

LICENSE DIVISION

Staff Report for the Water Well Driller and Pump Installer Advisory Council

June 8, 2022

Statistics

Water Well Driller and Pump Installer

	TOTAL FY 21	2nd quarter FY 22
New Licenses Issued	62	36
Renewed Licenses Issued	1,702	965
* Total Population	1,651	1,657

Water Well Driller and Pump Installer Apprentice

	TOTAL FY 21	2nd quarter FY 22
New Licenses Issued	180	126
Renewed Licenses Issued	376	226
* Total Population	547	602

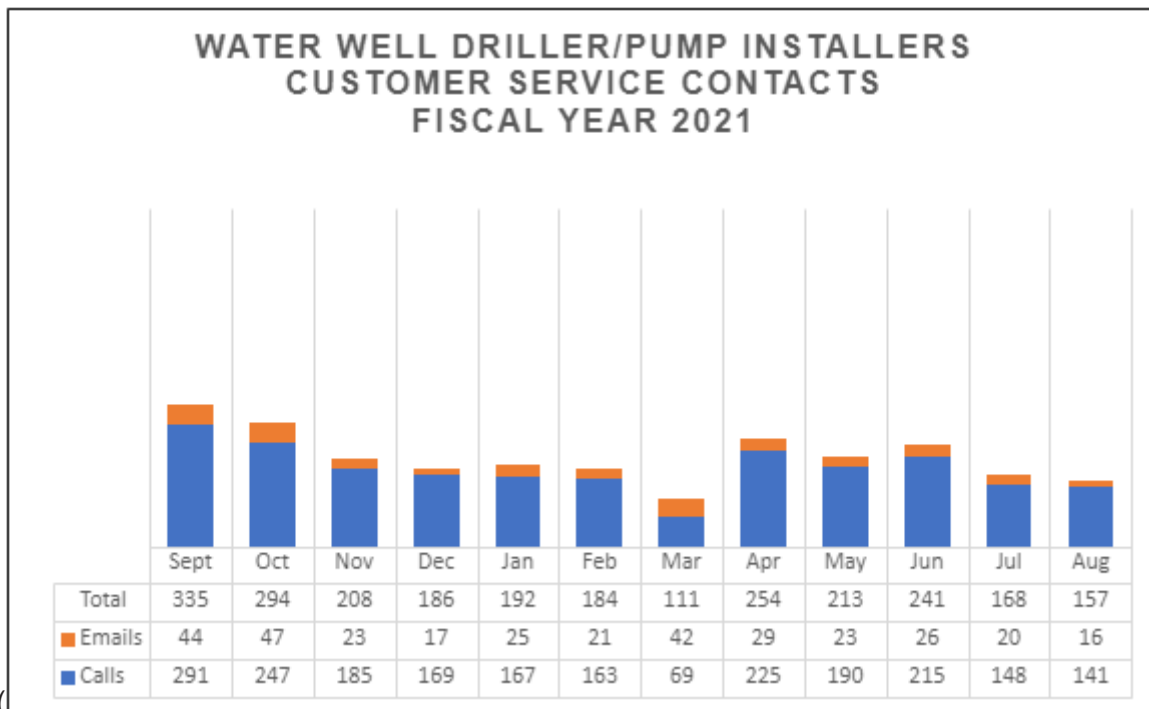
*The population number is a snapshot of the number of active licenses on the first day of the month. The number of licenses issued and renewed is the total activity performed during the fiscal year.

Customer Service Division

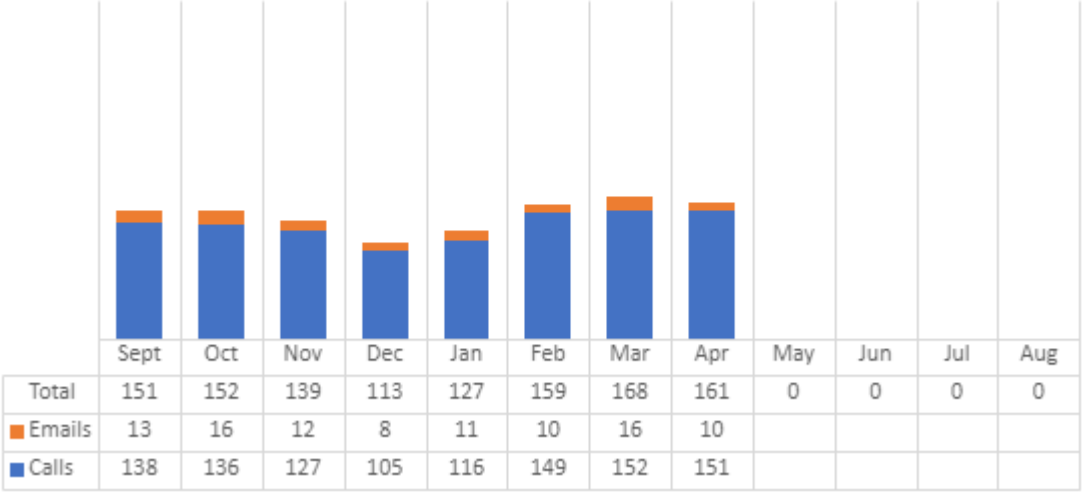
Staff Report for the Water Well Drillers Advisory Council

