

TEXAS COMMISSION OF LICENSING AND REGULATION

Meeting of August 9, 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 8:30 a.m. Members present were Chairman Rick Figueroa, Commissioners Gary Wesson, Lori High and Ray Callas. A quorum was present. Commissioner Callas, seconded by Commissioner Wesson, made a motion to excuse the absence of Commissioners Helen Callier, Nora Castaneda and Thomas Butler. 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 acknowledged the Kuntz family, spoke words of kindness, shared memories of Mr. Kuntz and presented the Kuntz family with gifts.

Chairman Figueroa moved to agenda item D, Public Comment. Two written public comments were received, no 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 item G, 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 H, Approval of Minutes – Meetings of May 24, 2022 and July 27, 2022. Commissioner Callas, seconded by Commissioner Wesson, made a motion to approve the May 24, 2022 and July 27, 2022, minutes as presented. Motion passed by unanimous vote.

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

Docket Number BAR20210013728 / 452-22-0463.BAR; Kadin Cole Friswold. Commissioner Callas, seconded by Commissioner Wesson, made a motion to amend the Proposal for Decision and deny Mr. Friswold's license application. Motion passed by unanimous vote.

Docket Number MAS20220005295 / 452-22-1504.MAS; Wing Mui Hong. Commissioner Callas, 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 VSF20200000330, VSF20210008661 / 452-22-0597.VSF; Belton Collision Center, Inc. Commissioner Callas, 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 TOW20200008623 / 452-22-0176.TOW; Parking Compliance Solutions, LLC. Commissioner Callas, seconded by Commissioner High, made a motion to continue this matter until the next regularly scheduled commission meeting. Motion passed by unanimous vote.

Docket Number TOW20210015031 / 452-22-0550.TOW; Michael Hollins / Bonot Towing and Recovery. Commissioner Callas, 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. Motion passed by unanimous vote.

Docket Number MAS20210011965 / 452-22-0536.MAS; Andrea Diaz. Commissioner Wesson, seconded by Commissioner Callas, 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. Commissioner Callas, seconded by Commissioner Wesson, made a motion to a dismiss the Proposal for Decision as issued by the Administrative Law Judge, because an agreed settlement had been reached between the parties. Motion passed by unanimous vote.

Docket Number ELC20200006067 / 452-22-0698.ELC; Spencer W. Jones. Commissioner Callas, 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 ELC20210002740 / 452-22-0544.ELC; Kyle D. Waugh. Commissioner Wesson, seconded by Commissioner High, made a motion to adopt the Proposal for Decision as issued by the Administrative Law Judge. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item J, **Discussion and possible action** on the proposed **amendments** to existing rules at 16 Texas Administrative Code (TAC), **Chapter 90**, Subchapter A, §90.1; Subchapter B, §90.21; Subchapter D, §90.40; Subchapter E, §§90.51-90.54; Subchapter F, §90.80; and Subchapter G, §§90.91-90.94; **new rules** at Subchapter A, §90.10; Subchapter B, §§90.20, 90.22-90.28; Subchapter C, §§90.30-90.34; Subchapter D, §§90.41-90.49; Subchapter E, §90.50; and Subchapter G, §90.95; and the **repeal** of existing rules at Subchapter A, §90.10; Subchapter B, §§90.20, 90.22-90.27; Subchapter C, §§90.30-90.34; Subchapter D, §§90.41-90.49; and Subchapter E, §90.50 regarding the **Court-Ordered Education** program. The proposed rules implement Senate Bill (SB) 1480 which introduces new Texas Government Code, Chapter 171, relating to the Court-Ordered Education Programs, formerly known as the Offender Education Programs. The rules also implement SB 181, which overlaps with Senate Bill (SB) 1480, and amends Texas Transportation Code, Chapter 521, §§521.374 – 521.376, regarding the Drug Offender Education Program. Commissioner Callas, seconded by Commissioner High, made a motion to adopt the rules as published, with changes to §§90.1, 90.91 and 90.92, to be effective September 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item K, Approval of appointments and or reappointment of members to Advisory Boards, including appointment of presiding officers. Commissioner Callas, seconded by

Commissioner Wesson, made a motion to approve Chairman Figueroa's Board Appointments recommendations. Motion passed by unanimous vote.

REAPPOINTMENTS

Dyslexia Therapists and Practitioners Advisory Committee

- Robin G. Cowsar, Fredericksburg, Texas

Property Tax Consultants Advisory Council

- Mitchell Katine, Houston, Texas
- W. Ken Parsons, Dallas, Texas

Chairman Figueroa moved to agenda item L, 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. Jessica Escobar, Assistant General Counsel, provided a brief update on the Financial Crimes Intelligence Center. Hemant Makan, Chief of Staff, provided a brief update on the State Auditor's Office Audit Update and the Weaver Internal Audit Update.

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

Chairman Figueroa moved to agenda item N, Discussion of date, time, and location of future commission meetings. Chairman announced the next Commission meeting will be on October 18, 2022.

Chairman Figueroa adjourned the meeting at 10:21 a.m.

Rick Figueroa, Chairman
Texas Commission of Licensing and Regulation