



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

August 17, 2018, 8:30 a.m.

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower III, Room 102A
Austin, Texas 78701

MINUTES

- A. The regularly scheduled meeting of the Texas Board of Professional Geoscientists was called to order at 8:36 a.m. Roll was called, and a quorum was certified. Board Members in attendance were Chairman Tom Hallmark, PhD, PG, Vice Chairman W. David Prescott, PG, Secretary/Treasurer Becky Johnson, PG, Greg Ulmer, JD, Christopher Mathewson, PhD, PG, PE, Lindsey Lee Bradford, and Steven Fleming, PG. Member Bereket Derie arrived at 8:48 a.m.
- B. The minutes from the April 27, 2018 Board Meeting were approved by unanimous consent.
- C. Public comments were submitted by Dr. James Ward, representing Mesa Geologicals, LLC; and Matthew Cowan, representing Texas Association of Professional Geoscientists, American Institute of Professional Geologists, and as an observer for Houston Geological Society.
- D. **Chairman's Report:** Dr. Hallmark reported on the upcoming Fall ASBOG® Meetings: the Annual Meeting, Administrator's Forum, and Council of Examiners. He also mentioned the letter that was sent to the American Institute of Professional Geologists (AIPG) regarding New Member Category-Nationally Accredited Professional Geologist.
- E. **Executive Director's Report:** Director Charles Horton addressed the Governor's initiative to end human trafficking; fiscal and budgetary matters; a new requirement for state agencies to provide rule proposals to the Governor's Office of Budget, Planning, and Policy before submitting proposed changes to rules to the Texas Register and the requirement to offset any proposed increase of fees by reducing fees elsewhere in an agency's rules.
- F. **Reports on recent Committee meetings and activities**
 1. The Application Review and Continuing Education Committee meeting report (08/16/18) was given by Committee Chair Dr. Chris Mathewson, who addressed that the Committee reviewed a draft Policy Statement regarding the implementation of Texas Occupations Code §1002.256(a)(3) and §1002.256(c) to clarify the calculation of qualifying work experience for full time graduate study in a discipline of geoscience that is acceptable to the board; they reviewed the education for an applicant, Jason Young, GIT, to determine whether his graduate study would count toward work experience credit; and they reviewed administrations of the Texas Geophysics Examination (TGE) since TBPG began using the TGE 2nd Edition, beginning August 2016 and discussed potential actions to strengthen the TGE.
 2. The Compliance and Enforcement Committee meeting report (08/16/18) was given by Committee Chair Becky Johnson, who mentioned that the Committee discussed the Office of Attorney General policy on threshold for collection of past-due administrative penalties; an updated Ethics Presentation for the TBPG website; a report regarding TCEQ rule-making process regarding coal combustion residuals in Texas; and a review of P.G. Sealing Requirements FAQs.

