EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0393-LII-E TCEQ ID: RN104787213 CASE NO.: 32979
RESPONDENT NAME: EVANS WEAVER

ORDER TYPE:		
_1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
_X_FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	_X_OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__ DRY CLEANER REGISTRATION

SITE WHERE VIOLATION OCCURRED: 1708 Acacia Bud Drive, Austin, Travis County

TYPE OF OPERATION: landscape business

SMALL BUSINESS: __X__ Yes ____ No

OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that the Respondent contracted to sell irrigation services and is not a licensed irrigator. There is no record of additional pending enforcement actions regarding this location.

INTERESTED PARTIES: One complaint was received but the Complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 9, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Air Enforcement Section, MC R-4, (817) 588-5886
TCEQ Regional Contact: Mr. Barry Kalda, Austin Regional Office, MC R-11, (512) 339-2929
Respondent: Mr. Evans Weaver, P.O. Box 50070, Austin, Texas 78763
Respondent's Attorney: Not represented by counsel on this enforcement matter.

RESPONDENT NAME: EVANS WEAVER
DOCKET NO.: 2007-0393-LII-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: X Complaint __ Routine __ Enforcement Follow-up X Records Review **Date of Complaint Relating to this Case:** October 31, 2005 **Date of Investigation Relating to this Case:** February 7, 2007 **Date of NOE Relating to this Case:** February 27, 2007 **Background Facts:** The EDPRP was filed October 15, 2007. A Default Order was set on the September 24, 2008, agenda. The Respondent contacted the Litigation Attorney prior to the agenda and agreed to pay the penalty and sign an Agreed Order on September 19, 2008. An error was discovered in the Agreed Order and a correction letter with revised order was sent to the Respondent on December 17, 2008. Respondent paid the penalty in full but failed to sign and return the revised order, despite repeated requests from the Litigation Attorney. **Current Compliance Status:** The Respondent has not obtained an irrigator license. **LII:** Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system, including the connection of such system to any water supply [30 TEX. ADMIN. CODE §§ 30.5 and 344.4(a) (now 344.30(a)), TEX. WATER CODE § 37.003, and TEX. OCC. CODE § 1903.251].	**Total Assessed:** $625 **Total Deferred:** $0 __ Expedited Order __ Financial Inability to Pay __ SEP Conditional Offset **Total Paid to General Revenue:** $625 The Respondent paid the administrative penalty in full. **Site Compliance History Classification:** N/A **Person Compliance History Classification:** N/A **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002	**Technical Requirements:** The Respondent shall undertake the following technical requirements: 1. Immediately, cease selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until the required TCEQ irrigator license is obtained. 2. Within 15 days, submit written certification demonstrating compliance with the above Ordering Provision.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

DATES					
Assigned	5-Mar-2007				
PCW	3-Oct-2007	Screening	14-Mar-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Evans Weaver		
Reg. Ent. Ref. No.	RN104787213		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32979	No. of Violations	1
Docket No.	2007-0393-LII-E	Order Type	1660
Media Program(s)	All Occupational Licenses	Enf. Coordinator	Cheryl Thompson
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $625

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* $0

Notes: No change due to no previous compliance history.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$19
Approx. Cost of Compliance	$570

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $625

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes:

Final Penalty Amount $625

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $625

DEFERRAL — Reduction — *Adjustment*

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

Notes: No deferral is recommneded due to settlement termination.

PAYABLE PENALTY $625

Screening Date 14-Mar-2007 **Docket No.** 2007-0393-LII-E **PCW**

Respondent Evans Weaver *Policy Revision 2 (September 2002)*

Case ID No. 32979 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN104787213

Media [Statute] All Occupational Licenses

Enf. Coordinator Cheryl Thompson

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 (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	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)**

N/A ***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 change due to no previous compliance history.

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

Screening Date	14-Mar-2007	**Docket No.** 2007-0393-LII-E	**PCW**
Respondent	Evans Weaver		*Policy Revision 2 (September 2002)*
Case ID No.	32979		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN104787213		
Media [Statute]	All Occupational Licenses		
Enf. Coordinator	Cheryl Thompson		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.5(a) and 344.4(a), Tex. Water Code § 37.003 and Tex. Occupations Code § 1903.251

Violation Description Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system, including the connection of such system to any water supply. Specifically, the respondent performed irrigation repair work at the site located at 1708 Acacia Bud Drive, Austin, Travis County without a license.

