

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

BOARD MEETING

November 30, 2007, 9:00 a.m.

Summary of Minutes

- A. The meeting was called to order at 9:00 a.m.
- B. Roll was called, and all members were present: Members Greg Ulmer, Barbara Roeling, PG, Kelly Krenz, PG, Secretary/Treasurer Glenn Lowenstein, PG, Chairman Y. Lynn Clark, PG, Vice Chairman Rene Peña, Gordon Ware, PG, Ronald Kitchens, and Tom Hallmark, PG. A quorum was certified.
- C. The minutes from the July 13, 2007 Board Meeting were approved with changes.
- D. Public comments: Mr. Matthew Cowan, PG, President of TAPG, read a letter from the TAPG regarding the definition of “practice for the public”. The TAPG letter and personal research provided by Mr. Cowan were distributed to the Board for their review.
- E. Executive Director’s Report: Mr. Vincent Houston, Acting Executive Director, presented information on the current status of LTC Hess in the US Army, the status of the agency’s operating budget, the upcoming IRDR report, and possible edits to the agency’s Ethics policy. Performance Measures will be addressed later in the meeting. Current agency priorities are enforcement, firm registration, continuing education, and outreach.
- F. Staff Reports:
- *Licensing*- Mr. Houston addressed current licensing numbers, and recent ASBOG® numbers.
 - *Outreach and Enforcement*- Mr. Alberto Jimenez, PG, Investigator, addressed recent outreach events. More outreach is scheduled. Recently, 781 letters were sent out to expired licensees; 174 responses have been received. Calls have also been made to those whose licenses will soon be permanently expired. Enforcement will be discussed later in the Committee report.
 - *Finance*- Ms. Leticia Kappel, Accountant, noted that the agency’s financial report will be addressed later during the Finance Committee Report.
- G. Committee Reports:
- *Application Review Committee Report*- Dr. Hallmark, PG, reported on the requests for waivers; the development of a policy regarding waivers; a draft reciprocity agreement with Mississippi; procedures for approving continuing education courses; changing the passing score on the geophysics exam, which will be retroactive. Performance measure data sources will be revised.
 - *Compliance and Enforcement Committee Report*- Mr. Jimenez, PG, addressed the complaint received July 17, 2007. No action will be taken on the complaint because the report in question was sealed by a licensed P.G. Future outreach efforts were addressed; pursuing the option of anonymous complaints is still undecided; bulk e-mails will not be used to contact licensees. Performance measures definitions have been revised.
 - *Financial Review and Strategic Planning Committee Report*- Member Kitchens reported on the Fiscal Year 2007 expenditures summary; agency was within the budget for the year. Also addressed were travel expenses for staff and Board members, the FY08 budget and expenditures to date, and appropriations for FY08 and FY09. The Governor’s Operating Budget was approved and will be submitted to the Legislative Budget Board and the Governor’s Office of Budget, Planning, and Policy.
 - *General Issues Committee Report*- Member Roeling, PG, addressed that certificates of registration are now available on the agency’s website for use by licensees and establishments;

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the committee will review the rule regarding the PG seal for clarification of wording; and, they are currently looking into reducing fees for eligible licensees, and determining the eligibility requirements.

- *Legislative Committee Report*- Chairman Clark, PG, addressed inconsistencies in terminology in the rules and the Act; amendment suggestions will be forwarded to the General Issues Committee for review. The Act will need to be amended to offer a Geoscientist-in-training program; the committee will be contacting legislators for interest in sponsoring the bill; TAPG is being welcomed to assist in this matter. Additionally, geoscience work is not legally recognized as a "professional service"; hopefully this will be addressed in the next legislative session.

- H. There was no discussion regarding the Committee Status Reports.
- I. Status of Agency Performance Measures: Director Houston addressed the Auditor's report, the Agency's initial responses, and the status of implementation of all measures. The agency has revised and reported all 2007 measures to LBB. All 2006 measures have been revised and will be reviewed and submitted next week. Definitions have been reviewed; additional training has been scheduled for using the licensing software; a re-audit will be requested once the letter is received by LBB, and all procedures regarding the measures have been fully implemented and reported.
- J. Annual ASBOG® conference report: Alberto Jimenez, PG, reported that 29 member states were present at the conference; they reviewed past examination questions, wrote new questions for future exams; the ASBOG® foundation was approved.
- K. Annual Council of Soil Science Examiners conference report: Dr. Tom Hallmark, PG, addressed that the 2007 CSSE conference had already taken place once he was voted in as a delegate; the next CSSE conference will be in July 2008.
- L. Waiver of examination requests:
- 1) The Application Review Committee unanimously recommended the waiver of exam for Dr. Richard Watson. The Board approves the waiver of examination for Dr. Richard Watson in a vote of six to two, with Members Lowenstein and Ware dissenting.
 - 2) The Board denies the waiver of exam for Gerhardt Witt, in a vote of six to two, with Members Krenz and Hallmark dissenting.
- M. Reciprocity agreement with Mississippi: This item is referred back to the AR/CE committee for continued development and to obtain feedback from Mississippi.
- N. Amendment to 22 TAC 850.63, Responsibilities of the Board and Executive Director: The Board unanimously approves the amendment to 22 TAC 850.63 as written for posting to the Texas Register.
- O. Amendment to 22 TAC 851.28, License Renewal and Reinstatement: The Board unanimously adopts the amendment to 22 TAC 851.28 as written.
- P. Amendment to 22 TAC 851.31, Temporary License: The Board unanimously adopts the amendment to 22 TAC 851.31 as written.
- Q. Amendment to 22 TAC 850.62, General Powers and Duties of the Board: The Board unanimously adopts the amendment to 22 TAC 850.62 as written.

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- R. Amendment to 22 TAC 850.82, Dishonored Check Fee: The Board unanimously adopts the amendment to 22 TAC 850.82 as written.
- S. Amendment to 22 TAC 851.80, Fees: The Board unanimously adopts the amendment to 22 TAC 851.80 as written.
- T. Amendment to 22 TAC 850.1, Authority: The Board unanimously adopts the amendment to 22 TAC 850.1 as written.
- U. Amendment to 22 TAC 850.10, Definitions: The Board unanimously adopts the amendment to 22 TAC 850.10 as written.
- V. Amendment to 22 TAC 851.10, Definitions: The Board unanimously adopts the amendment to 22 TAC 851.10 as written.
- W. Amendment to 22 TAC 851.101, General: The Board unanimously adopts the amendment to 22 TAC 851.101 as written.
- X. Amendment to 22 TAC 851.107, Prevention of Unauthorized Practice: The Board unanimously adopts the amendment to 22 TAC 851.107 as written.
- Y. The next Board meeting will be held on March 28, 2008 at 9:00 a.m.
- Z. The Board meeting was adjourned at 12:25 p.m.

Y. Lynn Clark, PG
Chairman