

TEXAS COMMISSION OF LICENSING AND REGULATION

Meeting of May 24, 2022
1106 Clayton Lane, Austin, TX 78723
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 8:31 a.m. Members present were Chairman Rick Figueroa, Commissioners Thomas Butler, Dr. Gary Wesson, and Nora Castaneda. 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: Mike Arismendez, Executive Director; Christina Kaiser, Senior Deputy Executive Director; David Gonzales, Deputy Executive Director; Hemant Makan, Chief of Staff, Brad Bowman, General Counsel; and Della Lindquist, Deputy General Counsel.

Chairman Figueroa moved to agenda item C, Recognition of former Executive Director, William H. Kuntz, Jr. Mike Arismendez, Executive Director spoke words of kindness and expressed the great loss of Mr. Kuntz. Mr. Arismendez indicated there were will a formal recognition of Mr. Kuntz at the next Commission meeting.

Chairman Figueroa moved to agenda item D, Public Comment. Two written public comments were received, three virtual public comments were made, 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 item H, Discussion and approval of agency's Strategic Plan for Fiscal Years 2023-2027. Commissioner Wesson, seconded by Commissioner Castaneda, made a motion to approve the FY 2023-2027 Strategic Plan as presented with some technical edits due by June 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item I, Approval of Minutes – Meeting of April 5, 2022. Commissioner Butler, seconded by Commissioner Wesson, made a motion to approve the April 5, 2022, minutes as presented. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item J, Discussion and possible action to approve changes to the Personnel Manual. Commissioner Wesson, seconded by Commissioner Butler, made a motion to approve the Personnel Manual as presented. Motion passed by unanimous vote

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

Docket Number ELC20210010070 / 452-21-2897.ELC; Juan C. Perez. Commissioner Butler, seconded by Commissioner Wesson, made a motion to adopt the Proposal for Decision as issued by the Administrative Law Judge. Motion passed by unanimous vote.

Docket Number MAS20200015191 / 452-21-0795.MAS; Jennifer Hollenbeck. Commissioner Butler, seconded by Commissioner Wesson, made a motion to adopt the Proposal for Decision as issued by the Administrative Law Judge. Motion passed by unanimous vote.

Docket Number MAS20200012325 / 452-22-0535.MAS; Linda M. Ferriulo. No action was taken on this item.

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

ACR20190002261; Jeffrey Miller. Commissioner Wesson, seconded by Commissioner Castaneda, made a motion to deny the Motion for Rehearing. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item M, **Discussion and possible action** on proposed rule changes affecting 19 Department programs. The proposed rules make necessary rule changes to align program rules with the advisory board changes made by House Bill 1560, 87th Legislature, Regular Session (2021), the Sunset legislation for the Department. The proposed changes affect the following Department program rules under Title 16, Part 4, of the Texas Administrative Code (TAC) (alphabetical order by program acronym): **Athletic Trainers** (ATH) - Proposed amendments to an existing rule at Chapter 110, §110.18. **Auctioneers** (AUC) - Proposed amendments to an existing rule at Chapter 67, §67.65. **Behavior Analysts** (BHV) - Proposed amendments to an existing rule at Chapter 121, §121.69. **Boilers** (BLR) - Proposed amendments to an existing rule at Chapter 65, Subchapter M, §65.104. **Dog or Cat Breeders** (BRE) - Proposed amendments to an existing rule at Chapter 91, §91.65. **Code Enforcement Officers** (CEO) - Proposed amendments to an existing rule at Chapter 62, §62.65. **Driver Education and Safety** (DES) - Proposed repeal of an existing rule at Chapter 84, Subchapter B, §84.34. **Dietitians** (DTN) - Proposed amendments to an existing rule at Chapter 116, Subchapter B, §116.14. **Dyslexia Therapy** (DYS) - Proposed amendments to an existing rule at Chapter 120, §120.69. **Elimination of Architectural Barriers** (EAB) - Proposed amendments to an existing rule at Chapter 68, §68.65. **Electricians** (ELC) - Proposed repeal of an existing rule at Chapter 73, §73.65. **Hearing Instrument Fitters and Dispensers** (HFD) - Proposed amendments to an existing rule at Chapter 112, Subchapter B, §112.14. **Midwives** (MID) - Proposed amendments to an existing rule at Chapter 115, §115.7. **Motorcycle and ATV Operator Safety** (MOT) - Proposed amendments to an existing rule at Chapter 98, §98.69. **Orthotists and Prosthetists** (OPS) - Proposed amendments to an existing rule at Chapter 114, §114.69. **Property Tax Consultants** (PTC) - Proposed amendments to an existing rule at Chapter 66, §66.65. **Speech-Language Pathologists and Audiologists** (SPA) - Proposed amendments to an existing rule at Chapter 111, Subchapter B, §111.14. **Vehicle Towing and Booting** (TOW) - Proposed amendments to an existing rule at Chapter 86, §86.650. **Used Automotive Parts Recyclers** (UAPR) - Proposed amendments to an existing rule at Chapter 87, §87.65. Commissioner Butler, seconded by Commissioner Castaneda, made a motion to adopt the rules as proposed with an effective date of July 1, 2022. Motion passed by unanimous vote.

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

PRESIDING OFFICER REAPPOINTMENTS

Advisory Board of Athletic Trainers

Britney Webb, San Marcos, Texas

Dietitians Advisory Board

Janet Suzanne Hall, Florence, Texas

Dyslexia Therapists and Practitioners Advisory Committee

Helen M. Macik, Dallas, Texas

Orthotists and Prosthetists Advisory Board

Catherine Mize, Double Oak, Texas

Used Automotive Parts Recycling Advisory Board

Tchad Taormina, New Braunfels, Texas

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 77**, §§77.10, 77.20, 77.22, 77.41, 77.42, and 77.70; and the proposed **repeal** of existing rules at §§77.92-77.110, regarding the **Service Contract Providers and Administrators** program. The proposed amendments to, and repeal of, existing rules implement HB 1560, which transferred Residential Service Contracts from the Texas Real Estate Commission to the Texas Department of Licensing and Regulation (TDLR). HB 1560 mandates TDLR to enact rules relating to Residential Service Contracts by June 1, 2022. Motion passed by unanimous vote. Commissioner Wesson, seconded by Commissioner Castaneda, made a motion to adopt the rules with changes to the original published version, as described in the meeting, with an effective date of June 15, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item P, Executive Office Reports: Briefing from Executive Office staff on activities, statistical data, personnel changes, communications, and public outreach. Discussion and updates of the following topics: Agency Reports, Statistics, and Trends, Sunset Update, and State Auditor's Office were provided.

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 adjourned the meeting at 11:17 a.m.

Rick Figueroa, Chairman
Texas Commission of Licensing and Regulation