June 8, 2022

Statistics



**WATER WELL DRILLER/PUMP INSTALLERS
CUSTOMER SERVICE CONTACTS
FISCAL YEAR 2022**



Enforcement Division

Staff Report for the Texas Water Well Drillers Advisory Council June 8, 2022

Personnel Updates

- On February 15, 2020, 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 March 1, 2020, 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, 2020, Trevor Theilen was promoted to Senior Prosecutor. Trevor has worked for TDLR for 9 years as a Prosecutor in the Enforcement Division.
- On August 31, 2020, 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, 2020, 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.
- On August 31, 2020, 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.
- On October 1, 2020, Jackie Revilla was promoted to Prosecution Legal Assistant Manager, to fill the vacancy created by Daryl Kunze's retirement. Jackie has worked for TDLR for 18 years, previously serving as a Legal Assistant Supervisor in the Enforcement Division.
- On November 6, 2020, Prosecutor Ken Sharp retired after 7 years of service with TDLR and 13 years of total service to the citizens of Texas. During his tenure at TDLR Ken worked briefly on the Transportation team before joining the criminal history review team where he evaluated thousands of criminal records in an effort to protect our citizens from those not fit to hold a license due to their criminal history. Ken was also very active in the Department's Veteran's Association, where he was both a cofounder of the organization and its first Commander.

- On December 4, 2020, Prosecutor Michael Shirk retired after 8 years of service with TDLR and nearly two decades of service to the citizens of Texas. Michael was a member of the Transportation team where his enthusiasm for public service and protecting the citizen of Texas was clearly evident. He was a joy to work with and served as a mentor for many of our attorneys on staff. He will be missed but he left a legacy of public service that will be long remembered.
- Three Attorneys, Amanda Barrera, Aroosa Nizami and Natalie Olvera, were promoted to Attorney III positions to fill the vacancies that were created by the promotions and retirements in the Enforcement Division. Amanda's and Aroosa's promotions were effective December 15, 2020, and Natalie's promotion was effective January 1, 2021.
- On January 4th, 2021, Arthur Arevalo was hired to fill the Investigations Manager's position. Art retired from the Austin Police Department after nearly 26 years of service. Since then, he worked for the Travis County Sheriff's Office and more recently served as a Captain with the Texas State University Police Department. We look forward to his contribution to the success of our team as we continue to strengthen the Enforcement division with staff that embraces our mission and shares our dedication to make a positive impact serving the citizens of Texas.
- On January 15, 2021, Lisa Grant was promoted to Legal Assistant Supervisor in the Prosecution Section of Enforcement. Lisa has worked for TDLR for over 20 years, previously serving as a Legal Assistant I, Legal Assistant II, Legal Assistant III, and Senior Legal Assistant.
- On April 1, 2021, Rosemary Potter was promoted to Senior Legal Assistant in the Prosecution Section of Enforcement. Rosemary has worked for TDLR for over 13 years, previously serving as a Legal Assistant III.
- Three attorneys, Sara McKinney, Rachel Seshan, and Hunter McKinley were hired as Attorney II positions to fill the vacancies created by promotions in the Enforcement Division. These three attorneys will be working our inspections cases and our unlicensed air conditioning and electrical cases. Their hiring's were effective April 15, 2021.
- On August 1, 2021, Cynthia Marple was hired as an Attorney III. She joins TDLR from the Department of Public Safety's office of Regulatory Counsel Division where she prosecuted compliance and enforcement cases. Cynthia is a member of the Transportation Team, which focuses on cases related to Tow, Vehicle Storage Facilities, Driver's Education and Motor Fuels.
- On September 15, 2021, Kimberly (Kim) Ferreiro Mitchell was promoted to Management Analyst III. Kim has worked for TDLR for 13 ½ years, previously serving as a Legal Assistant III and Legal Assistant II.
- On September 15, 2021, Estella Ramos was promoted to Senior Legal Assistant in our Intake Section. Estella has worked for TDLR for over 6 years, previously serving as an Intake Administrative Assistant and Legal Assistant II.

