

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, August 15, 2018 2:01:34 PM

-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 1:47 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS BOARD PROFESSIONAL GEOSCIENTISTS TBPG

First Name: Ralph

Last Name: Baird

Title: President

Organization you are affiliated with: Baird Petrophysical

Email:

City: Houston

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed: I and many of my associates fully support the recommendation to abolish the Texas Board of Professional Geoscientists. The licensing is a joke. There is no dignified purpose of the licensing of geologists. Even using the word 'scientists' is wrong. The functions that professional geologists and professional environmental geologists conduct are unique to the local rocks. So far the only serious violation (only one infraction) uncovered and acted on by the TBPG is the embezzlement complaint and action by the Board (the TBPG).

Any Alternative or New Recommendations on This Agency: An alternative is to follow other states, whereby it is against the law to practice aspects of geology without being qualified. This places the importance where it belongs: in court and not in a self-serving Board that serves no purpose.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, August 15, 2018 5:08:03 PM

-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 5:04 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS BOARD PROFESSIONAL GEOSCIENTISTS TBPG

First Name: Ralph

Last Name: Baird

Title: President

Organization you are affiliated with: AIPG and active member of several other Professional Organizations

Email:

City: Houston

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:
TBPG Transparency and Stakeholder Issues

In addition to the information the Sunset Report contains, the Board (TBPG) does a horrible job with transparency. They have the appearance of providing the very minimum information necessary to comply with State law. The public including licensed geologists should demand better communication/disclosures of what the board is up to. For example:

- 1) When the legislature cut the board's budget some years back the Board (TBPG) used that as reason to discontinue paying for the service that allowed online live stream/recordings of the board meetings. Transparency should be the last thing to go. The board should be making online stream/recording of their meetings available.
- 2) Meeting minutes from the board meetings provide inadequate detail for public stakeholders to understand the content of what was discussed or decided. They include very basic info such as a topic name and a vote result and it is near impossible for the public to follow what the Board is doing in the meetings.
- 3) Meeting minutes are posted late after they have been approved at the following board meeting, sometimes as much as 6 months later. By then the actions taken are dated.
- 4) Recent proposals made by the board (see the Sunset "Self Evaluation Report") recommend making additional exceptions to the Open Meetings act so that they can meet privately.
- 5) When the board approves new rules it is very difficult to follow even for someone who is adept at following regulatory developments because the way the changes are reported on the web page includes only TAC citations and

no links or explanations.

6) The TBPG enforcement coordinator gave a public presentation about the board to a professional society that some attended but would not make the presentation file available to the society to share to its members even though every other presentation given by others throughout the year to this organization was made available and posted online for reference by its members. Why would a government agency keep its presentation confidential and private while every other entity shared their presentations freely? It should be the opposite. The government agency is required to be open and public with only certain exceptions. TBPG's excuse was that it included the ethics presentation and they couldn't leave that out there publicly because licensees might somehow cheat on their ethics training credit. Poor excuse for the agency/board to avoid being open and transparent.

The perception at least is that this board prefers to operate as secretively as they can get away with which is not serving the public or the regulated community well.

7) Somewhat related on the topic of transparency - regarding public stakeholder engagement - the Board has ignored public input on proposed rules in the past. When 100% of comments on a proposed rule oppose an action the board is proposing and the board dismisses those comments with no genuine consideration for the content then the public stakeholders are disenfranchised and no longer participate in the process.

Any Alternative or New Recommendations on This Agency:

1. Add better transparency to Board operations and make available minutes ASAP (one-week) upon completion of each TBPG Board meeting.
2. Record Board TBPG meetings with video/audio and post these media in real time with archive access on the web.
3. Discontinue Board "Self-created" "Board Self-generated" complaints and be honest that they -the Board TBPG- is not getting any real public originated complaints to act upon.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 7:48:58 AM

-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 6:37 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS BOARD PROFESSIONAL GEOSCIENTISTS TBPG

First Name: Ralph

Last Name: Baird

Title: Geophysicist

Organization you are affiliated with: AIPG, AIPG-Texas, HGS, several other professional organizations

Email:

City: Houston

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:

Texas Geologists do not understand Licensing: PG will get stiffer
nonsense-penalties:

Many of the geologists that these organizations have convinced to write letters in support of the license program don't realize that the Board TBPG has requested in their "Self-Evaluation" report to increase the maximum fine from a few hundred dollars currently to \$5,000. If the Board survives this sunset report it is entirely possible that the resolution will include increased enforcement and harsher penalties that could come back on them down the road.

""""The administrative penalty authority of no more than \$100 per violation does not provide an appropriate penalty for certain violations, nor does it appear to provide an adequate deterrent to future violations. TBPG recommended that its administrative penalty authority be raised to "no more than \$5,000 for each violation."""" quote TBPG Self-Evaluation Report.

Any Alternative or New Recommendations on This Agency: Discontinue the licensing managed by the TBPG. The actions by the Board TBPG that we reviewed serve no purpose.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 7:49:10 AM

-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 6:48 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS BOARD PROFESSIONAL GEOSCIENTISTS TBPG

First Name: Ralph

Last Name: Baird

Title: Geophysicist

Organization you are affiliated with: AIPG, AIPG-Texas, HGS, several other professional organizations

Email:

City: Houston

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:

TBPG Penalty for Embezzlement by one of its main supporters:

The most serious complaint received by the board to date is regarding embezzlement of funds from a professional society by one of the authors of the "Why Texas Needs Licensing of Geologists" document and he was one of the primary witnesses to the legislature in favor of creation of this board to begin with. An embarrassment to the geological community. Think about the irony. This should be a warning about donating money to these groups to hire a lobbyist.

The Sunset Commission pointed out the embezzlement case but they did not mention that the perpetrator was one of the original voices pushing for creation of this board so I am not sure if they realized that. Is his license being on "probation" status adequate for this offense or is he being protected by the Board that he helped to form?

""The board has never received a complaint that it prioritized as posing a significant harm or risk to the public. Of the three competency complaints, the board dismissed two as groundless and revoked a license in the third. However, the third complaint alleged a licensee embezzled money from a professional society, a violation not related directly to actual geoscience practice, but enforceable under the board's rule for dishonest practice.⁷ The board ordered revocation of the license, but probated the revocation on the condition that the licensee repay the stolen funds."" Sunset TBPG Report

TBPG records: ""Date: 07/17/15 --- Complaint #2015032 --- Name: John K. Mikels, P.G. Violation/Citation: TAC §851.104(a), Engaging in a practice so as to defraud or deceive or create a misleading impression. Resolution: Public Reprimand, revocation of license with the revocation being probated with certain conditions""

Mr. Mikels is an active promoter and lobbyist for licensing; he is the author of "The Value of Licensing Geologists in Texas", AIPG and AEG societies published this work dated 2001. The Board revoked his PG license then reinstated him after he agreed to return the stolen, embezzled funds. No other action was taken for the theft. Why?

Any Alternative or New Recommendations on This Agency:
No other action was taken for the theft. Why?

My Comment Will Be Made Public: I agree