

TEXAS COMMISSION OF LICENSING AND REGULATION

Meeting of December 8, 2020

Videoconference

Summary of Minutes

Chairman Figueroa called the meeting of the Texas Commission of Licensing and Regulation to order at 8:46 a.m., December 8, 2020. Members present were: Chairman Rick Figueroa, Commissioners Thomas Butler, Helen Callier, Dr. Gary Wesson and Dr. Ray Callas. Commissioners Nora Castaneda and Joel Garza were not present. 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; Mike Arismendez, Deputy Executive Director; David Gonzales, Deputy Executive Director; Brad Bowman, General Counsel and Della Lindquist, Deputy Assistant General Counsel.

Chairman Figueroa moved to agenda item C, Public Comment. Three written public comments were received including three phone-in public comments.

Chairman Figueroa moved to agenda item D, 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 Butler, seconded by Commissioner Callier, made a motion to approve the use of electronic signatures. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item E, Approval of Minutes – Meetings of September 29, 2020 and November 23, 2020. Commissioner Callier, seconded by Commissioner Callas, made a motion to approve the September 29, 2020 minutes with a correction and to approve the November 23, 2020 minutes as presented. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item F, **Discussion and possible action** on the proposed **amendments** to an existing rule at 16 Texas Administrative Code (TAC), Chapter 75, §75.110, regarding the **Air Conditioning and Refrigeration** program. The proposed amendments adopt the 2018 versions of the applicable codes for the program. Commissioner Callier seconded by Commissioner Wesson made a motion to adopt the proposed rules with an effective date of January 1, 2021. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item G, **Discussion and possible action** on the proposed **amendments** to existing rules at 16 Texas Administrative Code (TAC), Chapter 110, §110.24 and §110.25, regarding the **Athletic Trainers** program. The proposed amendments implement House Bill (HB) 2059, 86th Legislature, Regular Session (2019), which requires athletic trainers and other health care practitioners to complete a human trafficking prevention training course in order to renew their license. The proposed rules also allow the training to count toward the required minimum continuing education for athletic trainers. Commissioner Callier seconded by Commissioner Wesson made a motion to adopt the proposed rules with an effective date of January 1, 2021. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item I, Staff Reports. Briefing from agency staff on Legislative update; COVID-19 Response; Agency Reports, Statistics, and Trends; Sunset Commissioner Meeting update; HUB Report Update and mentor Protégé Program; Update on Issuing Emergency Licenses. At 9:30 a.m., the Commission paused this agenda item to hear the Motions for Rehearing. Upon completion of agenda item H, the Commission returned to staff reports and heard an update on the Memorandum of Understanding between Texas Workforce Commission, Texas Department of Criminal Justice, Windham School District and the Texas Department of Licensing and Regulation to aide in the efforts of criminal justice involved individuals re-entering the workforce, including reduction in fees and elimination impediments. Dr. Callas left the meeting during the COVID-19 staff report. The Commission maintained a quorum. Dr. Callas rejoined the meeting following Executive Session.

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

TOW20180014024; Deric Lopez. Commissioner Butler, seconded by Commissioner Callier, moved to grant the motion for rehearing. Motion passed by unanimous vote.

DOCKET NO, 452-20-1302; TOW20190002499; TOW20200004456; Gareth Francis D/B/A Lightning Towing & Recovery. Commissioner Wesson, seconded by Commissioner Callier, moved to deny the motion for rehearing. Motion passed by unanimous vote.

MAS20190013553; Huizhi Pan. Commissioner Butler, seconded by Commissioner Wesson, moved to grant the motion for rehearing. Motion passed by unanimous vote.

DOCKET NO, 452-20-1758; MAS20190015164; Xin Liu. Commissioner Wesson, seconded by Commissioner Butler, moved to deny the motion for rehearing.

Chairman Figueroa moved to agenda item J, Executive Session.

Chairman Figueroa moved to agenda item K, Action on items discussed in Executive Session. No action was taken on this item.

