



## TBPG Spring Newsletter - March 2022

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### From The Chair | Becky L. Johnson, P.G.

Hi folks – If you’ve been reading my column, then you know that one of my long-term goals is to increase TBPG’s visibility via outreach opportunities. I’ve been fortunate to have the time to do this, and have really enjoyed talking with our licensees! Since I started on this outreach journey in 2019, I’ve created 4 different ethics presentations and delivered many presentations to various groups around Texas. We’ve managed to put 3 of the 4 talks on our website for you as ethics resources and, I promise, the fourth one will be on the website soon! Additionally, the push for outreach has gone well beyond my efforts as several of our board members have also delivered numerous presentations on ethics, TBPG in general, or how to get licensed in Texas. I congratulate each and every one of our board members who are making outreach a priority – it takes a lot of time, effort and energy, so I want our licensees to know how much I appreciate their efforts!



One of the more fun aspects of these outreach efforts involves working with other state agency groups like the PG Workgroup at TCEQ. Our Executive Director, Rene Truan, and I have been working with the PG workgroup for a few months and created a training program for their new hires, GITs, and PGs about licensure, what to look for as they review reports, and how to refer potential violations or information to us. We provided that training on February 11 (right after our board meeting) and I think all involved found it very helpful. The great news is that we will continue these events with TCEQ and, hopefully, partner with a few other key agencies as well. As you are aware, we depend on agencies that use geoscience to forward information and potential violations to us, so we see this training as an investment in improving the quality of geoscience work in Texas.

For your information, below are a few key points from the PG Workgroup training regarding referrals and complaints and, yes, there are differences between the two:

#### **Similarities:**

- TBPG reviews the information received, determines whether TBPG has jurisdiction, and conducts an investigation.
- The information remains confidential until a Notice of Violation (NOV) is issued.
- Both referrals and complaints can be dismissed if they are non-jurisdictional.

#### **Differences:**

**For Referrals:** TBPG removes the “burden” of determination from you. You can simply submit the information that you think may be a violation and let us conduct an investigation. We receive a lot of questions about this and people are very worried about submitting a complaint when they are unsure if the evidence really constitutes a violation. The best thing to do is refer the information to us and let us handle it. IF there is sufficient evidence, TBPG will open a formal complaint. IF the evidence is insufficient, or it is not within our jurisdiction, TBPG will not open a complaint.

**For Complaints:** If someone files a complaint form with TBPG, we open the complaint immediately and the person submitting (Complainant) is kept informed of the progress of the investigation. Generally, people who submit a complaint know that the information is a violation of the TBPG rules (example: submitting an unsealed/signed geoscience report), and they may need to provide additional information or testimony as the investigation continues.

IF a referral or complaint results in a Notice of Violation, the Respondent has a few options. They can:

1. Agree to the violation, and proposed sanctions/penalties by signing an Agreed Board Order (ABO) and paying their fines within 30 days.
2. Request an informal settlement conference with a Complaint Review Team (CRT). The CRT will consist of TBPG staff, 1 professional board member and 1 public board member. The Respondent is provided an opportunity to hear the evidence against them and present any new evidence. At the conclusion, the CRT will make a recommendation to the full board at the next regularly scheduled board meeting. (Note: the CRT does NOT take action, they only make a recommendation to the full board).
3. Request a formal hearing at the State Office of Administrative Hearings (SOAH) where the evidence is presented to an Administrative Law Judge (ALJ) who provides a recommendation to TBPG for how the case should be resolved.
4. Choose not to respond, which in itself creates another violation of TBPG rules. Clearly, this action is inadvisable.

We get asked a lot if someone can submit an anonymous complaint and the answer is "sort of." Anyone can refer information to TBPG that they think is a violation but, when the information is provided anonymously, TBPG has no way to request additional or supporting documents. This can hinder the investigation or cause us to close the investigation without opening a complaint. If we do open a complaint, remember that the information provided to TBPG will be provided to the Respondent and they may be able to surmise who submitted the referral – your anonymity cannot be guaranteed. You might also consider the TBPG rules requiring PGs to report known or suspected violations to us so, if you submit anonymously, you may not have fulfilled that specific requirement in the rules.

But, when in doubt, refer the information to us and let us make the determination! We want to make it easy for you!

*Becky L. Johnson, P.G., Chair*  
Texas Board of Professional Geoscientists

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## APPROVED! Waiver option for Examination: SOIL SCIENCE



A new option for waiver of the examination for Soil Science was approved at the February 11, 2022 Board meeting.

