

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1955-LII-E    **TCEQ ID:** RN105001903    **CASE NO.:** 31642  
**RESPONDENT NAME:** Larry E. Hutton

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input checked="" type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** 871 Shoal Point, League City, Galveston County

**TYPE OF OPERATION:** Landscaping business

**SMALL BUSINESS:**     Yes     No

**OTHER SIGNIFICANT MATTERS:** A complaint was received on June 20, 2006 alleging the Respondent is operating without a license. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** A complaint was received but the complainant has not expressed a desire to protest this action or to speak at Agenda.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on March 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Libby Hogue, Enforcement Division, Enforcement Section II, MC 219, (512) 239-1165; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Central Office Investigator:** Mr. Richard Allen, Compliance Support Division, Regulatory Compliance Section, MC 178, (512) 339-6956

**Respondent:** Mr. Larry E. Hutton, Owner, Perfect Edge Landscaping, 5434 Malmedy Road, Houston, Texas 77033

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> June 20, 2006</p> <p><b>Date of Investigation Relating to this Case:</b> October 25, 2006</p> <p><b>Date of NOE Relating to this Case:</b> November 2, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to possess a valid irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system. [30 TEX. ADMIN. CODE §§ 344.4 and 30.5(a) and (b), TEX. WATER CODE § 37.003, and TEX. OCCUPATIONS CODE § 1903.251].</p>	<p><b>Total Assessed:</b> \$625</p> <p><b>Total Deferred:</b> \$125  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$500</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until properly licensed; and</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.</p>

**Penalty Calculation Worksheet (PCW)**

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	06-Nov-2006	Screening	07-Nov-2006	EPA Due	
	PCW	07-Nov-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Larry E. Hutton
Reg. Ent. Ref. No.	RN105001903
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	31642	No. of Violations	1
Docket No.	2006-1955-LII-E	Order Type	1660
Media Program(s)	Irrigators	Enf. Coordinator	Libby Hogue
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

**Penalty Calculation Section**

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 0% Enhancement Subtotals 2, 3, & 7

Notes

**Culpability** No 0% Enhancement Subtotal 4

Notes

**Good Faith Effort to Comply** 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	<i>(mark with a small x)</i>

Notes

**Economic Benefit** 0% Enhancement\* Subtotal 6

Total EB Amounts	\$44	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL** 20% Reduction Adjustment

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

**Screening Date** 07-Nov-2006 **Docket No.** 2006-1955-LII-E **PCW**  
**Respondent** Larry E. Hutton *Policy Revision 2 (September 2002)*  
**Case ID No.** 31642 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN105001903  
**Media [Statute]** Irrigators  
**Enf. Coordinator** Libby Hogue

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	<i>Please Enter Yes or No</i>		
	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

No enhancement due to no previous compliance history.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

**Screening Date** 07-Nov-2006 **Docket No.** 2006-1955-LII-E **PCW**  
**Respondent** Larry E. Hutton *Policy Revision 2 (September 2002)*  
**Case ID No.** 31642 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN105001903  
**Media [Statute]** Irrigators  
**Enf. Coordinator** Libby Hogue

**Violation Number**   
**Primary Rule Cite(s)** 30 Tex. Admin. Code §§ 344.4 and 30.5(a) and (b)  
**Secondary Rule Cite(s)** Tex. Water Code § 37.003 and Tex. Occupations Code § 1903.251  
**Violation Description**  
 Failure to possess an irrigator license issued by the TCEQ prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system. Specifically, Mr. Hutton installed an irrigation (sprinkler) system at 871 Shoal Point, League City, Galveston County, Texas; without an irrigator license, as documented during a record review conducted on October 25, 2006.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

**Matrix Notes**  
 Installing irrigation systems without a license could expose human health to pollutants which would exceed protective levels.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

**Violation Base Penalty**

One single event is recommended.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent Larry E. Hutton  
 Case ID No. 31642  
 Reg. Ent. Reference No. RN105001903  
 Media [Statute] Irrigators  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$500	25-Jun-2005	25-Mar-2007	1.7	\$44	n/a	\$44
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to obtain a valid irrigation license, calculated from the date the irrigation system was installed at complainant address through the expected date of compliance.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>				
ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)				
Disposal	0.0	\$0	\$0	\$0
Personnel	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	0.0	\$0	\$0	\$0
Supplies/equipment	0.0	\$0	\$0	\$0
Financial Assurance [2]	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	0.0	\$0	\$0	\$0
Other (as needed)	0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance  TOTAL

# Compliance History

Customer/Respondent/Owner-Operator:	CN603064916	HUTTON, LARRY E.	Classification:	Rating:
Regulated Entity:	RN105001903	HUTTON, LARRY E.	Classification:	Site Rating:

