



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS



August 2008

Volume 4, Issue 2

Inside this issue:

Board Membership	2
Committees and Their Functions	2
MOU Between TBPG and TBPE	2
Reciprocity	3
Water Well Drilling and Geoscience	3
By the Numbers	3
Staff Info	4
New Licensees	4

Board Members

Y. Lynn Clark, P.G.
Chairman, Dallas, Tx

Rene D. Peña, CPA
Vice-Chairman, El Paso, Tx

Glenn R. Lowenstein, P.G.
Sec/Treasurer, Houston, Tx

Kelly Krenz Doe, P.G.
Houston, Tx

Gordon Ware, P.G.
Corpus Christi, Tx

Dr. Charles T. Hallmark, P.G.
Hearne, Tx

Barbara O. Roeling, P.G.
Austin, Tx

Ronald L. Kitchens
Harper, Tx

Gregory C. Ulmer, Esq.
Houston, Tx

Professional Ethics in the Geosciences

I was privileged to represent the TBPG at the May 2008 Offshore Technology Conference. The Dir. of Enforcement at the PE Board, C. W. Clark (good guy but no relation), joined me as co-presenter at the OTC's first annual (and sold-out) Ethics Breakfast. As PGs (and PEs) know, one hour of professional ethics training is a mandatory part of annual continuing education requirements for license renewal.

Close to half our geology PGs and the majority of our geophysics PGs, over 3,000 combined, work in the energy industry, mostly oil & gas. I recall the ethical situations I dealt with when I worked in the oil patch from the late 70's through the mid 80's, and my many friends in both domestic and international O&G were generous in sharing tales of the ethical questions they face today. Some situations seem timeless but, it's true, I never wrestled with whether I should let smugglers bring production equipment into a country to bypass bandit customs agents who either extort "import duties" or impound equipment.

Some of the most honest, honorable people I know work in O&G, yet "urban myths" of landmen making promises that don't show up in leases are still familiar, as are rumors of individuals being pressured by

bosses or clients to re-think and revise reserve estimates upwards. In a time of record energy costs and too much public distrust of energy firms, as a profession we must remain diligent about maintaining high standards of professional ethics and integrity—not just during business hours but also in our personal lives. An old wildcatter buddy once said, "I don't know ethics, but I sure know *un*ethical when I see it!" Naturally, he had someone else in mind.



Calendar of Upcoming Events

- TBPG's deadline for ASBOG® registration – August 8, 2008
- ASBOG® administered- October 3, 2008, Austin, Texas
- Labor Day (Office Closed) - September 1, 2008
- Board meeting – September 5, 2008, Austin, Texas

ASBOG® EXAM RESULTS

March 7, 2008:

Of the 58 candidates that took the Fundamentals of Geology portion, **37 (or 63.8%)** achieved a passing score. Of the 34 candidates that took the Practice of Geology portion, **25 (or 73.5%)** achieved a passing score.

National passing rate:

FG-60.6% PG-78.2%

TBPG to Hire New Executive Director

In July of 2006, TBPG's first and only Executive Director, Lieutenant Colonel (LTC) Michael Hess, was recalled for a year of active duty. In 2007, he was retained for a second year. And during the early summer of 2008, we all learned he was being retained for a third year. Reluctantly, the Board has decided it must seek a replacement for Mr. Hess and the Executive Director's position has been posted on www.WorkInTexas.com and on the TBPG website under the "Employment" link.

An application may be downloaded at www.twc.state.tx.us.

Board Membership

The Texas Board of Professional Geoscientists (TBPG or Board) is comprised of six professional members (PGs licensed by the Board) and three members of the general public. Board Members are appointed by the governor to serve staggered six-year terms, with three Members' terms expiring February 1 of each odd-numbered year. Three new professional Members should be appointed to begin serving February of 2009; none may serve more than two consecutive full terms.

Per the Texas Occupations Code Chapter 1002, Subchapter B, Sec. 1002.052, a Member must be a citizen of the U.S., a resident of Texas for at least three years preceding the appointment, and at least 25 years of age. A person may not be a member of the Board if that person or that person's spouse is an officer, employee

or paid consultant of a society or trade association in a discipline of geoscience or is required to register as a lobbyist under Chapter 305, Government Code. To be considered for appointment, individuals must submit an application that may be downloaded at www.governor.state.tx.us/divisions/appointments.

Members' responsibilities include making policy and interpreting Board rules in the best interest of the public and state, attending Board meetings, and serving on Board committees. Among other things, Board Members hear testimony and resolve complaint and compliance issues, consider license requirement waiver requests, and prepare amendments to Board rules. Members assist with outreach and may appear before the House or Senate.