Effective March 6th, 2022, applicants in the Soil Science Discipline will be able to apply for a waiver of the exam requirements. An applicant must meet Minimum Criteria of education and work experience to qualify. Please see our waiver policy for more details

[TBPG Waiver Policy](#)

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**Q&A**

**If you have questions about the correct application or interpretation of TBPG's rules, please contact us for guidance. You can email questions to [compliance@tbpg.texas.gov](mailto:compliance@tbpg.texas.gov) or call us at 512.936.4408. Below are a sample of questions recently submitted to TBPG:**



Submission by:  
Mark Varhaug, P.G., C.P.G.  
Board Member/Secretary

**Question:** Does a registered PE firm that submits geoscience work sealed by a geoscientist need to be registered as a Geoscience Firm?

**Answer:** No. A PE firm does not also have to registered as a Geoscience firm if the person taking responsible charge of the geoscience work is a licensed PG.

**Question:** If I receive a report that is not signed and/or sealed, is that a matter that TBPG wants to be notified about?

**Answer:** Generally, if the matter can be resolved by asking the submitter to sign and seal the report, that's not something TBPG has to see. However, if you ask and the submitter doesn't seal the report, they do it improperly, or if this is a habitual problem with a submitter, then TBPG should be notified.

**Question:** If we receive a report from a firm that is not a registered firm, does TBPG want to be notified?

**Answer:** Yes. It could be a situation involving a sole practitioner, and Firm Registration is not required, but it would be best to refer that to TBPG for verification.

**Question:** If a PG seals or signs a document in an exempt area, like oil and gas, and it later turns out to be incorrect or false, are there any consequences to the PG?

**Answer:** Yes. As soon as a PG signs and seals any report, whether it's exempt or not, it invokes the TBPG rules.

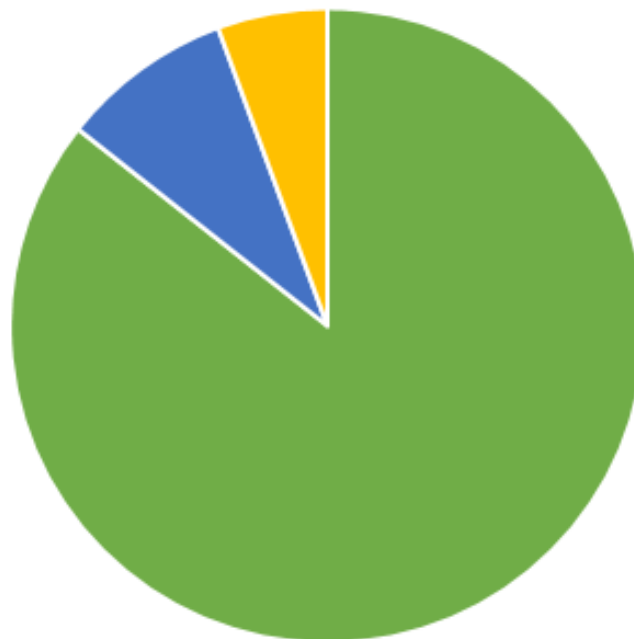
**Question:** Is there any incentive for companies to hire a PG instead of an unlicensed geologist when they can just hire an unlicensed geologist for most things in Texas?

**Answer:** Yes. While O&G exploration is exempt and certain aspects of mining are exempt, most interactions with regulatory agencies that control those industries do require PGs who can sign and seal reports and permit applications.

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*CURRENT LICENSING, REGISTRATION,  
AND CERTIFICATION NUMBERS AS OF 02/28/2022*

## Licenses, Registrations, and Certifications



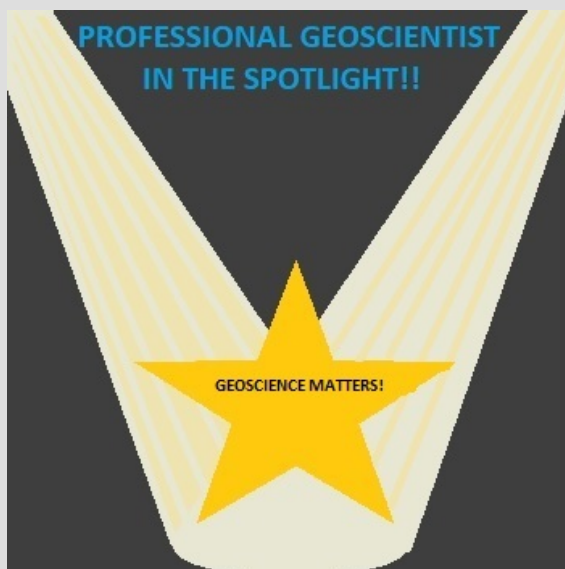
- Professional Geoscientists 3272
- Registered Firms 335
- Geoscientists-in-Training 214

### **Reminder: Please Share Your Experience!**

In the last Newsletter, we invited you to share stories – large or small – about how your practice has protected the public or examples you have come across of poor practice that threatened public health or safety. The compilation of these experiences are critical to helping us "tell our story" about the importance of geoscience and licensure as we explain the relationship between a Professional Geoscientist's work and public health and safety.