ID Number(s):	LANDSCAPE IRRIGATION LICENSING	LICENSE: NONE
Location:	5434 MALMEDY ROAD, HOUSTON, TEXAS	

TCEQ Region:	REGION 12 - HOUSTON
Date Compliance History Prepared:	November 09, 2006
Agency Decision Requiring Compliance History:	Enforcement
Compliance Period:	November 06, 2001 to November 06, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:	<u>Libby Hogue</u>	Phone:	<u>512-239-1165</u>
-------	--------------------	--------	---------------------

## Site Compliance History Components

- |  |            |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes        |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No         |
| 3. If Yes, who is the current owner?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | N/A        |
| 5. When did the change(s) in ownership occur?  | N/A        |

### Components (Multimedia) for the Site :

- |                        |   |  |
|------------------------|---|--|
| A.                     | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. |  |
|                        | N/A   |  |
| B.                     | Any criminal convictions of the state of Texas and the federal government.  |  |
|                        | N/A   |  |
| C.                     | Chronic excessive emissions events.   |  |
|                        | N/A   |  |
| D.                     | The approval dates of investigations. (CCEDS Inv. Track. No.)   |  |
|                        | N/A   |  |
| E.                     | Written notices of violations (NOV). (CCEDS Inv. Track. No.)  |  |
|                        | N/A   |  |
| F.                     | Environmental audits.   |  |
|                        | N/A   |  |
| G.                     | Type of environmental management systems (EMSs).  |  |
|                        | N/A   |  |
| H.                     | Voluntary on-site compliance assessment dates.  |  |
|                        | N/A   |  |
| I.                     | Participation in a voluntary pollution reduction program.   |  |
|                        | N/A   |  |
| J.                     | Early compliance.   |  |
|                        | N/A   |  |
| Sites Outside of Texas |   |  |
|                        | N/A   |  |

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. This is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. This includes both qualitative and quantitative approaches, as well as the use of advanced statistical tools and software.

3. The third part of the document focuses on the interpretation and application of the collected data. This involves identifying key trends, patterns, and insights that can inform decision-making and strategic planning.

4. The fourth part of the document discusses the challenges and limitations of data analysis. This includes issues such as data quality, bias, and the potential for misinterpretation, as well as the need for ongoing monitoring and evaluation.

5. The fifth part of the document provides a summary of the key findings and conclusions. This highlights the most significant results and offers recommendations for future research and practice.

6. The sixth part of the document includes a list of references and sources used in the research. This provides a clear and concise way to cite the work of other researchers and to provide a starting point for further exploration of the topic.

7. The seventh part of the document contains a list of appendices and supplementary materials. This includes additional data, charts, and tables that provide further detail and support for the main findings of the study.

8. The eighth part of the document is a concluding statement that summarizes the overall purpose and significance of the research. This provides a final thought on the value of the study and its contribution to the field.

9. The ninth part of the document is a list of acknowledgments. This is a place to thank the individuals and organizations that provided support and assistance throughout the research process.

10. The tenth part of the document is a list of contact information for the author. This provides a way for others to reach out if they have any questions or need further information about the study.

11. The eleventh part of the document is a list of keywords and terms. This helps to define the scope and focus of the research and provides a way to search for related studies and information.

12. The twelfth part of the document is a list of abbreviations and acronyms. This is a helpful reference for anyone who is unfamiliar with the terminology used in the study.

13. The thirteenth part of the document is a list of figures and tables. This provides a visual representation of the data and allows for easier comparison and analysis of the results.

14. The fourteenth part of the document is a list of footnotes and endnotes. This is a place to provide additional information and references that are not included in the main text of the document.

15. The fifteenth part of the document is a list of references. This is a comprehensive list of all the sources used in the research, providing a clear and organized way to cite the work of other researchers.

16. The sixteenth part of the document is a list of appendices. This includes any additional information, data, or materials that are relevant to the study but are not included in the main text.

17. The seventeenth part of the document is a list of supplementary materials. This includes any additional resources, such as videos, audio files, or interactive tools, that are available to support the research.

18. The eighteenth part of the document is a list of contact information for the author. This provides a way for others to reach out if they have any questions or need further information about the study.

