

# TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

## *Compliance and Enforcement Committee*

August 7, 2009

Texas A&M University  
College Station TX 77843

### Approved Minutes

- A. The meeting was called to order at 3:05 p.m.
- B. Roll was called. In attendance were Dr. Tom Hallmark, PG, Member Kelly Krenz-Doe, PG, Member Y. Lynn Clark, PG, and Committee Chair Glenn Lowenstein, PG. A quorum was certified.
- C. The minutes from the April 23, 2009 Compliance and Enforcement Committee Meeting were unanimously approved as written.
- D. Comments were offered by Mr. Matthew Cowan, PG, as President of the Texas Association of Professional Geoscientists. He mentioned that licensees would like to see more enforcement action from the Board.
- E. The TBPG Complaint Process Standard Operating Procedures and accompanying flowchart were reviewed and discussed. The committee unanimously approved the Standard Operating Procedures and flowchart. Committee members will forward any additional grammatical updates to staff so that updates can be made. The documents will be presented to the entire Board for consideration at the upcoming Board meeting.
- F. Regarding firms registered as Corrective Action Specialists (CAS) with the Texas Commission on Environmental Quality (TCEQ): Letters of inquiry were sent to 130 CAS firms that are not currently registered by the Texas Board of Professional Geoscientists (TBPG) or the Texas Board of Professional Engineers (TBPE). Second notices were sent to those firms that did not respond. Of the total 130 firms, 51 firms either clarified that their firm was already registered with the TBPG or became newly registered with the TBPG, 9 firms were unable to receive mail at the address listed with TCEQ and were unable to be located, 34 firms indicated that their services did not include activities that constitute the public practice of geoscience (staff agreed with 25 of those responses and did not agree to 9 of those responses), 12 firms demonstrated that the firm was registered with the TBPE and 24 firms did not respond to the initial or follow up letters. Future actions will include sending non-disciplinary Cease and Desist notices to the 9 firms that appear to be engaged in the public practice of geoscience; and, following a review of the 24 firms that did not respond to the notice, complaints will be opened against those firms that are offering to provide geoscientific services to the public.
- G. Regarding firms with expired geoscience registrations: Staff reported that 55 firms have expired registrations. Staff will be conducting internet searches to determine which of those firms are continuing to offer geoscientific services to the public. Future actions regarding these firms will be discussed at a future meeting.
- H. Regarding the TBPG rule review: It was determined that a process will be developed to review all agency rules related to Compliance and Enforcement. This item was deferred to a later date.

- I. Regarding the posting of Disciplinary Actions on the agency website: this item was deferred to a later date.
- J. Future topics of the committee include the TBPG Rule review, posting disciplinary actions on the TBPG website, the issue of “public vs. private”, and Phase II ESAs: when are they considered geoscience?
- K. The next committee meeting date will be October 8, 2009 at 4:00 p.m. in Austin, Texas.
- L. The meeting was adjourned at 6:14 p.m.