Your stories can be emailed to [bjohnson@tbpg.texas.gov](mailto:bjohnson@tbpg.texas.gov) or to TBPG staff at [licensing@tbpg.texas.gov](mailto:licensing@tbpg.texas.gov). You do not have to name names, provide addresses, or other sensitive info – your stories should be anonymous (we are happy to give you credit for the story).

Please help to communicate the critical role of geoscience in the protection of human health and the environment!



Are you, or do you know a licensed Professional Geoscientist with an interesting story? Is there a PG you think needs recognition for the valuable work they've done?

We are now taking submissions for "PG in the spotlight!"

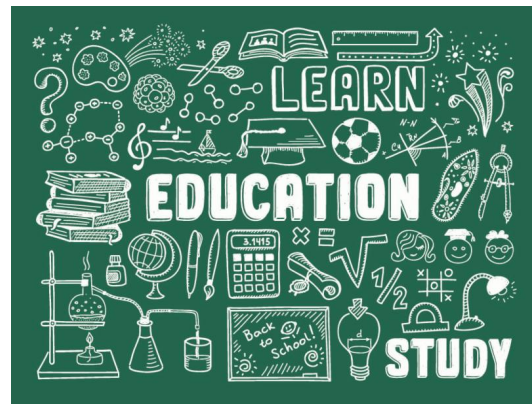
TBPG plans to feature a PG in each Quarterly Newsletter to tell their story and encourage interest in the Geoscience field.

If you want to submit a story, please email it to: [licensing@tbpg.texas.gov](mailto:licensing@tbpg.texas.gov)

## Continuing Education Opportunities\*:

- [TCEQ Environmental Trade Fair and Conference](#)
- [Texas Groundwater Conference](#)
- [Houston Geological Society - short course](#)

See more: [CE Opportunities](#)



## ASBOG Examinations

The next ASBOG examination will be held:  
**October 7, 2022**

The deadline to submit your request to TBPG for the October exam is:  
5:00 p.m. on **August 9, 2022**.

***BREAKING NEWS:*** ASBOG ANNOUNCES UPCOMING MOVE TO COMPUTER  
BASED TESTING!!!

TBPG is excited to announce that ASBOG® is converting from paper and pencil examinations for the Fundamentals of Geology (FG) and Practice of Geology (PG) examinations to a Computer Based Testing (CBT) model that will allow these examinations to be administered at various sites across the state. This move will drastically improve accessibility to the examinations as we anticipate over 45 testing locations in 24 cities across the state of Texas.

**We expect this change to begin with the March 2023 examinations** but TBPG is waiting on final details and we will share more information on our website as it becomes available.

*For more information about the ASBOG examinations, please visit:*  
[Exam Information](#)

## **JUST A REMINDER!**

Please be sure we have your most current contact information to make sure you have not missed any communication from us. You are able to double check or update your contact information via TBPG online licensing system at [www.tbpg.state.tx.us](http://www.tbpg.state.tx.us) and click "Online Services". Select "Online Licensing Services" to access your account or create an account. In addition, TBPG emails courtesy renewal reminder notices to our P.G. licensees, so check your spam folder. GIT and Firm courtesy reminders notices are mailed out via USPS at this time.

If you are having difficulties getting into your online account, please email us at: [licensing@tbpg.texas.gov](mailto:licensing@tbpg.texas.gov) for assistance.



TBPG is seeking to hire a Compliance Coordinator to join our team. If you or someone you know is a Professional Geoscientist and would like to join TBPG as a Compliance Coordinator, please view the employment opportunity and submit an application today!

[TBPG Compliance Coordinator](#)

## Customer Service Survey!

**We need your help!** Our Strategic Planning process for the next two years includes a Customer Service Survey. We want to hear from you... What do you think about our current customer service? What are we doing well/what can we do better? This short 10 question survey is available on our website for anyone to complete!

