



Texas Geoscience Today

Texas Board of Professional Geoscientists

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SUMMER 2012

SPECIAL POINTS OF INTEREST:

- Upcoming ASBOG® Exam
- Enforcement Activities
- Upcoming Meetings
- New TBPG Board Member

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The Chairman's Column

It is that time of year when Texas state agencies begin to prepare for the next legislative session which begins in January, 2013. While the beginning of the legislative session is still 6 months away, the agency staff and Board members are very busy preparing for the session. The process starts with preparation of the Board's Strategic Plan. This document is the planning tool which tells the legislature and the public what the agency does, how it is going to contribute to overall goals of the state as established by the Governor, and establishes its goals and performance measures for the next biennium. This document was submitted to state leadership on June 18, 2012 and is available for public viewing on the Board's website under the "reports" tab.

The next step is to file the agency's Legislative Appropriation Request, commonly referred to as the LAR. This is the official request of the agency for the funding to operate the agency over the next biennium beginning in September, 2013. In this document the agency is required to justify the expenditure of funds by showing what services are

provided and how the funds will be spent to achieve the goals and meet the performance measures as presented in the Strategic Plan. For the Texas Board of Professional Geoscientists this document is due to be submitted on August 2, 2012.

While the overall state financial picture has improved significantly from the last legislative session, there is still considerable concern about meeting the overall funding requirements of the state. With this background, the state leadership has advised all state agencies that their base request for funds cannot exceed what was actually expended in FY 2012 and projected for FY 2013, essentially a flat budget request. Expenditures in excess of this base request will only be granted in exceptional circumstances. In addition, the state leadership has requested that all agencies also prepare a plan that shows the effect on services of a 10% reduction in funding from this base request. The Board has determined that the agency can effectively function with a flat appropriation and will not request any exceptional

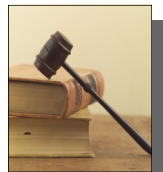
funding for the next biennium. Evaluations are currently underway to determine the effect on services of a 10% reduction in funding.

While on the issue of funding, there have been some misleading articles and discussion concerning the "cost to the state" of maintaining the Texas Board of Professional Geoscientists. An editorial in the Houston Chronicle this past April made the following statement: **"Hard to believe, but Texas taxpayers will shell out almost \$1 million this biennium to protect themselves from roving bands of lawless professional geoscientists."** It is unfounded statements like this that leave the public with an unfavorable opinion of the agency and the geoscience community. While the statement is true that the agency's appropriated funding is about \$1 million per biennium, the article fails to mention that these funds do not come from taxpayers but from the geoscience community itself in the form of fees for registration. Furthermore, the article fails to mention that the agency generates more than **\$2 million** in fees each biennium that is deposited to the
(continued on page 2)

Rule-making

TBPG has adopted an amendment to §851.29 which became effective July 1, 2012. An added section to the rule provides for professional geoscience license holders to qualify for licensure in Texas if they have practiced competently for a number of years in another state or jurisdiction and have adhered to the professional requirement of licensure in their respective state or jurisdiction.

Also, TBPG has recently proposed amendments to §§851.104, 851.152, and 851.156, which are posted on the TBPG website and also the Texas Register. Public comments will be received by TBPG on the proposed amendments until July 22, 2012, and submitted comments will be considered at TBPG's next Board meeting on August 24, 2012.



Notes from the Executive Director

ANNOUNCEMENTS

The fall ASBOG® examination will be held **October 5, 2012**. It will be held in Austin, Texas. The deadline for submission of completed applications to TBPG is **August 10, 2012**.

Congratulations to the **15** who passed the ASBOG® FG examination and the **19** who passed the ASBOG® PG examination on March 2, 2012!

Upcoming Meetings

Compliance and Enforcement Committee
7/13/2012

General Issues Committee
7/13/2012

Application Review and Continuing Education Committee
8/24/2012

TBPG Board Meeting
8/24/2012



I would like to join Chairman Kitchens in welcoming Dr. Christopher C. Mathewson to the Board. Many of our staff members are familiar with Dr. Mathewson from his long time association with the National Association of State Boards of Geology as a Member-At-Large or through other professional contacts. Dr. Mathewson is uniquely qualified to be a TBPG Board member and we look forward to working with him.