- Karen Cox retired January 31, 2022, after 17 years with TDLR and over 30 years working in State Government which include stints at the Texas Workforce Commission, Texas Department of Transportation, and the Texas Railroad Commission. She was promoted to Senior Prosecutor in, January 1, 2019, where she helped oversee and mentor attorneys within the Enforcement Division. She also helped develop and facilitate our expert witness training program utilized by the Health Professions Program. She will be greatly missed, but we wish her well in her retirement.
- On February 15, 2022, Robert Nino was promoted to the Investigations Team Lead Supervisor position for the South Region. Robert has worked for TDLR for over 14 years with vast knowledge and experience on case investigations, sting operations and working on very complex cases. Robert also assisted in the training and mentoring on newly hired investigators. Robert has had nearly 38 years of experience as an investigator and auditor with both federal and state government, as well as private industry
- On May 1, 2022, Jessica Hurtado was promoted to Senior Prosecutor. Jessica has been with TDLR for over 4 years and has experience with a number of our programs including all the Health Related Programs, Transportation Programs, and most recently with our Criminal History Evaluation Team. Prior to joining TDLR, she spent time with the Texas Ethics Commission, Texas Workforce Commission, as well as some time in private practice.
- On May 15, 2022, Jack Phillips was promoted to the Investigations Team Lead Supervisor position for the North Region. Jack has worked for TDLR for over 7 years, previously serving as an Inspector. Jack has served Texans for over 28 years, including working for the Attorney General’s and Texas Department of Criminal Justice. Jack is also a proud United States Veteran, serving 6 years in the United States Army and as a Reserve in the Texas National Guard as both a Combat Engineer and a Legal Specialist.

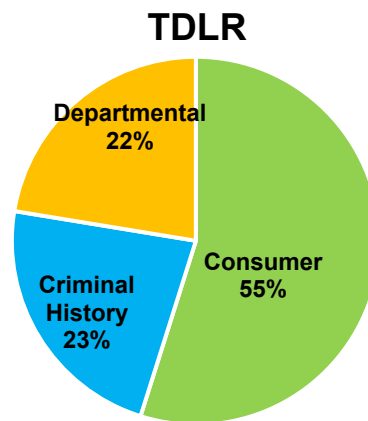
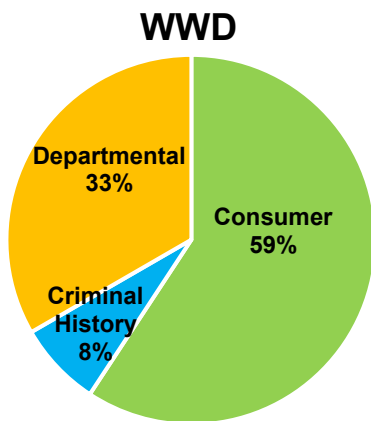
Statistics

Shown below are the Complaints Received, Enforcement Performance Measures, and Key Statistics for the Water Well Drillers and Pump Installers (WWD) program and all TDLR programs combined **through March** of **Fiscal Year 2022**:

Complaints Received by Source	WWD	TDLR
Consumer	31	7,727
Criminal History	48	10,374
Departmental	9	1,348
Total Complaints Received	88	19,449

Key Statistics	WWD	TDLR
Cases opened	27	6,473
Cases closed	18	6,457
Average time to close (days)	446.72	216.96
% of cases resolved within 6 months	33.33%	57.29%
% of cases resulting in disciplinary action	5.56%	10.67%
Cases pending at end of March 2022	70	6,646

**Source of Cases Opened through
March of Fiscal Year 2022**



Case Outcomes	WWD	TDLR
Commission Orders	0	14
Default Orders	1	201
Agreed Orders	0	408
Penalties Assessed	\$2,500.00	\$1,472,575.00
Penalties Collected	\$0.00	\$833,384.00
Licenses Revoked (Disciplinary)	0	33
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	0	106
Cease & Desist Orders	0	9
Informally Resolved	17	5,768