Board Committees and Their Functions

Application Review/Continuing Education Committee-evaluates license applications and waiver requests referred by staff; hears testimony from applicants; evaluates issues regarding continuing education.

General Issues-evaluates a broad range of geoscience, Board management and rulemaking matters.

Compliance and Enforcement-evaluates policies regarding applicability of the Texas Geoscience Practice Act; reviews major enforcement cases; recommends sanctions for violations of the Act.

Financial Review/Strategic Planning-reviews operating statements and other financial issues related to the current and long-term Board operations; prepares Strategic Plan and Legislative Appropriations Request.

Legislative-considers all legislative matters that may affect the public practice of geoscience in Texas; answers inquiries from the Texas Legislature, Governor's office or other state agencies.

Joint-with the Texas Board of Professional Engineers resolves questions concerning potential overlapping jurisdictions.

MOU Between TBPG and TBPE

The standing Joint Committee of the PG and PE boards has negotiated an updated memorandum of understanding (MOU) regarding potential overlapping jurisdiction for work that is both engineering and geoscience. The MOU will be posted shortly to each board's respective website, but the simplified main points are as follow:

1. Complaints regarding inappropriate practice by a licensed individual should be made to the board that issued that person's license—the TBPG for a PG and the TBPE for a PE.
2. Complaints regarding unlicensed public practice of geoscience or engineering should be made to the board for that particular discipline—the TBPG for geoscience and the TBPE for engineering.
3. A PG doing work that might be both geoscience *and* engineering must sign/seal such work as geoscience.
4. A PE doing work that might be both engineering *and* geoscience must sign/seal such work as engineering.
5. #3 and #4 are not loopholes for a PG to practice engineering or for a PE to practice geoscience.

Reciprocity Progress

On March 28, 2008, the TBPG and the Mississippi State Board of Registered Professional Geologists formally entered into TBPG's first professional licensure reciprocity agreement. The agreement includes provisions for the acceptance of written licensing exams (e.g., ASBOG) administered by either state's board. The agreement also provides for a possible exam exemption for licensees who were initially "grandfathered" but since that date have accrued at least five years of verifiable responsible professional work experience while remaining in good standing *in all respects* with their respective boards. The agreement provides for sharing a licensee's information and documentation between the two boards, not only during the application review process, but for as long as a licensee is under the jurisdiction of each board. This information would include complaints and/or any disciplinary actions either board might impose against a licensee. The agreement becomes effective September 1, 2008 and has been posted on the TBPG website.

An agreement with the Alabama Board of Licensure for Professional Geologists is pending approval from TBPG. The California Board for Geologists and Geophysicists and the Wyoming Board of Professional Geologists are including Texas reciprocity on the agendas of their next full board meetings in August 2008 and September 2008, respectively, and it was discussed in the April 4, 2008 meeting of the Idaho Board of Registration for Professional Geologists. Agreements with other states are also being pursued and information regarding such will be provided when it becomes definite.

Water Well Drilling and Geoscience

In 1965, State water agencies were reorganized and the Texas Water Well Drillers Board (WWDB) was created. To prevent unchecked groundwater contamination, WWDB was given responsibility for licensing and regulating water well drillers. WWDB screens license applicants to ensure that successful candidates possess appropriate knowledge and experience to drill, complete, and plug water wells. Like TBPG, WWDB aids the State in enforcing the law through rulemaking.

In May 2008, TBPG Member Krenz-Doe met with David Gunn, WWDB Investigator, to discuss the Texas Water Well Drillers Act and the Texas Geoscience Practice Act and possible overlapping jurisdiction, compliance and enforcement issues between the agencies. TBPG and WWDB are planning outreach activities to clarify each board's authority

under its respective act. Cooperation between the boards will ensure the protection of groundwater resources.

Some WWDB regulations deal with water well drilling logs, which are very important in disseminating geological information regarding potential water-bearing zones, confining layers and indications of high quality as well as polluted groundwater. While a particular driller may have specific geoscientific knowledge and experience rivaling any PG's, other drillers may not presently be preparing logs of acceptable quality. TBPG's Compliance & Enforcement Committee is considering a memorandum of understanding with the WWDB, primarily with regard to how drilling logs are prepared and by whom.

