

TEXAS COMMISSION OF LICENSING AND REGULATION

Meeting of January 19, 2021

Videoconference

Summary of Minutes

Vice-Chairman Butler called the meeting of the Texas Commission of Licensing and Regulation to order at 8:30 a.m. Members present were: Vice-Chairman Thomas Butler, Commissioners Dr. Gary Wesson, Dr. Ray Callas, Nora Castañeda, and Joel Garza. Commissioner Helen Callier and Chairman Rick Figueroa were not present. A quorum was present. This meeting was held by videoconference under procedures approved by the Office of the Governor and the Office of the Attorney General. (Commissioner Callas left the meeting at noon.)

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 General Counsel.

Vice-Chairman Butler moved to agenda item C, Public Comment. Nine written public comments were received, four of which were phone-in public comments.

Vice-Chairman Butler 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 Callas, seconded by Commissioner Wesson, made a motion to approve the use of electronic signatures. Motion passed by unanimous vote.

Vice-Chairman Butler moved to agenda item E, Approval of Minutes – Meeting of December 8, 2020. Commissioner Callas, seconded by Commissioner Wesson, made a motion to approve the December 8, 2020 minutes as presented. Motion passed by unanimous vote.

Vice-Chairman Butler moved to agenda item F, **Discussion and possible action** on the proposed **amendments** to existing rules at 16 Texas Administrative Code (TAC), Chapter 91, §91.25 and §91.92, regarding the **Licensed Breeders** program. The proposed rules are necessary to implement Senate Bill (SB) 1531, 86th Legislature, Regular Session (2019), which made changes to the sections of the Dog or Cat Breeders Act pertaining to criminal history of animal cruelty or neglect. The proposed amendments also make editorial changes to the rules. Commissioner Callas, seconded by Commissioner Wesson, made a motion to approve the proposed amendments. Motion passed by unanimous vote.

Vice-Chairman Butler moved to agenda item G, **Discussion and possible action** on the re-adoption of 16 Texas Administrative Code, Chapter 91, **Licensed Breeders**, as a result of the four-year rule review. Commissioner Callas, seconded by Commissioner Castañeda, made a motion to approve the re-adoption of the rules. Motion passed by unanimous vote.

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

BAR20190003216; Brandon Allen. Commissioner Callas, seconded by Commissioner Wesson, moved to grant the motion for rehearing and vacate the previous Commission order. Motion passed by unanimous vote. The Proposal for Decision will be heard at an upcoming commission meeting.

BAR20190015451; Rocky Gallegos d/b/a/ Mano de Oro Barbershop. Commissioner Callas, seconded by Commissioner Wesson, moved to grant the motion for rehearing and vacate the previous default order. Motion passed by unanimous vote.

BAR20190013775; Leonard Anthony Stroman. Commissioner Callas, seconded by Commissioner Garza, moved to deny the motion for rehearing. Motion passed by unanimous vote.

Vice-Chairman Butler moved to agenda item I., Approval of appointments and or reappointment of members to Advisory Boards, including appointment of presiding officers. There was no action on this item.

Vice-Chairman Butler moved to agenda item J, Appointment of Commission Workgroups and reformatting existing workgroups. The Bill Implementation Workgroup was changed to the Legislative Review and Bill Implementation Workgroup, comprised of Chairman Figueroa and Commissioners Callas and Wesson.

Vice-Chairman Butler moved to agenda item K, **Staff Reports:** Briefing from agency staff on monthly activities, statistical data, personnel changes, communications and public outreach. Included discussion of the following topics: Legislative Update; COVID-19 Response Update; Sunset Commission Meeting Update; HUB Report Update and Mentor Protégé Program; Update on Issuing Emergency Licenses; Update on the Memorandum of Understanding between Texas Workforce Commission, Texas Department of Criminal Justice, Wyndham School District and The Texas Department of Licensing and Regulation to help create a pathway to gainful employment for certain qualified persons with a criminal history.

Vice-Chairman Butler moved to agenda item L, Executive Session.

Vice-Chairman Butler moved to agenda item M, Action on items discussed in Executive Session. No action was taken on this item.

Vice-Chairman Butler moved to agenda item N, 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 Wesson, seconded by Commissioner Garza, moved to adopt the Proposal for Decision. Motion passed by unanimous vote.

Docket Number MAS20190011515 / 452-20-1070.MAS; LiQiong Zhou Patton. Commissioner Callas, seconded by Commissioner Wesson, moved to amend the Proposal for Decision, granting the license, and making a technical correction to the spelling of Respondent's

name in Finding of Fact no. 1, and amending Conclusion of Law no 11. Motion passed.

Docket Number ELC20200004487 / 452-20-4152.ELC; Lewis Junior Mears. Commissioner Callas, seconded by Commission Wesson, moved to adopt the Proposal for Decision. Motion passed, with Commissioner Garza casting a dissenting vote.

Docket Number ELC20200004590 / 452-20-3941.ELC; Johnny Lee Spinelli. Commissioner Garza, seconded by Commissioner Wesson, moved to adopt the Proposal for Decision. Motion passed, with Commissioner Castañeda casting a dissenting vote.

Docket Number ELC20200005970 / 452-20-4142.ELC; Jamarkus Simpson. Commissioner Wesson, seconded by Commissioner Garza, moved to adopt the Proposal for Decision. Motion passed, with Vice-Chairman Butler casting a dissenting vote.

Docket Number MAS20200007089 / 452-20-4215.MAS; Sandra V. Munoz. Commissioner Callas, seconded by Commissioner Wesson, moved to approve the request for a continuance. Motion passed by unanimous vote.

Docket Number MLD20190013381 / 452-20-1525.MLD; Sphaerus LLC d/b/a Envirogyn. Commissioner Callas, seconded by Commissioner Wesson, moved to dismiss the Proposal for Decision because an Agreed Order had been reached between the parties. Motion passed by unanimous vote.

Docket Number ELC20190006785 / 452-19-6074.ELC; Collin Galloway. Commissioner Wesson seconded by Commissioner Garza, moved to adopt the Proposal for Decision. Motion passed by unanimous vote.

Vice-Chairman Butler moved to agenda item O, Agenda items for future Commission Meetings. No action was taken on this item.

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

Vice-Chairman Butler adjourned the meeting at 1:05 p.m.

Rick Figueroa, Chairman
Texas Commission of Licensing and Regulation