Resolves a Complaint," and the "TBPG Penalties and Suggested Sanctions" to be consistent with proposed rule changes.
 3. General Issues Committee meeting (8/17/17)
 - Committee Chair Mathewson reported that the Committee discussed activities related to the review of statute and rules allowing geoscientists to use power equipment for extraction of soil and geologic samples, but that no action was needed or taken by the Committee.
 4. Financial Review and Strategic Planning Committee meeting (8/18/17)
 - Committee Chair Ulmer reported on the expenditures for FY 2017 ending 8/31/2017; TBPG's appropriation set by the 85th Texas Legislative Session;

TBPG's recent Comptroller post payment audit; and the new travel reimbursement guidelines.

G. Staff Reports:

1. Licensing Report: Licensing Coordinator Elsa Paynes reported on current licensing numbers and recent ASBOG® examination statistics. There were no updates regarding staff efforts to enter into reciprocity agreements with other jurisdictions.
2. Financial Report: Chief Financial Officer Lisa Stockton addressed current revenues, expenditures, and recent travel updates.
3. Enforcement Report: Enforcement Coordinator Wesley McCoy, PG reviewed current enforcement numbers, recent Complaint Review Team (CRT) meeting highlights, recent outreach opportunities, complaints dismissed by staff, and cases awaiting a hearing at SOAH.

H. Applications for P.G. license received from the following individuals:

- a. John M. Seeley: The Board unanimously approved the applicant's request for waiver of the ASBOG® Fundamentals of Geology and Practice of Geology examinations in a vote of 8-0.
- b. Jimmy Hall: The Board unanimously approved the applicant's request for waiver of the ASBOG® Fundamentals of Geology and Practice of Geology examinations in a vote of 8-0.
- c. Madelyn A. Flannagan: The Board unanimously approved the applicant's request for waiver of the ASBOG® Fundamentals of Geology exam in a vote of 8-0.
- d. Donnie Windland: There was no motion; no action was taken.
- e. Meghan Espinoza: There was no motion; no action was taken.
- f. Chad Copeland: There was no motion; no action was taken.
- g. 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 in a vote of 8-0.

I. Complaints recommended for dismissal by TBPG's Complaint Review Teams

1. The Board dismissed Complaint Case No. 2013040 by unanimous consent, with Members Johnson and Mathewson recused.
2. The Board dismissed Complaint Case No. 2017039 by unanimous consent, with Members Johnson and Bradford recused.

J. Proposed Agreed Board Orders

1. The Board adopted the Proposed Board Order for Complaint Case No. 2017024 by unanimous consent, with Members Bradford and Johnson recused.
2. The Board adopted the Order for Complaint Case No. 2017030 by unanimous consent, with Members Johnson and Bradford recused.

K. Proposed Default Final Orders

1. The Board adopted the Default Final Order for Complaint Case No. 2015031, SOAH Docket #481.17.3847, by unanimous consent, with Members Mathewson and Johnson recused.
2. The Board adopted the Default Final Order for Complaint Case No. 2016037, SOAH Docket #481.17.3848, by unanimous consent, with Members Mathewson and Johnson recused.



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3. The Board adopted the Default Final Order for Complaint Case No. 2016047, SOAH Docket #481.17.3849, by unanimous consent, with Members Mathewson and Bradford recused.
 - L. Review of proposal for decision for SOAH Docket #481-17-1971 and possible adoption of a disciplinary Board Order. The Board adopted the disciplinary Board order for SOAH Docket #481-17-1971, complaint #2016012, by unanimous consent, with Member Mathewson recused.
 - M. The Board approved proposal of amendment to 22 TAC §851.21, Licensing Requirements-Examinations, by unanimous consent, for posting to the Texas Register for public comments.
 - N. The Board adopted the following rule changes by unanimous consent: adoption of amendment to 22 TAC §851.20, Professional Geoscientist Licensing Requirements and Application Procedures; adoption of amendment to 22 TAC §851.23, Qualifying Experience Record; adoption of amendment to 22 TAC §851.25, Education; and adoption of amendment to 22 TAC §851.80, Fees.
 - O. The Board adopted the following rule changes by unanimous consent: adoption of amendment to 22 TAC §851.10, Definitions; adoption of amendment to 22 TAC §851.30, Firm Registration; and adoption of amendment to 22 TAC §851.80, Fees.
 - P. The Board adopted the following rule changes by unanimous consent: adoption of amendment to 22 TAC §851.157, Complaints and Disciplinary Actions; adopted repeal of current rule 22 TAC §851.158, Actions Against Non-License Holders; adoption of new rule 22 TAC §851.158, Procedures (as edited); adoption of new rule 22 TAC §851.159, Sanctions; adoption of amendment to 22 TAC §851.203, Defaults; and adoption of new rule 22 TAC §851.220, Judicial Review Procedures.
 - Q. Discussion and possible action regarding the employment, evaluation and salary of the Executive Director. The Board went into closed session at 12:10 p.m. and resumed open session at 12:18 p.m. No action was taken.
 - R. Date and agenda items for next meeting. The next Committee meetings are scheduled on November 16, 2017. The next Board meeting is scheduled on November 17, 2017.
 - S. Adjournment. The meeting was adjourned at 12:25 p.m.

C. Thomas Hallmark

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TBPG Chairman