

Texas Department of Licensing and Regulation
TAX PROFESSIONAL ADVISORY COMMITTEE MEETING

Monday, July 8, 2013 – 10:30 a.m.
North Campus Building – 1st Floor Public Meeting Room
1106 Clayton Lane – Austin, Texas

MINUTES

Presiding Officer, Shane Docherty called the meeting to order at 10:37 a.m.

Presiding Officer, Shane Docherty moved to agenda item B. Roll Call, Certification of Quorum. Committee members Shane Docherty, James E. Childers, Michael Craig McDougal, and Lee Jaye Rosenberg were present. Committee member, Thomas Stanley Keeland was absent. A quorum was present.

Presiding Officer, Shane Docherty moved to agenda item C. Approval of minutes from December 6, 2012 meeting. Committee member, Michael Craig McDougal made a motion to approve the minutes as documented. Committee member Lee Jaye Rosenberg seconded the motion. The motion passed with a unanimous vote in favor.

Presiding Officer, Shane Docherty moves to agenda item D. Recognition of Dorye Kristeen Roe and Ro'Vin Garrett. Executive Director, Bill Kuntz thank them for their service. Presiding Officer, Shane Docherty thanked them for their service and their work on the Chapter 94 rules.

Presiding Officer, Shane Docherty moved to agenda item E. Public Comment. No public comment was heard.

Presiding Officer, Shane Docherty moved to agenda item F.1. Staff Reports – Executive Office. Executive Director, Bill Kuntz gave an overview of Senate Bill 546 and the bill implementation process. There was discussion regarding late, late renewal of licenses (Chapter 51, §51.401(c)), rule changes resulting from SB 546 and the vacant committee positions.

Presiding Officer, Shane Docherty moved to agenda item F.2. Staff Reports – Compliance Division. Program Specialists, Roger Thormahlen and Russ Taulli reported on identification card delivery and MAPs. There was discussion regarding the MAPs letters and pursuing those in violation.

President Officer, Shane Docherty moved to agenda item F.3. Staff Reports – Education and Examination Division. Program Specialist, Ray Pizarro reported on the refunds issues to those unable to take the examination, education and examination statistics and pass rates increasing slightly. There was discussion about the examination being given by topic rather than randomly asked questions.

Presiding Officer, Shane Docherty moved to agenda item F.4. Staff Reports – Enforcement Division. Prosecutor, Mary Winston gave an overview of the enforcement statistics and an overview of cases. There was discussion about the different between an agreed order and a default as well as an explanation of the operation of law.

Presiding Officer, Shane Docherty moved to agenda item F.5. Staff Reports – Licensing Division. Program Specialist, Joyce Hennington reported on the form changes, applications rejected and money refunded, and the decrease of 15% in licensing population due to SB 546. Ms. Hennington also provided the Committee with an updated report on program statistics.

Presiding Officer, Shane Docherty moved to agenda item G. Discussion and possible action on rules at 94.25(b)(3) and 94.25(i). Assistant General Counsel, Lynn Latombe gave an overview of the published rules and the one comment received. Committee member, Michael Craig McDougal made a motion to recommend the rules as published to the Commission for adoption. Committee member, Lee Jaye Rosenberg seconded the motion. The motion passed with a unanimous vote in favor.

Presiding Officer, Shane Docherty moved to agenda item H. Discussion and possible action regarding 94.21(4). Presiding Officer, Shane Docherty requested that the seven hours be changed to three and a half hours, similar to the change in 94.25(b)(3). There was discussion regarding the rule change. Committee member, Michael Craig McDougal made a motion to publish the rule change in the Texas Register for public comment. Committee member, James E. Childers seconded the motion. The motion passed with a unanimous vote in favor.

Presiding Officer, Shane Docherty moved to agenda item I. Recommendations for agenda items for next meeting. The Committee requested that a bill implementation update and rule simplification workgroup update be included on the next agenda.

Presiding Officer, Shane Docherty moved to agenda item J. Discussion of date, time and location of next Committee meeting. The Committee requested that dates and times be forwarded to them to schedule the next meeting.

Presiding Officer, Shane Docherty moved to agenda item K. Adjournment. Committee member, Ro'Vin Garrett made a motion to adjourn the meeting. Committee member, Michael Craig McDougal made a motion to adjourn the meeting at 11:21 a.m. Committee member, Lee Jaye Rosenberg seconded the motion. The motion passed with a unanimous vote in favor.

Shane Docherty, Presiding Officer