

# TEXAS COMMISSION OF LICENSING AND REGULATION

Meeting of July 6, 2021

Videoconference

## Summary of Minutes

Chairman Rick Figueroa called the meeting of the Texas Commission of Licensing and Regulation to order at 8:34 a.m. Members present were: Chairman Rick Figueroa, Commissioners Dr. Ray Callas, Nora Castañeda and Dr. Gary Wesson. A quorum was present. Commissioner Callas, seconded by Commissioner Wesson, made a motion to excuse the absence of Commissioner Butler and Commissioner Callier. Commissioner Helen Callier joined the meeting at 8:52 a.m. This meeting was held by videoconference under procedures approved by the Office of the Governor and the Office of the Attorney General.

Staff present included: Brian Francis, Executive Director; Christina Kaiser, Deputy Executive Director; David Gonzales, Deputy Executive Director; Brad Bowman, General Counsel Della Lindquist, Deputy General Counsel; and Wendy Pellow, Senior Assistant General Counsel.

Chairman Figueroa moved to agenda item C, Recognition of Rob Troutt, Chief Boiler Inspector's appointment to the National Board of Boiler and Pressure Vessel Inspectors National Board's Board of Trustees.

Chairman Figueroa moved to agenda item D, Recognition of the Government Relations Team and TDLR Legislative Support Team for their work during the 87<sup>th</sup> Texas Legislative Session.

Chairman Figueroa moved to agenda item E, Public Comment. Eight written public comments were received, and one public commenter presented during the Commission meeting.

Chairman Figueroa moved to agenda item F, Commission Action. Discussion and possible action to authorize that Commissioners' electronic signatures be placed on written orders and decisions resulting from today's meeting. Commissioner Callas, seconded by Commissioner Wesson, made a motion to approve the use of electronic signatures. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item G, Approval of Minutes – Meetings of May 6, 2021 and May 18, 2021. Commissioner Callas, seconded by Commissioner Wesson, made a motion to approve the May 6, 2021 and May 18, 2021 minutes as presented. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item H, Discussion and possible action on Discussion and possible action on the readoption, revision, or repeal, as a result of the four-year rule review, of the rules at 16 Texas Administrative Code: Chapter 59, Continuing Education Requirements; Chapter 60, Procedural Rules of the Commission and the Department; Chapter 70, Industrialized Housing and Buildings; Chapter 72, Professional Employer Organization; and Chapter 73, Electricians. Commissioner Callas, seconded by Commissioner Wesson, made a motion to adopt the rules reviewed with an effective date of July 15, 2021. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda items I and J, Executive Session. The Commission recessed at 8:55 a.m. and went into Executive Session. Action on items discussed in Executive Session. No action was taken on this item. Chairman Figueroa reconvened at 9:37 a.m.

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

Docket Number TOW20190015970 / 452-19-6995.TOW; Kareem Aziz. Commissioner Callas, seconded by Commissioner Callier, made a motion to adopt the Proposal for Decision, with amendments to Conclusion of Law no. 14, and adding new Conclusions of Law nos. 13 and 15 to affirm a previous emergency order, permit Respondent to apply for a license, and assess an administrative penalty of \$2,000. Motion passed by unanimous vote.

Docket Number ELC20200003709 / 452-21-0042.ELC; Miguel Soriano. The Commission continued this case to the next Commission meeting.

Docket Number MAS20200012401 / 452-21-0174.MAS; Miranda Cydney Bloom. Commissioner Callas, seconded by Commissioner Wesson, made a motion to adopt the Proposal for Decision as presented. Motion passed by unanimous vote.

Docket Number BAR20200004596 / 452-21-0194.BAR; Andre Devaughn Boles. Commissioner Callas, seconded by Commissioner Castañeda, made a motion to adopt the Proposal for Decision with a technical correction to Finding of Fact No. 1. Motion passed by unanimous vote.

Docket Number TOW20200007642 / 452-21-0339.TOW; Sonny G. Harding. The Commission continued this case to the next Commission meeting.

Docket Number ACR20200006537 / 452-21-0854.ACR; Joseph L. Smith, Jr. Commissioner Callas, seconded by Commissioner Callier, made a motion to adopt the Proposal for Decision as presented. Motion passed by unanimous vote.

Docket Number MAS20200012449 / 452-21-0206.MAS; Bridgette Dancy. Commissioner Callas, seconded by Commissioner Wesson, made a motion to adopt the Proposal for Decision as presented, additionally asking staff to redact any reference in the record to the respondent being a 'health care risk'. Motion passed by unanimous vote.

Docket Number BAR20190011558 / 452-20-4378.BAR; Juan Angel Marez, Jr. Commissioner Callier, seconded by Commissioner Callas, made a motion to modify the Proposal for Decision, specifically Conclusions of Law nos. 11, 13-14, and adding a new Conclusion of Law no. 15 to approve Respondent's renewal application but also suspend his Class A Barber license, and fully probate the suspension for a term ending with his community supervision, and to require his continued participation in the court-ordered drug patch program for the license term subsequent to the approval of his renewal application. Motion passed by unanimous vote.

Docket Number TOW20200006720 / 452-21-0510.TOW; William C. Blake. Commissioner Wesson, seconded by Commissioner Callier, made a motion to adopt the Proposal for Decision as presented. Motion passed by unanimous vote.

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

VSF20180007719; J and B Hicks Inc d/b/a US 59 Enterprise. Commissioner Wesson, seconded by Commissioner Callas, moved to deny the motion for rehearing. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item M, Staff Reports: Briefing from agency staff on monthly activities, statistical data, personnel changes, communications, and public outreach. May include discussion of the following topics: Legislative Session; Bill Implementation Process; COVID-19 Response; Agency Reports, Statistics, and Trends; HUB Report and Mentor Protégé Program; Improvements, delays and changes in TDLR's licensing process; Emergency Licenses; and Personnel Changes – retirements, promotions, etc. Executive staff provided reports on the topics listed.

Chairman Figueroa moved to agenda item N, Agenda items for future commission meetings. Commission discussion on the rules requiring automatic revocation of Massage Therapy Licenses under certain criminal convictions.

Chairman Figueroa moved to agenda item O, Discussion of date, time, and location of future commission meetings. Next meeting set for August 10, 2021.

Chairman Figueroa adjourned the meeting at 11:55 a.m.

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Rick Figueroa, Chairman  
Texas Commission of Licensing and Regulation