Base Penalty $2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to have a valid irrigator license prior to repairing an irrigation system could result in human health or the environment being exposed to pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment $1,875

$625

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $625

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $19

Statutory Limit Test

Violation Final Penalty Total $625

This violation Final Assessed Penalty (adjusted for limits) $625

Economic Benefit Worksheet

Respondent Evans Weaver
Case ID No. 32979
Reg. Ent. Reference No. RN104787213
Media All Occupational Licenses
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
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				0.0	$0	n/a	$0
Other (as needed)	$570	27-Feb-2007	31-Oct-2007	0.7	$19	n/a	$19
Notes for DELAYED costs	Estimated cost of obtaining the required license before repairing a landscape irrigation system. Date required is the date of record review. Final date is projected date of compliance.						
Avoided Costs	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	$570				TOTAL		$19

Compliance History

Customer/Respondent/Owner-Operator:	CN602934242	WEAVER, EVANS	Classification:	Rating:
Regulated Entity:	RN104787213	WEAVER EVANS	Classification:	Site Ratin

ID Number(s):

Location: PO BOX 50070, AUSTIN, TX, 78763

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: March 21, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 21, 2002 to March 21, 2007

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

Name: Cheryl Thompson Phone: (817)588-5886

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? N/A
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.)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING EVANS WEAVER, RN104787213	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER
DOCKET NO. 2007-0393-LII-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 37, TEX. OCCUPATIONS CODE ch. 1903, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Evans Weaver ("Mr. Weaver").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Mr. Weaver owns and operates a Landscape business located at 4819 G Capitol of Texas Highway, Austin, Travis County, Texas (the "Business").

2. Mr. Weaver sells, designs, consults, installs, maintains, alters, repairs, and/or services landscape irrigation systems. Therefore, Mr. Weaver is subject to TCEQ jurisdiction pursuant to TEX. OCCUPATIONS CODE ch. 1903, TEX. WATER CODE ch. 37, and 30 TEX. ADMIN. CODE chs. 30 and 344.

3. During a records review conducted on February 7, 2007, a TCEQ Compliance Support Division investigator documented that Mr. Weaver failed to hold a current TCEQ irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system, including the connection of such system to any water supply. Specifically, Mr. Weaver performed irrigation repair work at the site located at 1708 Acacia Bud Drive, Austin, Travis County, Texas without a license.

4. Mr. Weaver received notice of the violation on or about March 4, 2007.

5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Evans Weaver" (the "EDPRP") in the TCEQ Chief Clerk's office on October 15, 2007.

6. By letter dated October 15, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Weaver with notice of the EDPRP. According to the return receipt "green card", Mr. Weaver received notice of the EDPRP on October 17, 2007, as evidenced by the signature on the card.

7. More than 20 days have elapsed since Mr. Weaver received notice of the EDPRP, provided by the Executive Director. Mr. Weaver failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Weaver is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 37, TEX. OCCUPATIONS CODE ch. 1903, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3, Mr. Weaver failed to hold a current TCEQ irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system, including the connection of such system to any water supply, in violation of TEX. WATER CODE § 37.003, TEX. OCCUPATIONS CODE § 1903.251, and 30 TEX. ADMIN. CODE §§ 30.5(a) and 344.4(a).

3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Mr. Weaver with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

4. As evidenced by Finding of Fact No. 7, Mr. Weaver has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Weaver and assess the penalty recommended by the Executive Director.

5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Weaver for violations of the Texas Water Code and the

Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of six hundred twenty-five dollars ($625.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Weaver is assessed an administrative penalty in the amount of six hundred twenty-five dollars ($625.00) for violations of TEX. WATER CODE chs. 7 and 37, TEX. OCCUPATIONS CODE ch. 1903, and rules of the TCEQ. The payment of this administrative penalty and Mr. Weaver's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Evans Weaver; Docket No. 2007-0393-LII-E" to:

   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. Mr. Weaver shall undertake the following technical requirements:

   a. Immediately upon the effective date of this Order, Mr. Weaver shall cease selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until the required TCEQ irrigator license is obtained, in accordance with the requirements of TEX. OCCUPATIONS CODE ch. 1903.

b. Within 15 days after the effective date of this Order, Mr. Weaver shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 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:

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

3. All relief not expressly granted in this Order is denied.

4. The provisions of this Order shall apply to and be binding upon Mr. Weaver. Mr. Weaver is ordered to give notice of this Order to personnel who maintain day-to-day control over the Business operations referenced in this Order.

5. If Mr. Weaver fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or

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

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Weaver shall be made in writing to the Executive Director. Extensions are not effective until Mr. Weaver receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Weaver if the Executive Director determines that Mr. Weaver has not complied with one or more of the terms or conditions in this Order.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____

For the Commission

AFFIDAVIT OF PATRICK JACKSON

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

"My name is Patrick Jackson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Evans Weaver" (the "EDPRP") with the Office of the Chief Clerk on October 15, 2007.

I sent the EDPRP to Mr. Weaver at his last known address on October 15, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Mr. Weaver received notice of the EDPRP on October 17, 2007, as evidenced by the signature on the card.

More than 20 days have elapsed since Mr. Weaver received notice of the EDPRP. Mr. Weaver failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference".

Patrick Jackson
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Patrick Jackson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 17th day of April, A.D., 2008.

Notary Stamp

NOTARY PUBLIC STATE OF TEXAS
Mehgan Taack
Notary Public
State of Texas
My Commission Expires
April 25, 2011

Mehgan Taack
Notary Signature