Texas Licensure "By the Numbers"

To date, the TBPG has licensed **6,924** professional geoscientists. This includes all licenses issued, regardless of current status. Of these, **147** voluntarily relinquished their license, **320** have become permanently expired and **28** licensees are now deceased. There are presently **6,429** Texas PGs who are current, or past their renewal date but still eligible for renewal. PGs must remember that regardless of TBPG's best efforts to notify licensees of pending expiration dates, the responsibility to monitor the renewal anniversary date rests solidly with each individual PG. TAC 22 §851.28(a) clearly states, "*Regardless of whether the renewal notice is received, it is the sole responsibility of the license holder to pay the required renewal fee together with any applicable penalty at the time of payment.*"



**TEXAS BOARD OF
PROFESSIONAL GEOSCIENTISTS**

Presorted
Standard
U.S. Postage
Paid
Austin, Texas
Permit #391

P O Box 13225
Austin, TX 78711
Phone: 512/936-4400
Fax: 512/936-4409

Vincent R. Houston, Acting Executive Director 512/936-4403

<u>Licensing</u>	<u>Enforcement</u>	<u>Finance</u>	<u>Administrative Support</u>
Annita Herrera Director of Licensing 512/463-6757	Alberto J. Jimenez, P.G. Investigator 512/936-4406	Leticia Kappel Accountant 512/936-4404	Molly Roman Admin. Coordinator 512/936-4405 Kara Inman Admin. Assistant 512/936-4402

- *The mission of the Texas Board of Professional Geoscientists is to protect public health, safety, and welfare by ensuring that only qualified persons carry out the public practice of geoscience.*

The office of the Texas Board of Professional Geoscientists is located on the 6th floor of the Hobby Building and is open Monday-Friday, 8am-5pm.

Visit our website at www.tbpg.state.tx.us.

New Licensees

Gordon R. Jamieson, PG #10350, San Diego, CA
 Chad Johannesen, PG#10351, Albuquerque, NM
 John R. Paquin, PG#10352, Portland, ME
 Michael M. Gabora, PG#10353, Albuquerque, NM
 Frank E. Dickerson, PG#10364, Avondale, AZ
 Brandon M. Gomer, PG#10365, Independence, MO
 Stephen J. Gosselin, PG#10368, Charlotte, NC
 Eric S. Anderson, PG#10369, Hallsville, TX
 Robert S. Nolter, PG#10370, Knoxville, TN
 Jonathan W. Brinson, PG#10371, Smyrna, GA
 Thomas A. Elms PG#10373, Beaumont, TX
 Amy S. Hennard, PG#10374, College Station, TX
 Mervin W. Dale, PG#10375, Ft. White, FL
 Laura M. Tobin, PG#10376, Denver, CO
 Julie Ann Linn, PG#10377, Bayfield, CO
 Nathan S. Lee, PG#10378, Cotulla, TX
 Corolla K. Hoag, PG#10380, Tucson, AZ
 Patricia A. Nichols, PG#10381, Webster Groves, MO
 Robert J. Vince, PG#10382, Helena, MT
 Kimberly M. Buckley, PG#10385, North Richland Hills, TX
 Marcus O. Gary, PG#10386, Manor, TX
 Barbara L. Rigney, PG#10387, Round Rock, TX
 Brant W. Cole, PG#10388, Houston, TX

Reed Miner, PG#10389, Cypress, TX
 Jonathan W. Snatic, PG#10390, Austin, TX
 Nate L. Upchurch, PG#10391, Longview, TX
 Jamie K. Fink, PG#10392, Missouri City, TX
 Randa Hope, PG#10393, Dallas, TX
 Graciela E. Moore, PG#10394, Houston, TX
 Lonnie Mercer, PG#10395, Katy, TX
 John Schnable, PG#10396, Lubbock, TX
 Margo J. Liss, PG#10397, Richardson, TX
 Scot E. Collins, PG#10398, Corpus Christi, TX
 Kevin K. Bryant, PG#10399, San Antonio, TX
 E. Christopher Warwick, PG#10400, Baton Rouge, LA
 Melany Larenas, PG#10402, Boca Raton, FL
 Christopher Wickman, PG#10403, Irving, TX
 Katherine Sokolic, PG#10404, Austin, TX
 John J. Legolvan, PG#10405, Houston, TX
 Katrina E. Patterson, PG#10406, Austin, TX
 Gregory M. Hitz, PG#10407, Tallahassee, FL
 Makenzie M. Vessey, PG#10408, Austin, TX
 Clarence S. Winzer, PG#10409, Austin, TX
 Andrew L. Swindle, PG#10410, Tulsa, OK
 Lara Beasley, PG#10411, Albuquerque, NM