

## **TEXAS COMMISSION OF LICENSING AND REGULATION**

Meeting of October 10, 2023  
1106 Clayton Lane, Austin, TX 78723  
1<sup>st</sup> Floor Public Meeting Room  
Austin, Texas

### **S u m m a r y o f M i n u t e s**

Chairman Rick Figueroa called the meeting of the Texas Commission of Licensing and Regulation to order at 8:30 a.m. Members present were Chairman Rick Figueroa, Commissioners Thomas Butler, Dr. Gary Wesson, Dr. Ray Callas, Nora Castaneda, Lori High and Sujeeth Draksharam. A quorum was present.

Staff present included: Mike Arismendez, Executive Director, Christina Kaiser, Senior Deputy Executive Director; Steve Bruno, Deputy Executive Director; Jessica Escobar, Chief of Staff, Doug Jennings, General Counsel, and Della Lindquist, Deputy General Counsel.

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

Chairman Figueroa moved to agenda item O, Discussion and possible action to approve the Fiscal Year 2023 Annual Audit Report including review of the Fiscal Year 2023 audit and follow-up of prior years' audits and agenda item P, Discussion and possible action to approve the Fiscal Year 2024 Internal Audit Plan for the Texas Department of Licensing and Regulation and the Fiscal Year 2024 Internal Audit Plan for the Texas Board of Veterinary Medical Examiners. Commissioner Callas, seconded by Commissioner Wesson, moved to approve the Fiscal Year 2023 Annual Audit Report and the Fiscal Year 2024 Internal Audit Plan as presented. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda items D and E, Executive Session. The Commission adjourned at 9:05 a.m. The Commission returned at 9:51 a.m. No action was taken on this agenda item. Chairman Figueroa stated the Commission would go back into Executive Session towards the end of the meeting.

Chairman Figueroa moved to agenda item F, Approval of Minutes – Meeting of August 1, 2023. Commissioner Callas, seconded by Commissioner Wesson, moved to approve the August 1, 2023. Commissioner Draksharam requested the minutes be corrected to reflect a discussion took place regarding Commissioner assignments for a Licensing Workgroup. Commissioner Butler amended the motion to show a discussion took place and a Licensing Workgroup was formed at the August 1, 2023, Commission meeting. Commissioner Draksharam, seconded by Commissioner Wesson, moved to approve the minutes with a correction. 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 HFD20220004292 / 452-22-08382.HFD; Jennifer Lynn Middlebrooks. Commissioner Callas, seconded by Commissioner Castaneda moved to adopt the Proposal for Decision as issued. Motion passed by unanimous vote.

Docket Number ELC20220011718 / 452-23-08204.ELC; Gerardo C. Gauna. Commissioner Butler, seconded by Commissioner Draksharam moved to adopt the Proposal for Decision as issued. Motion passed by unanimous vote.

Docket Number ELC20230006728 / 452-23-16712.ELC; Timothy Lynn Moyers. Commissioner

Butler, seconded by Commissioner Castaneda moved to adopt the Proposal for Decision as issued. Roll call vote: For: Vice Chairman Butler, Commissioners Castaneda, Wesson, High and Draksharam. Against: Chairman Rick Figueroa and Commission Callas. Motion passed by majority vote.

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

Docket Number EAB20230005311; Altitude Odessa Property, LLC. Commissioner Callas, seconded by Commissioner Butler, moved to deny the Motion for rehearing and modify the order to reduce the administrative penalty to \$0.00. Motion passed by unanimous vote.

Chairman Figueroa moved back to agenda items D and E, Executive Session. The Commission adjourned at 10:37 a.m. The Commission returned at 12:30 p.m. No action was taken on this agenda item. Chairman Figueroa stated the Commission would go back into Executive Session towards the end of the meeting.

Commissioner Callas left the meeting at 12:30 p.m. A motion was made by Commissioner Butler, seconded by Commissioner Wesson to approve Dr. Callas' absence from the second half of the meeting. Motion passed by unanimous vote.

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

Docket Number TOW20210003407 / 452-23-02530.TOW; Storm Ventures LLC. Commissioner Draksharam, seconded by Commissioner Wesson moved to adopt the Proposal for Decision as issued with an increase in the Administrative Penalty to \$5,000. Motion passed by unanimous vote.

Docket Number BAR20230001338 / 452-23-06117.BAR; Jacob Alonzo Carrasco. Commissioner Wesson, seconded by Commissioner Draksharam moved to adopt the Proposal for Decision as issued. Motion passed by unanimous vote.

Docket Number ELC20230006422 / 452-23-13909.ELC; Justin P. Perez. Commissioner High, seconded by Commissioner Butler moved to continue this matter until the December 1, commission meeting. Roll call vote: For: Chairman Figueroa, Vice-Chairman Butler, Commissioners Castaneda, Wesson, and High. Against: Commissioner Draksharam. Motion passed by majority vote.