**TOP WWD Alleged Violations at Opening for
through March of Fiscal Year 2022**

Alleged Violation:	Count
Failed to submit well report	10
Did not provide surface completion	7
Failure of landowner to cap or plug	5
Did not properly cement annular space	4
Failed to properly cap or cover well	4
No department information on invoices or proposals	3
No license	3
Did not prevent spillage into water	3
Not completed after undesirable H2O	3
Criminal History	2
Water Well not located 50-feet from property line	2

**TOP WWD Violation Resulting in Disciplinary Action
through March of Fiscal Year 2022**

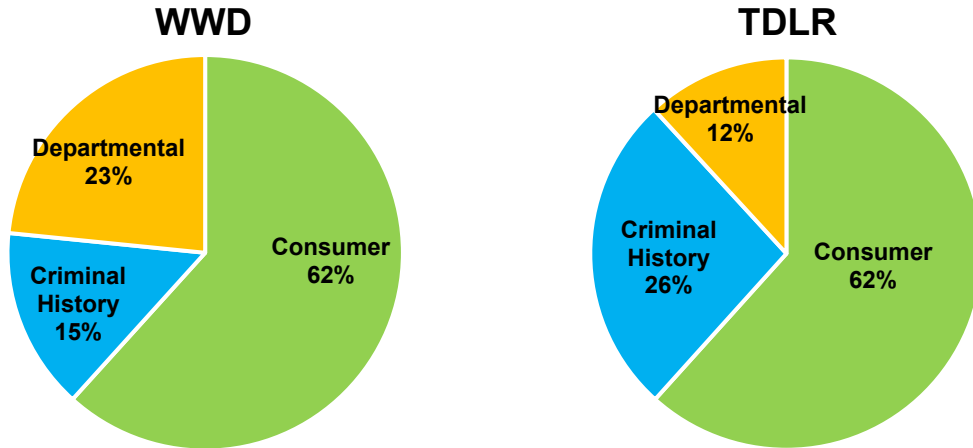
Violation	Count
No license	1

Shown below are the Complaints Received, Enforcement Performance Measures, and Key Statistics for the Water Well Drillers and Pump Installers (WWD) program and all TDLR programs combined for **Fiscal Year 2021**:

Complaints Received by Source	WWD	TDLR
Consumer	43	12,463
Criminal History	42	18,896
Departmental	11	1,296
Total Complaints Received	96	32,655

Key Statistics	WWD	TDLR
Cases opened	47	10,121
Cases closed	63	9,335
Average time to close (days)	332.86	209.86
% of cases resolved within 6 months	31.75%	60.00%
% of cases resulting in disciplinary action	11.11%	13.41%
Cases pending at end of fiscal year 2021	61	6,627

Source of Cases Opened for Fiscal Year 2021



Case Outcomes	WWD	TDLR
Commission Orders	0	44
Default Orders	5	455
Agreed Orders	5	711
Penalties Assessed	\$15,500.00	\$2,570,716.00
Penalties Collected	\$8,750.00	\$1,140,068.95
Licenses Revoked (Disciplinary)	0	103
Licenses Suspended	0	8
Licenses Denied/Revoked (Criminal History)	0	240
Cease & Desist Orders	0	19
Informally Resolved	53	7,976

TOP 10 WWD Alleged Violations at Opening for Fiscal Year 2021

Alleged Violation:	Count
Unlicensed	13
Did not provide surface completion	11
Criminal History	7
Failure to submit well report	6
Not located 50-feet from property line	4
Not completed after undesirable H2O	4
Failed to follow district rules or ordinances	4
Failure of landowner to cap or plug	4
Failed to adhere manufacture instruction	3
Did not properly cement annular space	3

TOP WWD Violations Resulting in Disciplinary Action for Fiscal Year 2021

Violation	Count
Failure to submit well report	3
Unlicensed	2
Commingling violation	1
Failed to follow district rules or ordinances	1
Failure of landowner to cap or plug	1
Failure to properly cap or cover well	1

Case Highlights:

- **Morgan Ray Rabon Jr.: WWD20180002793**

On August 14, 2019, a Default Order was entered against Morgan Ray Rabon Jr. that assessed an administrative penalty of \$10,000. The Department cited Respondent for performing or offering to perform drilling or pump installation without a license. Previously, Respondent's license had been revoked. Respondent has not paid any of the administrative penalty for this case.

- **Dean Davenport: WWD20180004825**

On October 21, 2019, an Agreed Order was entered against Dean Davenport that assessed an administrative penalty of \$1,875. The Department cited Respondent for: 1) failing to properly cement the annular space of a water well; 2) failing to timely submit a well log (Texas Well Report) to the Department within sixty days of completion or cessation; and 3) failing to include the required Department information on all proposals and invoices. Respondent has paid in full the administrative penalty for this case.