TBPG staff are working hard to carry out the daily functions of the agency and provide support to the Board in its policy making activities and in its strategic and budget planning processes in preparation for the next legislative session. An important part of the planning process is the agency's *Report on Customer Service*. In the TBPG Update sent April 11, 2012 to those on our mass mailing list, the public was invited to participate in a Customer Service Survey. The results of the recent survey are included in TBPG's *Report on Customer Service*, which can be found on the agency website under the "Reports" tab.

TBPG staff work as a team to provide the best possible customer service. We considered the results of the survey, looking for opportunities for improvement. The customer service survey is also available and active year round on our website. We also consider your informal feedback by e-mail or phone calls. Over this past year both our staff and our licensees have had to adjust to changes brought about by the new regulatory database and online renewal system. Feedback from licensees has helped staff identify and correct issues with the new system, greatly improving its implementation. Our staff contact information is located at the end of this newsletter and you can always find the staff you need by role under the "Contact Us" tab on the agency website. Or you can call the main number and we will direct you to the best person to assist you.

I am also pleased to welcome the agency's new Enforcement Coordinator, Wesley McCoy. Mr. McCoy introduces himself in the *TBPG Enforcement Activities* piece on page 3. In the article, Mr. McCoy stresses the importance of reporting suspected violations of the Act and Board's rules by filing a formal complaint with TBPG. In the *TBPG Enforcement Column* from the last newsletter, we outlined the relevant part of the Texas Geoscience Practice Act that provides for the agency to look into information it receives anonymously and self-initiate a complaint if it becomes aware of information that may indicate a violation. It's important to remember that the Board's rule, Texas Administrative Code §851.157(b), specifies that "A complaint must be filed within two (2) years of the event giving rise to the complaint," so it's important to act as soon as possible and while the issue is still within the Board's jurisdiction. We are continuing to work with other state agencies through the relationships started by the Memorandums of Agreements that were established last year. We appreciate the support we are getting from the Executive Directors, Professional Geoscientists and other agency staff who are working with us.

We are working hard to improve our external communications. Over 95% of our licensees and a number of others are on our e-mail list. Anyone can get on our e-mail list simply by letting us know. To get on the list, send an e-mail to Molly Roman at mroman@tbpg.state.tx.us. You can also call, make the request and give your e-mail address to staff, or look for the link on our website.

If you are on our e-mail list, you will have noticed an increase in the number of **TBPG Updates** we are sending. We are trying to keep you better informed. The Board appreciates receiving public comments and testimony and engaging in discourse with you as it proceeds through policy-making activities, such as rule amendments and issuing advisory opinions. Written comments should be sent to the Executive Director.

Chad Horton

Chairman's Column, continued

state's general revenue fund but only half of the amount is appropriated back to the agency to fund its operation. The remaining \$1 million per biennium is retained by the state to fund other agencies and programs.

So you can see that the TBPG Board, and you as a professional geoscientist, have a job to do to show that the general public's health and safety is impacted by decisions made every day by geoscientists throughout the state, and the assurance that these decisions are made by competent and trained professional

geoscientists is an important service to our citizens, especially since it has no direct cost to the taxpayers.

As a final note, I would like to publicly welcome our newest board member. Dr. Christopher C. Mathewson of College Station was recently appointed to fill a vacancy on the Board. Dr. Mathewson is a Professional Geoscientist and Professional Engineer and a senior professor of geology at Texas A&M University. I am looking forward to his contribution to the Board.

R. L. Kitchens

TBPG Enforcement Activities

I would like to take this opportunity to introduce myself to TBPG licensees and registered firms. My name is Wesley McCoy and I am the new Enforcement Coordinator at TBPG. I am a licensed Professional Geoscientist in Texas, as well as a Registered Professional Geologist in Mississippi and a Certified Professional Geologist through AIPG. A graduate of The University of Texas at Austin with a B.Sc. in Geological Sciences, I worked for over 30 years with the state water and environmental agencies in Texas. My area of expertise is hydrogeology and I have experience in the legal realm of the geologic profession, having provided expert witness testimony on behalf of the State of Texas in numerous civil suits and administrative hearings. I am looking forward to working with the TBPG Board, staff, and regulated community.

April and May were busy months for TBPG Enforcement. On May 11, TBPG's Complaint Review Team met and processed 14 active complaints, resulting in 9 complaints dismissed as Unfounded or No Jurisdiction, 4 complaints found in violation and issued an Administrative Warning letter, and one complaint found in violation and an assessment of an Administrative Penalty was recommended. On May 18, the Board met and approved two Agreed Board Orders, resulting in a Public Reprimand and an Administrative Penalty. As of the date of this newsletter, there are 6 open complaints.