Docket Number TOW20230007596 / 452-23-10080.TOW; James B. Kenny. Commissioner Draksharam, seconded by Commissioner High moved to adopt the Proposal for Decision as issued. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item I, **Discussion and possible action** on the re-adoption of 16 Texas Administrative Code, Chapter 83, **Barbers and Cosmetologists**, as a result of the four-year rule review. Commissioner Draksharam, seconded by Commissioner Wesson, moved to readopt the rules as proposed. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item J, **Presentation of Criminal Conviction Guidelines for Barbering and Cosmetology**. Commissioner Wesson, seconded by Commissioner Butler moved to adopt the guidelines as presented. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item K, **Presentation of Barbering and Cosmetology Enforcement Plans: Practitioners and Establishments; and Schools, Instructors, and Continuing Education.**

Commissioner Butler, seconded by Commissioner Draksharam moved to adopt the Enforcement Plan as presented. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item L, Approval of appointments and or reappointment of members to Advisory Boards, including appointments of presiding officers. Commissioner Butler, seconded by Commissioner Wesson, made a motion to approve Chairman Figueroa's Board Appointments recommendations. Commissioner Draksharam opposed. Motion passed by majority vote.

### **APPOINTMENTS**

#### Architectural Barriers Advisory Committee

Keylon K. Herrley, Dallas, TX  
Stacey L. Brewer, Austin, TX

#### Behavior Analyst Advisory Board

Amy M. Wood, The Woodlands, TX

#### Combative Sports Advisory Board

Abhilash Davlapur, Sugarland, TX

#### Dietitians Advisory Board

Laura Kuchinsky, Austin, TX  
Kajuana Young, Dallas, TX  
Kay Vavrina, San Antonio, TX

#### Hearing Instrument Fitters and Dispensers Advisory Board

Christopher Lee Bisel, Houston, TX  
Carolyn McMahon, Cypress, TX

#### Licensed Breeders Advisory Committee

Cassandra Laster, Dallas, TX

#### Massage Therapy Advisory Board

Heather Nusbaum, Killeen, TX  
Sue Croft, Killeen, TX

#### Midwives Advisory Board

Savannah Woodward, Odessa, TX

#### Towing and Storage Advisory Board

Shae Adamick, Willis, TX  
Sgt. Michael Provost, Houston, TX

#### Weather Modification Advisory Committee

James S. Page, Avoca, TX  
John "Bear" Hebert, Pasadena, TX

### **RE-APPOINTMENTS**

#### Architectural Barriers Advisory Committee

Kathy-Ann Riley, Austin, TX  
Ronald W. Menard, Austin, TX

#### Massage Therapy Advisory Board

David Lauterstein, Austin, TX  
Caroline Guerin, Spring, TX

Motorcycle Safety Advisory Board

Chris Litfin, Farmers Branch, TX

Rickey J. Wyatt, Willis, TX

**PRESIDING OFFICER APPOINTMENTS**

Code Enforcement Officers Advisory Committee

Stuart Walker, Lubbock, TX

Combative Sports Advisory Board

Dr. Luis Chapa, San Antonio, TX

Dyslexia Therapists and Practitioners Advisory Committee

Robin Cowsar, Fredericksburg, TX

Massage Therapy Advisory Board

Caroline Guerin, Spring, TX

Towing and Storage Advisory Board

Tasha Mora, Austin, TX

**PRESIDING OFFICER RE-APPOINTMENTS**

Advisory Board of Athletic Trainers

Britney Webb, San Marcos, TX

Behavior Analyst Advisory Board

Dr. William “Gordon” Bourland, Arlington, TX

Dietitians Advisory Board

Janet Hewlett, Florence, TX

Hearing Instrument Fitters and Dispensers Advisory Board

Lance Brooks, Paris, TX

Midwives Advisory Board

Laurie Fremgen, Austin, TX

Motor Fuel Metering and Quality Advisory Board

Jason Harris, Lake Jackson, TX

Motorcycle Safety Advisory Board

Keith R. Rovell, Houston, TX

Orthotists and Prosthetists Advisory Board

Catherine Mize, Plano, TX

Speech-Language Pathologists and Audiologists Advisory Board

Sherry Sancibrian, Lubbock, TX

Chairman Figueroa moved to agenda item M, Commission Workgroup Update. Commissioner Wesson provided an update on the Innovation Workgroup. Vice-Chairman Butler provided an update on the Audit/Finance Workgroup. Chairman Figueroa provided an update on the Human Resources Workgroup and the Licensing Workgroup.

Chairman Figueroa moved to agenda item N, Discussion and possible action to approve changes to the Personnel Manual. Commissioner Castaneda, seconded by Commissioner Wesson, moved to approve the personnel manual as presented. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item Q, Executive Office Reports. Briefing from Executive Office staff on activities, statistical data, personnel changes, communications, and public outreach. May include discussion and updates of the following topics: Agency Reports, Statistics, Trends, and Recent Accomplishments.

Chairman Figueroa moved to agenda item R, Recommendation for agenda items for next Commission meetings.

Chairman Figueroa moved to agenda item S, Discussion of Upcoming Commission meetings. Next Commission will be Friday, December 1, 2023.

Chairman Figueroa announced the Commission would be going back into executive session under section 551.074, Government Code. The Commission adjourned at 2:17 p.m. The Commission returned at 2:25 p.m. No action was taken on this agenda item.

Chairman Figueroa adjourned the meeting at 2:25 p.m.

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Rick Figueroa, Chairman  
Texas Commission of Licensing and Regulation