- **Jeffrey C. Talley: WWD20180004544**

On November 15, 2019, a Default Order was entered against Jeffrey C. Talley that assessed an administrative penalty of \$3,000. The Department cited Respondent for: 1) failing to properly cement the annular space of a water well; and 2) failing to comply with local groundwater conservation district rules or incorporated city ordinances. Respondent has not paid any of the administrative penalty for this case.

- **Cornelio R. Fehr: WWD20190004956 & WWD20190005440**

On August 28, 2020, an Agreed Order was entered against Cornelio R. Fehr that assessed an administrative penalty of \$750. The Department cited Respondent for performing or offering to perform water well drilling without supervision from a supervising licensee and without authorization in writing from the supervising licensee. Respondent has paid in full the administrative penalty for this case.

- **Lewis Kohl d/b/a Lewkohl Well Services: WWD20190010569 & WWD20200017221**

On March 18, 2021, an Agreed Order was entered against Lewis Kohl d/b/a Lewkohl Well Services that assessed an administrative penalty of \$2,500. The Department cited Respondent for performing or offering to perform drilling or pump installation without a license. Respondent has paid in full the administrative penalty for these cases.

EDUCATION AND EXAMINATION DIVISION

Texas Water Well Drillers Advisory Council – June 8th, 2022

Statistics

Water Well Drillers & Pump Installers Examination Statistics
(As of April 30th, 2022)

FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	13	12	25	50	14	29	22	65	21	19	0	40	0	0	0	0	155
FAIL	15	16	24	55	12	8	15	35	17	19	0	36	0	0	0	0	126
TOTAL	28	28	49	105	26	37	37	100	38	38	0	76	0	0	0	0	281
RATE	46.4%	42.9%	51.0%	47.6%	53.8%	78.4%	59.5%	65.0%	55.3%	50.0%	0.0%	52.6%	0.0%	0.0%	0.0%	0.0%	55.2%
FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	13	32	15	60	17	37	7	61	13	20	14	47	19	23	37	79	247
FAIL	13	23	10	46	14	16	8	38	10	34	18	62	18	22	16	56	202
TOTAL	26	55	25	106	31	53	15	99	23	54	32	109	37	45	53	135	449
RATE	50.0%	58.2%	60.0%	56.6%	54.8%	69.8%	46.7%	61.6%	56.5%	37.0%	43.8%	43.1%	51.4%	51.1%	69.8%	58.5%	55.0%

Examination Statistics by License Type
(As of April 30th, 2022)

1 st Quarter					2 nd Quarter				
SEPTEMBER-OCTOBER-NOVEMBER					DECEMBER-JANUARY-FEBRUARY				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
GENERAL WELL DRILLER	8	10	18	44.44%	GENERAL WELL DRILLER	5	6	11	45.45%
WATER WELL DRILLER	4	17	21	19.05%	WATER WELL DRILLER	7	9	16	43.75%
CLOSED LOOP GEOTHERMAL	0	1	1	0.00%	CLOSED LOOP GEOTHERMAL	2	1	3	66.67%
MONITOR WELL DRILLER	2	7	9	22.22%	MONITOR WELL DRILLER	1	2	3	33.33%
DEWATERING WELL DRILLER	0	0	0	0.00%	DEWATERING WELL DRILLER	0	0	0	0.00%
INJECTION WELL DRILLER	0	0	0	0.00%	INJECTION WELL DRILLER	0	1	1	0.00%
GENERAL PUMP	13	9	22	59.09%	GENERAL PUMP	11	6	17	64.71%
SINGLE PHASE PUMP	10	5	15	66.67%	SINGLE PHASE PUMP	16	5	21	76.19%
THREE PHASE PUMP	6	3	9	66.67%	THREE PHASE PUMP	13	0	13	100.00%
LINE SHAFT TURBINE PUMP	3	0	3	100.00%	LINE SHAFT TURBINE PUMP	4	1	5	80.00%
WINDMILLS, HAND & PUMP JACK	4	2	6	66.67%	WINDMILLS, HAND & PUMP JACK	6	4	10	60.00%
TOTAL	50	54	104	48.08%	TOTAL	65	35	100	65.00%
3 rd Quarter					4 th Quarter				
MARCH-APRIL-MAY					JUNE-JULY-AUGUST				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
GENERAL WELL DRILLER	2	6	8	25.00%	GENERAL WELL DRILLER	-	-	-	-
WATER WELL DRILLER	3	7	10	30.00%	WATER WELL DRILLER	-	-	-	-
CLOSED LOOP GEOTHERMAL	0	0	0	0.00%	CLOSED LOOP GEOTHERMAL	-	-	-	-
MONITOR WELL DRILLER	1	1	2	50.00%	MONITOR WELL DRILLER	-	-	-	-
DEWATERING WELL DRILLER	0	0	0	0.00%	DEWATERING WELL DRILLER	-	-	-	-
INJECTION WELL DRILLER	1	0	1	100.00%	INJECTION WELL DRILLER	-	-	-	-
GENERAL PUMP	10	13	23	43.48%	GENERAL PUMP	-	-	-	-
SINGLE PHASE PUMP	11	6	17	64.71%	SINGLE PHASE PUMP	-	-	-	-
THREE PHASE PUMP	10	2	12	83.33%	THREE PHASE PUMP	-	-	-	-
LINE SHAFT TURBINE PUMP	1	0	1	100.00%	LINE SHAFT TURBINE PUMP	-	-	-	-
WINDMILLS, HAND & PUMP JACK	1	1	2	50.00%	WINDMILLS, HAND & PUMP JACK	-	-	-	-
TOTAL	40	36	76	52.63%	TOTAL	-	-	-	-