[Customer Service Survey 2022](#)

**PLEASE NOTE: This survey is an important step in the overall evaluation of our agency and the results will be shared during the upcoming legislative session that starts in January 2023. Two years ago we received approximately 600 responses and, this year, our goal is to reach 1,000 responses so we need your help by completing your survey and forwarding it to other individuals and organizations who would be able to help us with this very important effort.**

If you have any questions about the survey, please contact us at: [licensing@tbpg.texas.gov](mailto:licensing@tbpg.texas.gov)



### Now accepting photograph submissions!

The Texas Board of Professional Geoscientist is working to update our website and are looking for a new photograph to use as the header. It will be one of the first things people see when they go to our website.

Above is our current header and we are searching for something new.

If you have a spectacular photo you took on one of your Geoscience trips or vacations and you'd like to see it on our website, you can email it to:

[kcolby@tbpg.texas.gov](mailto:kcolby@tbpg.texas.gov)

Landscape/horizontal only please.

TBPG will be choosing their favorite photos from the submissions and then

## Highlights from the February 11, 2022 Board Meeting

### Ongoing Review of Firm Registration

Building on the Board's previous action to follow an Advisory Committee's recommendation to maintain geoscience Firm Registration in Texas, the Board unanimously approved clarifying language from the Compliance and Enforcement Committee that the continuation of Firm Registration will require annual Board review of the program to ensure it continues to meet the mandate of protecting public health and safety.

### Requests For Waiver of Examination

The Application Review Committee considered 4 applications for waivers of the ASBOG licensing examinations and forwarded 3 to the full Board with recommendations. After review of the applications and TBPG's waiver policies, the Board unanimously approved the 3 requests.

### Proposed Agreed Board Orders

Proposed Agreed Board Orders are disciplinary orders that are proposed by TBPG's Complaint Review Team and, subsequently, agreed to by the Respondent of a Complaint. 1 proposed order was on the agenda but was not presented for action by the Board.

### Adopted Amendments

Adoption of amendments and repeals to the following rules:

- 22 TAC 850.10, 850.61, 850.62, 850.63, 850.65.
- 22 TAC 851.10, 851.20, 851.21, 851.22, 851.28, 851.29, 851.30, 851.31, 851.32, 851.40, 851.43, 851.83 (repeal), 851.85, 851.101, 851.102, 851.103, 851.104, 851.105, 851.106, 851.108, 851.109, 851.111, 851.112, 851.113, 851.151, 851.152, 851.153, 851.154 (repeal), 851.156, 851.157, 851.158, 851.159, 851.203, 851.204, and 851.220.

Adoption of amendment regarding fee for temporary firm registration, including 22 TAC 851.80.

The Board unanimously adopted these amendments and repeals without changes, as posted in the Texas Register.

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## Upcoming TBPG Meetings Austin, Texas

### April 28, 2022

Application Review and Continuing Education Committee

General Issues Committee

Financial Review and Strategic Planning Committee

Compliance and Enforcement Committee

### April 29, 2022

TBPG Board Meeting

*Meeting agendas will be available on the TBPG website at least one week prior to the meetings.*

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## **TBPG OFFICE UPDATE**

**Welcome:** During the November Board meeting, TBPG welcomed **Katie Colby** to our office team as a Program Specialist. Ms. Colby comes to TBPG after service with the Texas Medical Board and we are very excited to welcome her to our team. In a very short period of time, Ms. Colby has proven herself to be a valuable team member and we look forward to her continued contributions and overall service to our licensees.

**Departure:** During the February Board meeting, TBPG recognized Administrative team member **Molly Roman** for 16 years of service to our agency. Ms. Roman's last day with TBPG was February 21st.

### **Agency Contact Information:**

<b>Subject</b>	<b>Information</b>	<b>Phone</b>	<b>E-mail</b>
Complaints	File a complaint, Complaint inquiries	512 936-4408	compliance@tbpg.texas.gov
Continuing Education	CE Program, requirements, or audits.	512 936-4408	compliance@tbpg.texas.gov
Outreach	Outreach Opportunities	512 936-4401	volunteer@tbpg.texas.gov
Finance	Accounts Payable, Receivables, Purchasing, ITVs	512 936-4404	pparks@tbpg.texas.gov
Licensing	Renewals, applying for a license, token numbers, Exams or general questions.	512 936-4408	licensing@tbpg.texas.gov
Online assistance	Assistance with online license services	512 936-4408	licensinghelp@hpc.state.tx.us
Service Issues	Customer service issues	512 936-4408	licensing@tbpg.texas.gov

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