

Licensing Division

Staff Report for Motorcycle Safety Advisory Board – October 1, 2020

Personnel Updates

Doreen Michelle Garcia last day with the Safety Regulators Team was September 14, 2020.

Statistics

Active Instructors **FY 21**

Motorcycle Instructors 304

Off-Highway Vehicle
Instructor 132

ATV Instructor Applications Received as September 1, 2020 **FY 21**

New Applications 2
(Transferred from DPS)

MSB-8 Certificate Orders **FY 21**

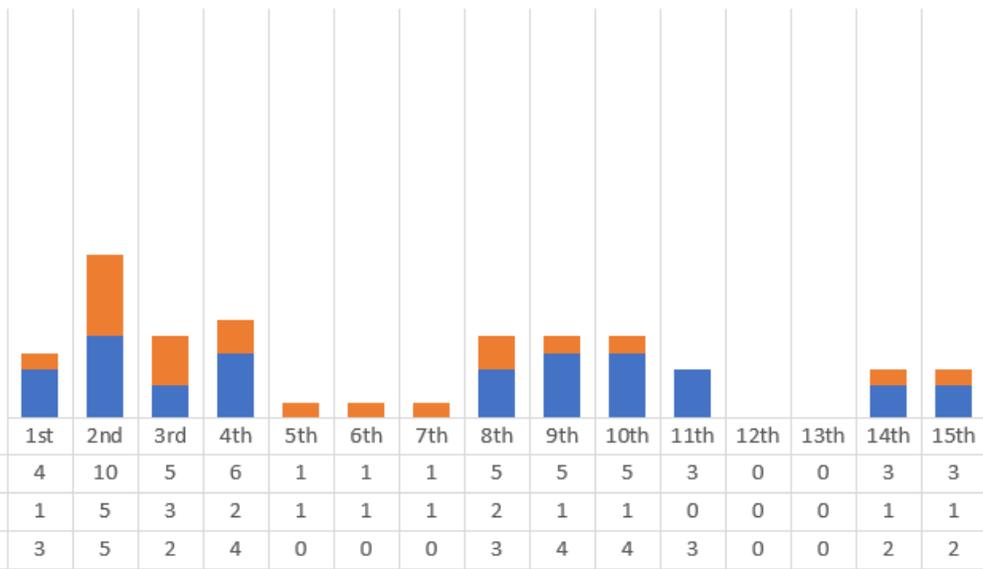
September 2nd through
September 8th 1,250

Customer Service Division

Staff Report – October 1, 2020

Statistics

**MOTORCYCLE AND ATV OPERATOR SAFETY
CUSTOMER SERVICE CONTACTS
SEPTEMBER 1ST TO 15TH**



EDUCATION & EXAMINATION DIVISION

Staff Report – October 1, 2020

Statistics

- 0 school applications have been submitted
- 1 change in ownership was submitted

*We do not have past or current accurate data for this program yet.

Current Projects

- Updates are being made to the Motorcycle and ATV Operator Website <https://www.tdlr.texas.gov/mot/mot.htm> you can find how to apply for a license, purchase certificates, search for schools and instructors.
- Education and Examination Division staff is learning the new database (REMS)
- Education and Examination Division staff is collecting program information to be discussed during workgroup meetings
- BIT Team met with Motorcycle Course Providers and Schools; Michael “Ford” Strawn lead the meeting and presented a “Welcome to TDLR PowerPoint” (Power Point presentation will be presented)

Motorcycle Safety Advisory Board Meeting

Enforcement Division

Staff Report – October 1, 2020

➤ Enforcement Division Overview:

The Enforcement Division is responsible for investigating and resolving complaints against licensees and other regulated populations in all programs regulated by Texas Department of Licensing and Regulation (“TDLR” or “the Department”). The Enforcement Division consists primarily of investigators, attorneys and legal assistants. These employees are organized into three sections that reflect the life cycle of a complaint as it moves through the enforcement process.