Licensees are the 'eyes and ears' of the Board, so to speak, and I would like to encourage both licensed individuals and registered firms to be diligent in reporting suspected violations of the Texas Geoscience Practice Act and Board Rules. Ignoring violations of

the Act and the Rules not only negatively impacts the general public through the potentially harmful malpractice of geoscience, but harms the licensed profession by creating a stereotype in the mind of the public that licensing of geoscientists in Texas is meaningless due to a lack of enforcement.

Please keep in mind that §851.101(d) mandates that licensees shall promptly respond to Board inquiries. Not keeping your contact information with the Board up to date can result in the Board not being able to contact you. I have already noticed instances where the Board has tried to contact licensees selected for a random Continuing Education audit, but the licensee's contact information was out of date and we were unable to make contact. §851.112(a)(2) mandates that any change in the contact information for an individual G.I.T. or P.G. must be reported to the Board within 30 days of the change. Licensees who fail to respond to contact attempts by the Board may have a Complaint initiated against them.

In April, TBPG Enforcement staff gave an Ethics presentation to a meeting of Houston Geological Society's Environmental and Engineering Geology Committee, and in May presented the Ethics presentation at the Texas Commission on Environmental Quality's Environmental Trade Fair. In both instances, we were grateful for the invitation to speak and for the support of these organizations. We also enjoyed speaking with the many geoscientists, students, and interested members of the public who stopped by the TBPG booth at TCEQ's Trade Fair. Groups wanting to schedule TBPG's one-hour Ethics presentation can contact me at (512) 936-4410 or by e-mail at wmccoy@tbpg.state.tx.us.

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



Continuing Education Audits

The Board's primary responsibility is to protect the citizens of the State of Texas. The Board does this through the establishment of licensure and practice standards for professional practice. Auditing licensees is a good way for the Board to:

- Ensure PGs have completed their continuing education hours;
- Ensure PGs are practicing within their scope of practice; and
- Ensure PGs have provided current contact information to the Board.

Each licensee holder attests that he or she met the Continuing Education Program (CEP) requirements for professional development as a requirement for license renewal. Five percent of recently

renewed P.G. licensees and certified GIT's are randomly audited on the 15th of each month.

Each licensee renewing within a given month has an equal chance of being selected. A licensee could randomly be selected each time a license is renewed, or possibly never selected; CE Audits are truly a random process. Please note that the Board will not cancel an audit because a licensee has previously been audited.

If a license holder is selected for an audit, he or she must submit a completed "Continuing Education Log", as found on the TBPG website under the "Continuing Education" link, listing each activity, date, and the hours claimed in order to satisfy the CE requirement for that renewal year.

He or she must also submit documentation as proof of having completed the activities listed on the log in accordance with the "CE Guidelines for Documentation", also available on the TBPG website.

Every license holder is required to obtain fifteen (15) Professional Development Hours (PDH) during the renewal period leading up to license renewal. A minimum of one of these hours each year must be in the area of "professional ethics, roles and responsibilities of Professional Geoscientists, or review online the Texas Geoscience Practice Act and Board rules".

Please contact us for more information on the audit process.



Texas Board of Professional Geoscientists

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Licensing Information

Current Licensing Numbers for TBPG:

- 4727 Professional Geoscientists
- 338 Geoscience Firms
- 24 Geoscientists-in-Training

New Board Member

Dr. Christopher C. Mathewson, P.G., P.E., PhD., has been appointed by Governor Rick Perry as Board Member to TBPG. Dr. Mathewson is a regents professor emeritus and a senior professor of geology at Texas A&M University. He is licensed in Texas as a Professional Geoscientist in Geology. He will replace Member Judy Reeves, P.G., who stepped down from the Board recently. Dr. Mathewson's term as Board Member will expire February 1, 2017.

And, our sincere thanks go out to Member Reeves for her service to the Board.

TBPG Staff

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512 936-4428

Board Members

Ron Kitchens
Chair
Harper

Charles Knobloch, P.G., J.D.
Vice-Chair
Houston

Kelly Krenz-Doe, P.G.
Secretary/Treasurer
Houston

C. Thomas Hallmark, P.G., Ph.D.
College Station

Becky Johnson, P.G.
Fort Worth

Justin McNamee
Rowlett

Christopher Mathewson, P.G., P.E., Ph.D.
College Station

Barbara Roeling, P.G.
Austin

Greg Ulmer, J.D.
Houston