3. The General Issues Committee meeting did not meet this quarter. No report was given.
 4. The Financial Review and Strategic Planning Committee meeting did not meet. No report was given.
- G. Staff Reports:
1. Licensing Report, given by Licensing Coordinator Elsa Paynes, included current licensing numbers, examination statistics, and efforts to enter into reciprocity agreements with other jurisdictions.
 2. Financial Report, given by Chief Financial Officer Lisa Stockton, included the agency's transition to CAPPs, current revenues, expenditures, and travel updates.
 3. Enforcement Report, given by Enforcement Coordinator T. Wesley McCoy, addressed current enforcement numbers, Complaint Review Team (CRT) meeting highlights, recent outreach opportunities, and staff dismissal of complaints.
- H. Applications for P.G. license received from the following individuals:
- a. Lisa Marinangel: No action taken.
 - b. Steve Wells: The Board unanimously approved his request for substitution of experience for the education requirement.
 - c. Rex Crick: The Board unanimously approved his request for waiver of the ASBOG® Fundamentals and Practice of Geology examinations.
 - d. Daniel Gorski: The Board unanimously approved his request for waiver of the ASBOG® Fundamentals and Practice of Geology examinations.
 - e. Jesus M. Gallegos: No action taken.
 - f. Keith Linton: There was not a recommendation for Mr. Linton to sit for the soil science examinations. The Board took no action.
 - g. Geoffrey Leking: The Board unanimously approved his request for waiver of the ASBOG® Fundamentals and Practice of Geology examinations.
 - h. Dr. Patrick Friend: The Board unanimously approved his request for waiver of the ASBOG® Fundamentals of Geology examination.
- I. Strategic Plan 2019-2023/ Customer Service Report. CFO Lisa Stockton reported that the Strategic Plan was submitted timely.
- J. Legislative Appropriations Request (LAR) for FY 2020-2021. Ms. Stockton reported that the LAR was completed and submitted timely.
- K. Request for Advisory Opinion regarding PG stamp on Phase II Environmental Site Assessment reports prepared in accordance with ASTM standards. The Board approved the Executive Director to respond to the request with a letter as presented and amended by the Committee.
- L. Consideration of Application Review / Continuing Education Committee recommendation of possible amendment to TAC §851.43 for future posting to the Texas Register for public comment to provide clarification of the renewal of an expired Geoscientist-in-Training certification. The Board approved posting the proposed amendment by unanimous consent.
- M. Adoption of the following amendments and new rules to TBPG rules: 850.82, 851.10, 851.20, 851.21, 851.22, 851.23, 851.24, 851.25, 851.28, 851.29, 851.30, 851.32, 851.40, 851.41, 851.43, 851.80, 851.85, 851.101, 851.103, 851.104, 851.106, 851.109, 851.111, 851.112, 851.113, 851.156, 851.158, 851.203, and 851.204. The Board unanimously adopted the new rules and amendments as published in the Texas Register.



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- N. Proposed Default Orders. Complaint Cases Nos. 2014027, 2014032, 2014042 were adopted in a vote of 6-0, with Members Hallmark and Mathewson recused. Complaint Case No. 2017001 was adopted in a vote of 6-0, with Members Bradford and Mathewson recused. Complaint Case No. 2017040 was adopted in a vote of 6-0, with Members Bradford and Johnson recused. Complaint Cases Nos. 2018019 and 2018023 were adopted in a vote of 6-0, with Members Bradford and Mathewson recused.
- O. Proposed Agreed Board Orders. Complaint Case No. 2014020 was adopted in a vote of 6-0, with Members Hallmark and Mathewson recused. Complaint Case No. 2015042 was adopted in a vote of 6-0, with Members Johnson and Mathewson recused. Complaint Case No. 2017033 was adopted in a vote of 6-0, with Members Bradford and Johnson recused. Complaint Case No. 2018020 was adopted in a vote of 6-0, with Members Bradford and Mathewson recused.
- P. Posting the Executive Director position. Potential discussion regarding the appointment of an Interim/Acting Executive Director. The Board went into closed session regarding item P at 11:05 a.m. The Board resumed open session at 12:09 p.m. No action was taken in closed session. The Board unanimously appointed Wesley McCoy, PG, as Interim Executive Director at the salary of the current Executive Director effective September 1, 2018, until a permanent Executive Director is appointed. Additionally, the Board unanimously approved posting the position of Executive Director immediately. Chairman Hallmark appointed a Search Committee to include Board Members David Prescott, Becky Johnson, and Steven Fleming in order to review applications received, and to bring top candidates to the Board for consideration.
- Q. Sunset Advisory Commission review of TBPG and Sunset Staff Report and Recommendation. The Board received guidance from its Assistant Attorney General Melissa Juarez, regarding the Board's role during the Sunset process. It was noted that Board Members have a right as individuals to speak to their legislators, but cannot represent the Board in doing so, or use any state resources for that purpose.
- R. Date for upcoming meetings and agenda items for next meeting. The next Committee meetings will be held on November 29, 2018. The next Board Meeting will be held on November 30, 2018.
- S. The Board meeting was adjourned at 1:25 p.m.

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

C. Thomas Hallmark, PhD, PG
TBPG Chairman