- Intake: The Intake section substantiates the agency’s jurisdiction and performs initial research on each complaint filed, ultimately making the decision whether an investigation should be opened.
- Investigations: In each case opened for investigation, the assigned investigator develops a detailed account of the facts through witness interviews, collection of documents, and on-site inspections when necessary, and prepares a written report of the investigation.
- Prosecution: The Prosecution section ensures the proper disposition of each case. When the evidence reflects violations, the prosecutor may pursue administrative penalties or license sanctions, or may resolve the case informally if warranted by the circumstances. When the evidence does not indicate violations, the prosecutor will close the case. When an enforcement action leads to a hearing, the prosecutor presents the Department’s case to the State Office of Administrative Hearings and the Commission of Licensing and Regulation.

Within the general structure described above, the Enforcement Division utilizes specialized procedures for handling various types of complaints. Those procedures vary primarily depending upon the source of the complaint. Generally, complaints may be characterized as arising from three sources: consumers, the department, and applicants’ criminal histories.

- Consumer: complaints from sources outside the agency, including consumers, industry, and municipal officials. *If opened for investigation by Intake, these cases undergo full investigation and are then resolved by the Prosecution section.*

- Department: complaints arising from periodic inspections of regulated entities conducted by the Field Operations Division, and from proactive efforts of Enforcement field investigators. *Intake usually forwards these cases directly to a prosecutor for resolution, because the evidence has already been developed by the inspector or field investigator.*
- Criminal History: complaints arising from criminal background checks on license applicants. The criminal history of each license applicant is initially screened by the Licensing Division. If the history includes crimes that may be a basis for denying a license, the application is referred to the Enforcement Division. *Criminal histories are initially screened by a prosecutor. If the prosecutor does not immediately clear the applicant for licensing, the prosecutor will request an investigation of the applicant's criminal history and will then decide whether to deny or revoke the applicant's license.*

Consistency in the investigation and resolution of complaints is an essential element of effective enforcement. Enforcement works to ensure consistency by following three guidance documents that are regularly updated.

- The Complaint Resolution Procedures Manual provides detailed, standard procedures applicable to all division staff in handling complaints, from intake to investigation to final resolution.
- The Enforcement Plan describes the ranges of penalties and license sanctions that are applicable to specific alleged violations of the statutes and rules enforced by the agency.
- The Criminal Conviction Guidelines set out, for each license type regulated by TDLR, the specific criminal convictions that may render an applicant an unsuitable candidate for the license, along with reasons why those particular crimes are considered to relate to the license.

➤ **Personnel Updates:**

On March 1, John Medlock was promoted to Chief Prosecutor. John has worked for TDLR for 7 years, previously serving as a Prosecutor and Senior Prosecutor in the Enforcement Division.

On May 1, Trevor Theilen was promoted to Senior Prosecutor. Trevor has worked for TDLR for 9 years as a Prosecutor in the Enforcement Division.

On February 15, Jackie Revilla was promoted to Legal Assistant Supervisor. Jackie has worked for TDLR for 18 years, previously serving as a Legal Assistant and Senior Legal Assistant in the Enforcement Division.

On February 15, Debbie Hawkins was promoted to Legal Assistant Supervisor. Debbie has worked for TDLR for 8 years as a Legal Assistant in the Enforcement Division.

On August 31, Investigations Manager Gregg Dodson retired after 22 years of service with TDLR. Gregg oversaw the Investigations Section within the Enforcement Division, which includes 42 investigators. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

On August 31, Prosecution Legal Assistant Manager Daryl Kunze retired after 18 years of service with TDLR. Daryl oversaw the Prosecution Legal Assistant Section within the Enforcement Division, which includes 33 legal assistants and administrative assistants. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

On August 31, Senior Investigator Esmer Arguijo retired after 21 years of service with TDLR. Esmer conducted investigations of cases in the building and mechanical, water well, and property tax programs.