

TEXAS COMMISSION OF LICENSING AND REGULATION

Meeting of January 25, 2022
Twin Towers Office Center
1st 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 8:37 a.m. Members present were: Chairman Rick Figueroa, Commissioners Thomas Butler, Dr. Gary Wesson, and Nora Castañeda. A quorum was present. Commissioner Butler, seconded by Commissioner Wesson, made a motion to excuse the absence of Commissioners Helen Callier and Dr. Ray Callas. Motion passed by unanimous vote.

Staff present included: Brian Francis, Executive Director; Christina Kaiser, Deputy Executive Director; David Gonzales, Deputy Executive Director; Mike Arismendez, Deputy Executive Director; Brad Bowman, General Counsel; and Della Lindquist, Deputy General Counsel.

Chairman Figueroa moved to agenda item C, Public Comment. Eight written public comments were received, and one in-person public comment was made.

Chairman Figueroa moved to agenda items E and F, Executive Session. No action was taken on these items.

Chairman Figueroa moved to agenda items G, 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 Wesson, made a motion to approve the use of electronic signatures. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda items H, Discussion and possible action to acknowledge acceptance of gift of office furniture for the use of the Financial Crimes Intelligence Center. Commissioner Wesson, seconded by Commissioner Castañeda, made a motion to accept the gift. Motion passed by unanimous vote.

Commissioner Callier arrived at 9:13 am.

Chairman Figueroa moved to agenda item I, Approval of Minutes – Meetings of December 7, 2021, and December 27, 2021. Commissioner Callier, seconded by Commissioner Wesson, made a motion to approve the December 7, 2021, and December 27, 2021, minutes as presented. Motion passed by unanimous vote.

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

Docket Number TOW20210011130 / 452-22-0085.TOW; Jacob R. Green. Commissioner Butler, seconded by Commissioner Callier, moved to adopt the Proposal for Decision and deny Mr. Green's application for Incident Management Tow Operator license. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item K, **Discussion and possible action** on the proposed

amendments to existing rules at 16 Texas Administrative Code, **Chapter 62**, §62.20 and §62.80, regarding the **Code Enforcement Officers** program. The proposed amendments extend the registration term for a Code Enforcement Officer in Training, who upgrades to a Code Enforcement Officer, by combining the upgrade and the renewal processes and fees. Commissioner Callier, seconded by Commissioner Wesson, moved to adopt the rules as published with an effective date of March 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item L, **Discussion and possible action** on the proposed **amendments** to existing rules at 16 Texas Administrative Code (TAC), **Chapter 61**, §§61.10, 61.20, 61.23, 61.40, 61.41, 61.43, 61.47, and 61.80, regarding the **Combative Sports** Program. The proposed amendments implement provisions of House Bill (HB) 1560, 87th Regular Session (2021) that removed licensure requirements for persons acting as combative sports seconds, matchmakers, and event coordinators, and make other non-substantive changes to correct style and gender-specific language. Commissioner Callier, seconded by Commissioner Wesson, moved to adopt the rules as published with an effective date of March 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item M, **Discussion and possible action** on the readoption, revision, or repeal of the rules at 16 Texas Administrative Code, Chapter 62, Code Enforcement Officers; Chapter 78, Mold Assessors and Remediators; Chapter 90, Offender Education Programs for Alcohol and Drug-Related Offenses; Chapter 92, Responsible Pet Owners; Chapter 95, Transportation Network Companies; Chapter 118, Laser Hair Removal; and Chapter 119, Sanitarians, as a result of the four-year rule review. Commissioner Callier, seconded by Commissioner Castañeda, moved to readopt the rules with an effective date of February 15, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item N, **Discussion and possible action** on the proposed **amendments** to existing rules at 16 Texas Administrative Code (TAC), **Chapter 130**, Subchapter D, §130.40 and §130.42; Subchapter F, §130.60, and the repeal of an existing rule at Subchapter F, §130.61, regarding the **Podiatry** program. The proposed rules implement Texas Occupations Code §202.261 by establishing a limited faculty license type, harmonize the waiver provisions for licensure between the full and provisional license rules, and repeal an expired transition rule for license fees. Commissioner Wesson, seconded by Commissioner Castañeda, made moved to adopt the rules as published with an effective date of March 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item O, **Discussion and possible action** on the proposed **amendments** to existing rules at Subchapter A, §97.2; Subchapter B, §97.23, Subchapter D, §97.51 and §97.58, and Subchapter E, §97.70 16 Texas Administrative Code, **Chapter 97**, and adds a **new rule** at Subchapter A, §97.4, regarding the **Motor Fuel Metering and Quality** program. The proposed rules create an exemption from Department regulation for motor fuel metering devices that dispense liquid petroleum gas pursuant to Section 2310.053(a), Occupations Code. Commissioner Callier, seconded by Commissioner Wesson, moved to adopt the proposed rules as published with an effective date of March 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item P, Staff Reports: Briefing from agency staff on activities, statistical data, personnel changes, communications, and public outreach. May include discussion and update of the following topics: Agency Reports, Statistics, and Trends, HUB Report and Mentor Protégé Program, Update on the Texas Licensing System Process and Personnel Changes

– retirements, promotions, new hires etc.

Chairman Figueroa Commission adjourned for a break at 10:08 am. Meeting called back into session at 10:19 a.m.

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

Chairman Figueroa moved to agenda item R, Discussion of date, time, and location of future commission meetings. No action was taken on this agenda item.

Chairman Figueroa moved to agenda item D, Recognition and celebration of the retirement of Executive Director Brian Francis.

Chairman Figueroa adjourned the meeting at 11:07 a.m.

Rick Figueroa, Chairman
Texas Commission of Licensing and Regulation