19. The nineteenth part of the document is a list of keywords and terms. This helps to define the scope and focus of the research and provides a way to search for related studies and information.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
LARRY E. HUTTON  
RN105001903

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1955-LII-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Larry E. Hutton ("Mr. Hutton") under the authority of TEX. OCCUPATIONS CODE ch. 1903 and TEX. WATER CODE chs. 7 and 37. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Hutton appear before the Commission and together stipulate that:

1. Mr. Hutton owns and operates a landscape business at 5434 Malmedy Road in Houston, Harris County, Texas. Mr. Hutton installed an irrigation system at 871 Shoal Point, League City, Galveston County, Texas (the "Site").
2. TCEQ has general authority to regulate the design and installation of landscape irrigation systems, and the licensing of landscape irrigators and installers, pursuant to TEX. OCCUPATIONS CODE ch. 1903.
3. The Commission and Mr. Hutton agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Hutton is subject to the Commission's jurisdiction.
4. Mr. Hutton received notice of the violations alleged in Section II ("Allegations") on or about November 7, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Hutton of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Hundred Twenty-Five Dollars (\$625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Hutton has paid Five Hundred Dollars (\$500) of the administrative penalty and One Hundred Twenty-Five Dollars (\$125) is deferred contingent upon Mr. Hutton's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the



- terms of this Agreed Order. If Mr. Hutton fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Hutton to pay all or part of the deferred penalty.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and Mr. Hutton have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Hutton has not complied with one or more of the terms or conditions in this Agreed Order.
  10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As a landscape irrigator, Mr. Hutton is alleged to have failed to possess a valid irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system, in violation of 30 TEX. ADMIN. CODE §§ 344.4 and 30.5(a) and (b), TEX. WATER CODE § 37.003, and TEX. OCCUPATIONS CODE § 1903.251, as documented during a record review conducted on October 25, 2006.

## III. DENIALS

Mr. Hutton generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Hutton pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Hutton's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Larry E. Hutton, Docket No. 2006-1955-LII-E" to:

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy auditing of the accounts.

Furthermore, it is noted that the records should be kept in a secure and accessible location. Regular backups should be taken to prevent data loss. The document also mentions that the records should be reviewed periodically to identify any discrepancies or errors.

In conclusion, the document stresses that proper record-keeping is essential for the smooth operation of any business. It provides a clear framework for how these records should be managed.

The second part of the document outlines the specific steps for creating and maintaining these records. It includes a checklist of items that should be included in each record, such as the date, amount, and purpose of the transaction.

### Appendix A

This appendix provides a detailed list of the documents and receipts that should be collected and filed. It includes examples of how these documents should be organized and labeled for easy reference.

### Appendix B

This appendix contains a sample record-keeping form. It is designed to be simple and user-friendly, ensuring that all necessary information is captured in a consistent manner.

### Appendix C

This appendix discusses the legal requirements for record-keeping in different jurisdictions. It highlights the importance of staying up-to-date with local regulations to avoid any potential legal issues. It also provides a summary of the retention periods for various types of records.

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that Mr. Hutton shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until properly licensed, in accordance with the requirements of 30 TEX. ADMIN. CODE ch. 344; and
  - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Manager, Regulatory Compliance Section  
Compliance Support Division, MC-178  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Hutton.
4. If Mr. Hutton fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

catastrophe, Mr. Hutton's failure to comply is not a violation of this Agreed Order. Mr. Hutton shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Hutton shall notify the Executive Director within seven days after Mr. Hutton becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Hutton shall be made in writing to the Executive Director. Extensions are not effective until Mr. Hutton receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Hutton in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Hutton, or three days after the date on which the Commission mails notice of the Order to Mr. Hutton, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all stakeholders involved.

In addition, the document highlights the need for transparency and accountability in financial reporting. It states that clear and concise reporting is crucial for building trust and ensuring the long-term sustainability of the organization.

The document also addresses the role of internal controls in preventing fraud and ensuring the integrity of financial data. It suggests that a robust system of internal controls is necessary to identify and mitigate risks before they become significant issues.

Furthermore, the document discusses the importance of regular audits and reviews. It notes that these processes are vital for identifying areas of improvement and ensuring that the organization remains compliant with all applicable laws and regulations.

Finally, the document concludes by reiterating the importance of a strong financial foundation for the success of any enterprise. It encourages all employees to take ownership of their financial responsibilities and to work together to achieve the organization's goals.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Deer #4*

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

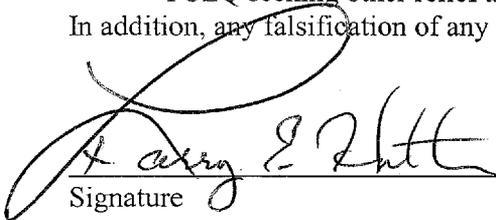
*4/18/07*  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

*X 1-13-07*  
\_\_\_\_\_  
Date

*LARRY E HUTTON*  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Larry E. Hutton

*X OWNER*  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

10/2/01

10/2/01

Faint, illegible text, possibly bleed-through from the reverse side of the page.

10/2/01

10/2/01

Faint, illegible text at the bottom of the page, possibly bleed-through.