



# TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

## **Board Meeting**

*April 26, 2019, 9:00 a.m.*

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

## **MINUTES**

- A. The meeting of the Texas Board of Professional Geoscientists was called to order at 9:05 a.m. Roll was called, and a quorum was certified. Board members in attendance were TBPG Chair Becky Johnson, P.G., W. David Prescott, II, P.G., Vice-Chair, Steven Fleming, P.G., Secretary-Treasurer, C. Thomas Hallmark, Ph.D., P.G., Drusilla Knight-Villarreal, Brandon Stowers, and Mark N. Varhaug, P.G., C.P.G. Members Bereket Derie, Ph.D., P.G., and Lindsey Lee arrived at 9:09 a.m.
- B. The minutes from the February 1, 2019 Board Meeting were approved by unanimous consent.
- C. Public comment. No comments were made.
- D. Chairman's Report: TBPG Chair Becky Johnson presented to Dr. Hallmark an award to recognize his outstanding service as TBPG Board Member and Chairman. She expressed appreciation for the work he has accomplished for the TBPG. She addressed some short term goals for the Board: to reestablish the Joint Committee of TBPG and TBPE; engaging licensees through their participation in advisory committees; increasing the numbers of license holders through more outreach opportunities; generating more enforcement complaints regarding protection of the public. Long-term goals for TBPG include possible changes to the statute related to actions to address unlicensed entities, and other possible statutory changes to allow for an "Emeritus" license status.
- E. Executive Director's Report: TBPG Executive Director Rene D. Truan reported on agency fiscal matters, mentioning TBPG's decreasing revenue. Mr. Truan mentioned that a goal as new Executive Director is to review the workflow processes that are in place and see where improvement can be made. He has identified initial areas for cost savings, such as contracting, agency equipment, and travel expenditures, with the goal of getting the best return value on investment. He addressed that he will be reviewing agency operations to improve service and value to TBPG licensees, and improve efficiency and effectiveness, and ensure transparency. He also mentioned the need for ongoing ethics presentations to the Board at its meetings, and the need to focus on outreach, promoting who we are, and telling our story. For legislative updates, he reported that TBPG's reauthorization bill (HB 1311) was passed out of the Senate Committee and is waiting to be placed on the full Senate calendars.
- F. Ethics presentation. T. Wesley McCoy, P.G., TBPG Enforcement Coordinator, gave an ethics presentation to Members of the Board and the public.
- G. Reports on recent Committee meetings and activities
  1. The Application Review and Continuing Education Committee meeting (4/25/19) report was given by Committee Chair Steven Fleming, who gave an update regarding the Texas Geophysics exam activities; reported on the Sunset Commission recommendations and potential rule amendments regarding the elimination of statutory notarization requirement for individuals applying for the Professional

Geoscientist license; elimination of the statutory letter of reference requirement for individuals applying for a Professional Geoscientist license; and elimination of the letter of reference requirement for individuals applying to register as a Geoscientist-in-Training certification. Also discussed was the desire to have input from the industry regarding an Environmental Science license or certification. Mr. Rusty Branch, President of the Texas Geoscience Council, suggested that he would like the Board to establish an advisory committee to obtain input from the industry. The Board approved a motion to establish an advisory committee for the issue of environmental science licensure and utilize the assistance of the Texas Geoscience Council, in a vote of 8-1, with Dr. Hallmark dissenting. Board Chair Becky Johnson requested that the Application Review Committee consider developing a mission or charge for this advisory committee, a time frame, and to forward any volunteer requests to Steven Fleming. Also discussed was an inquiry to the Board from a geochemist regarding PG licensure; and potential outreach opportunities.

2. The Compliance and Enforcement Committee meeting (4/25/19) report was given by Committee Chair Becky Johnson, who reported on the Sunset Advisory Commission recommendations.

- Ongoing: Direct the board to discontinue geoscience firm registration (non-statutory). Chairman Johnson reported that the Committee had determined the need to have input from the industry on this item, and the Committee had recommended setting up an advisory committee for this item. The Board unanimously approved a motion to establish an advisory committee to obtain public input regarding the issue of removing the requirement of firm registration. Board Member Brandon Stowers offered his assistance with this advisory committee, as did Executive Director Rene Truan.
- Completed: Direct the board to cease routinely opening unlicensed public practice complaints against expired licensees who failed to timely renew (non-statutory).
- Ongoing: Direct the board to further develop policies guiding the administrative dismissal of complaints by staff, specifically to provide staff clear direction to handle continuing education complaints unless aggravating circumstances require board involvement (non-statutory).
- Completed: Direct the board to publish its penalty matrix on its website (non-statutory).
- Ongoing: Amend Texas Occupations Code, Section 1002.452 to increase the board's maximum administrative penalty amount from \$100 to \$1,500 per day for each violation. The application of the maximum penalty should be limited to only the most serious offenses (statutory).
- Ongoing: Apply the Sunset across-the-board recommendation regarding complaint processing for complaints against the board (statutory).
- Ongoing: Apply the Sunset across-the-board recommendation regarding alternative dispute resolution (statutory).

Also discussed was civil liability immunity for Advisory Committee members, which is now clarified in HB 1311; and the possibility of pursuing an "emeritus" license status. Potential outreach opportunities were reviewed.

3. The General Issues Committee meeting (4/25/19) report was given by Committee Chair Bereket Derie, who reviewed the recommendation from the Sunset Commission to require the agency to develop a board member training manual that each board member attests to receiving and reviewing annually, and require existing



## TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

board member training to include information about the scope and limitations of the board's rulemaking authority, including potentially anticompetitive behavior (statutory). The Committee will continue to develop the required material to include in the annual board member training. Also discussed were additional continuing education options for the website regarding the ethics requirement for license holders; an inquiry from a geochemist regarding P.G. licensure; and potential outreach initiatives for the Board.

4. The Financial Review/Strategic Planning Committee meeting (4/26/19) report was given by Committee Chair David Prescott. He requested Ms. Lisa Stockton, TBPG Chief Financial Officer, to present an update about the ongoing CAPPs training and implementation. Also addressed were agency expenditures for FY 2019, recommended upgrades for IT purchases, and legislative updates.
- H. Staff Reports:
1. The Licensing Report was given by Licensing Coordinator Elsa Paynes, who addressed current licensing numbers, recent examination results, and current efforts at reciprocity with other jurisdictions.
  2. The Financial Report was given by Chief Financial Officer Lisa Stockton, who advised on agency revenues, expenditures, travel updates.
  3. The Enforcement Report was given by Enforcement Coordinator T. Wesley McCoy, P.G., who included current enforcement numbers, recent Complaint Review Team (CRT) meeting highlights, upcoming outreach opportunities, and enforcement penalties received.
- I. Applications for P.G. license received. No action was taken.
- J. Proposed dismissal of complaints from the Complaint Review Team. No action was taken.
- K. Proposed Agreed Board Orders. No action was taken.
- L. Proposed Default Orders. No action was taken.
- M. Potential outreach initiatives. Chairman Johnson emphasized the importance of outreach for TBPG, and she mentioned that this will be an ongoing item for each Committee and Board meeting to discuss opportunities for outreach.
- N. Discussion regarding TBPE Board liaison. Chairman Johnson stated her goal for TBPG to engage the Texas Board of Professional Engineers (TBPE) through reestablishing the Joint Committee of the TBPE and the TBPG.
- O. Date for upcoming meetings and agenda items for next meeting. The next TBPG Board meeting has been scheduled for August 23, 2019.
- P. The meeting was adjourned at 12:09 p.m.



Becky L. Johnson, P.G., TBPG Chair

