

## TEXAS COMMISSION OF LICENSING AND REGULATION

Meeting of May 1, 2023  
1106 Clayton Lane, Austin, TX 78723  
1<sup>st</sup> Floor Public Meeting Room  
Austin, Texas

### Summary of Minutes

Chairman Rick Figueroa called the meeting of the Texas Commission of Licensing and Regulation to order at 8:31 a.m. Members present were Chairman Rick Figueroa, Commissioners Thomas Butler, Dr. Ray Callas, Dr. Gary Wesson, Lori High and Commissioner Sujeeth Draksharam. A quorum was present. Commissioner Wesson, seconded by Commissioner Draksharam made to motion to excuse the absence of Commissioner Nora Castaneda. Motion passed by unanimous vote.

Staff present included: Mike Arismendez, Executive Director, Christina Kaiser, Senior Deputy Executive Director; Hemant Makan, Deputy Executive Director; Jessica Escobar, Chief of Staff, and Della Lindquist, Interim General Counsel.

Chairman Figueroa moved to agenda item C, Public Comment. No public comments were made.

Chairman Figueroa moved to agenda items D and E, Executive Session. The Commission adjourned at 8:37 a.m. The Commission returned at 9:42 a.m. No action was taken on these items.

Chairman Figueroa moved to agenda item F. Approval of Minutes – Chairman Figueroa moved to agenda item F. Approval of Minutes – Meeting of March 6, 2023. Commissioner Callas, seconded by Commissioner Wesson, made a motion to approve the March 6, 2023, minutes as presented, with an amendment offered by Commissioner Draksharam to include discussion regarding Sunsetting of Advisory Committee's on May 2024. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item G, Contested Cases - consideration and possible action on cases heard before the State Office of Administrative Hearings:

Docket Number MAS20220016880 / 452-23-01497.MAS; Fang Funderburg. Commissioner Callas, seconded by Commissioner Draksharam made a motion to adopt the Proposal for Decision as written. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item H, Motions for Rehearing. The Commission heard the following case:

MAS20210003228; Ildefonso Chavez. Commissioner Butler, seconded by Commissioner Draksharam, made a motion to deny the Motion for Rehearing. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item I, **Discussion and possible action** on the proposed **amendments** to existing rules at 16 Texas Administrative Code, **Chapter 60**, Subchapter A, §60.10; Subchapter F, §60.82; Subchapter G, §60.101; Subchapter I, §60.300, §60.304, §60.305, §60.307, §60.308, and §60.310; and Subchapter J, §§60.400-60.406, §60.408, and §60.409; the proposed **new rules** at Subchapter H, §§60.200 – 60.204; Subchapter I, §60.301, §60.302, §60.309, §60.311, and §60.312; and the proposed **repeal** of existing rules at Subchapter H, §60.200; and Subchapter I, §60.306 and §60.311, regarding the **Procedural Rules of the Commission and the Department**. The proposed rules make substantive and clean-up changes

to the agency's procedural rules and include changes resulting from staff and strategic planning, the required four-year rule review, and the Department's Sunset legislation. The proposed rules address definitions, dishonored payment fees, negotiated rulemaking, complaints, contested cases, and mediation for contested cases. Commissioner Callas, seconded by Commissioner Wesson, made a motion to adopt the rules as proposed, with an effective date of June 1, 2023. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item J, **Discussion and possible action** on the proposed **amendments** to existing rules at 16 Texas Administrative Code (TAC), **Chapter 84**, Subchapter A, §§84.1 and §84.3; Subchapter B, §§84.31-84.33; Subchapter C, §§84.42, 84.47, and 84.48; Subchapter D, §§84.50-84.52; Subchapter G, §§84.80, 84.84, and 84.85; Subchapter I, §§84.100, 84.101, and 84.103; Subchapter L, §84.400; Subchapter M, §§84.500-84.502, and 84.504; Subchapter N, §84.600 and §84.601; **new rules** at Subchapter A, §84.2; Subchapter B, §84.30; Subchapter C, §§84.40-84.46; Subchapter E, §§84.60, 84.61, and 84.63; Subchapter G, §§84.81-84.83; Subchapter H, §84.90; Subchapter J, §84.200; Subchapter K, §84.300 and §84.301; and the **repeal** of existing rules at Subchapter A, §84.2; Subchapter B, §84.30; Subchapter C, §§84.40-84.46; Subchapter E, §§84.60-84.64; Subchapter F, §§84.70-84.72; Subchapter G, §§84.81-84.83; Subchapter H, §84.90; Subchapter J, §84.200; Subchapter K, §§84.300-84.302; Subchapter M, §§84.503, 84.505-84.507, regarding the **Driver Education and Safety (DES) Program**. The proposed rules are necessary to implement House Bill (HB) 1560, Article 5, 87th Legislature, Regular Session (2021), which amend Texas Education Code, Chapter 1001, to: (1) clarify DES license types, licensing prerequisites, means of course instruction delivery, and program fees; and (2) implement the recommendations of the DES Providers/Instructors Workgroup (Workgroup), consistent with HB 1560, relating to the qualifications, responsibilities, and functions of those licensees. Commissioner Wesson, seconded by Commissioner Butler, made a motion to adopt the rules as proposed with changes made to §§ 84.2 and 84.5 at the January 23, 2023 Driver Training and Traffic Safety Advisory Committee meeting, with an effective date of June 1, 2023. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item K, Approval of appointment and reappointments of members to Advisory Boards, including appointments of presiding officers. Discussion took place regarding the appointments policies, procedures and processes within the Advisory Board staff. Commissioner Callas, seconded by Commissioner High, made a motion to approve Chairman Figueroa's Board Appointments and Reappointments recommendations. The vote was three (3) for the recommendation to three (3), against the recommendation. Chairman Figueroa requested a rollcall vote. For the motion: Callas, High and Figueroa. Against the motion: Butler, Draksharam and Wesson. After Commission discussion, Chairman Figueroa tabled this agenda item to the next meeting.

Chairman Figueroa moved to agenda item L, **Executive Office Reports**: Briefing from Executive Office staff on activities, statistical data, personnel changes, communications, and public outreach. Discussion and updates of the following topics: Legislative Session Update, Driver Education Summit Update, Agency Reports, Statistics, and Trends, and Recent Accomplishments.

Chairman Figueroa moved to agenda item M, Agenda items for future commission meetings. No action was taken on this agenda item.

Chairman Figueroa moved to agenda item N, Discussion of date, time, and location of future commission meetings.

Chairman Figueroa adjourned the meeting at 11:11 a.m.

Texas Commission of Licensing and Regulation