Water Well Drillers & Pump Installers Continuing Education Statistics
(As of April 30th, 2022)

FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOTAL
COURSE APPROVALS ISSUED	8	11	19	38	0	5	2	7	3	2	-	5	-	-	-	0	50
TOTAL COURSES (END OF MONTH)	107	111	121	121	121	122	111	111	99	92	-	92	-	-	-	0	92
FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOTAL
COURSE APPROVALS ISSUED	9	7	8	24	0	4	13	17	15	18	2	35	6	7	19	32	108
TOTAL COURSES (END OF MONTH)	64	68	77	77	65	67	80	80	90	109	94	94	96	103	108	108	108

Exam Updates

- We met with the Water Drillers Exam Review Committee January 4-6, 2022. The purpose of the meeting was to review poorly performing items and write and approve new items to augment the item pools. We would like to thank our Subject Matter Experts for volunteering their time to assist with exam maintenance.

Regulatory Program Management Division

Staff Report for the Water Well Drillers Advisory Council

June 8, 2022

Personnel Updates

The Department has experienced multiple staff changes beginning with the retirement of Brian Frances, and the appointment of Mike Arismendez as the new Executive Director (2022), Charlotte Melder as the Director for Regulatory Program Management (RPM) (2019) and Stuart Strnad as the Business and Consumer Safety Manager (2020) all since the last advisory board meeting in 2019.

Lee Parham, Deputy Director retired August 31, 2021, and this program was place under Stuart Strnad.

Claire Satterwhite, Natural Resource Specialist left to take a job in California April 2021.

Casey Stevens, Hydrologist was hired on February 15, 2022. Casey's initial Technical Inspection training has been completed and she is currently conducting Technical Review Inspections now. In the future she will be presenting Continuing Education courses on the Law & Rules in efforts to support the industry as well as GCD's.

Statistics FY-21 & 22 (so far)

- 115 Abandoned well Inspections
- 97 Leads Investigations
- 9 Consumer Complaints
- 59 Random Inspections
- 4 Rig Checks
- 16 GCD contacts
- 5 Driller Contacts
- 4 GCD Trainings
- 6 CE Courses on the laws & rules
- 1 Camera Survey

Current Projects

The program is currently reviewing the Brackish Commingling Study report to present to the comingling workgroup

For FY 21 & 22, Staff has attended 7 Texas Groundwater Protection Committee meetings and 16 Subcommittee meetings via Teams

We have been redesigning our databases and looking into new software or developing a new

inspection database software

We redesigned our Inspection Forms making them a fillable form

Updated all and added new Standard Operating Procedures

We are currently going through a four-year rule review and looking to update any rules needing changes

Outreach

David created a letter to reach out to landowners who want to convert oil wells submitted on Railroad Commission P-13 Forms to water wells, informing them they need to have a license water well driller onsite for the conversation and we copy the local GCD. Debbie Farmer, General Manager of the Wintergarden GCD contact David to say she like the letter and was glad to see us taking an active role.

Adam will be giving presentation on Well Construction and Well Reporting in Texas for the 12th Harris County OSSF webinar series.