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

Docket Number MAS20180013206 / 452-19-6575.MAS; Margarita Dritsas. Commissioner Callier, seconded by Commissioner Callas, moved to grant the Respondent's motion for a continuance. Motion passed by unanimous vote.

Docket Number POD20190008868 / 452-20-0429.POD; Milton Crawford. Commissioner Callas, seconded by Commissioner Callier, moved to adopt the Proposal for Decision as presented. Motion passed by unanimous vote.

Docket Number MID20190002364 / 452-19-6495.MID; Linda Turner. Ms. Turner requested

a continuance. Commissioner Callas, seconded by Commissioner Wesson, moved to deny the motion for continuance. Commissioner Butler seconded by Commissioner Callas, moved to adopt the Proposal for Decision correcting two technical errors at Findings of Fact nos. 26 and 46 and assessing a \$10,000 administrative penalty. Motion passed by unanimous vote.

Docket Number TOW20190005697 and TOW20190009060 / 452-20-0702.TOW; All American Towing and Recovery, Inc. Commissioner Butler seconded by Commissioner Callier, moved to accept the Proposal for Decision as presented. Motion passed by unanimous vote.

Docket Number COS20190015037 / 452-20-2791.COS; Criselda Hernandez. Commissioner Callier, seconded by Commissioner Callas, moved to adopt the Proposal for Decision as presented. Motion passed by unanimous vote.

Docket Number TOW20200001408 and ELC20200001397 / 452-20-1523.TOW; Antonio Jimenez. Commissioner Callas seconded by Commissioner Wesson, moved to adopt the Proposal for Decision as to the revocation of his tow operator license, but modify the Proposal for Decision at Conclusions of Law nos. 14 and 15 to allow the Respondent to maintain his apprentice electrician license imposing a three-year probated suspension of the license, modifying the administrative penalty from \$7000 to \$3000, providing for repayment terms to be paid over three years and ordering other reasonable terms and conditions of the probation. Motion passed by unanimous vote.

Docket Number ELC20200004590 / 452-20-3941.ELC; Johnny Lee Spinelli. Commissioner Callas, seconded by Commissioner Wesson, moved to grant Mr. Spinelli's request for a continuance. Motion passed by unanimous vote.

Docket Number ACR20190010718 / 452-20-2363.ACR; Isaias Ybarra. Commissioner Callas seconded by Commissioner Callier, moved to remand the case back to the Department to issue a restrictive license by Agreed Order. Motion passed by unanimous vote.

Docket Number BAR20190003216 / 452-20-0888.BAR; Brandon Allen. Commissioner Wesson seconded by Commissioner Callas, moved to adopt the Proposal for Decision as presented with technical modifications to Findings of Fact nos. 1 and 6, and Conclusions of Law nos. 5 and 6. Motion passed by unanimous vote.

Docket Number MAS20190009672 / 452-20-1277.MAS; Robert L. Luddington. Commissioner Callier, seconded by Commissioner Callas, moved to adopt the Proposal for Decision as presented. Motion passed by unanimous vote.

Docket Number ELC20200003391 / 452-20-2421.ELC; Erasmo Castillo. Commissioner Callas, seconded by Commissioner Wesson, moved to adopt the Proposal for Decision as presented. Motion passed by unanimous vote.

Docket Number MAS20200005346 / 452-20-1757.MAS; Sarah Treece. Commissioner Wesson, seconded by Commissioner Callas, moved to adopt the Proposal for Decision as presented. Motion passed by unanimous vote.

Docket Number COS20200004322 / 452-20-4057.COS; Beija L. Velasquez. Commissioner

Callier, seconded by Commissioner Callas, moved to adopt the Proposal for Decision as presented. Motion passed by unanimous vote.

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

Chairman Figueroa moved to agenda item N, Discussion of date, time, and location of future Commission Meetings. To be set at a later date. No action was taken on this item.

Chairman Figueroa adjourned the meeting at 1:55 p.m.

Rick Figueroa, Chairman
Texas Commission of Licensing and Regulation