

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
XAVIER FRANK
SOAH Docket No. 582-18-5013
TCEQ Docket No. 2018-0947-LIC**

APPLICATION.

Xavier Frank, 14242 Royal Hill Drive, Houston, Texas 77083, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of a Customer Service Inspector License. The Executive Director denied Mr. Frank's application for cause. Mr. Frank has requested a formal hearing on the Executive Director's decision. During the review of Mr. Frank's application, the Executive Director discovered that Mr. Frank was convicted of a Second Degree Felony in 2017. The Executive Director denied Mr. Frank's application because this citation was for an offense that directly relates to the duties and responsibilities of the licensed occupation.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing on this application at:

**10:00 a.m. – September 17, 2018
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, provide an opportunity for settlement discussions, and address other matters as determined by the administrative law judge. The preliminary hearing will be held unless all timely hearing requests are withdrawn or the parties agree to waive the preliminary hearing.

The evidentiary phase of the contested case hearing, to be held at a later date, will be a legal proceeding similar to a civil trial in state district court to determine whether Mr. Frank should be issued a Customer Service Inspector License. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **If Xavier Frank fails to appear at the preliminary hearing or evidentiary hearing, the Executive Director will request that the hearing be canceled and that the appeal of the Executive Director's decision be dismissed.**

SOAH's rules allow for participation by telephone or videoconference. Permission must be obtained from SOAH at least ten days before the hearing.

Legal Authority: Texas Water Code Chapters 5 and 37; Texas Occupations Code Chapter 53; Texas Government Code, Chapter 2001; 30 Texas Administrative Code (TAC) Chapter 30, and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapters 70 and 80 and 1 TAC Chapter 155.

INFORMATION.

For information concerning the hearing process, please contact the TCEQ Office of Public Interest Counsel, MC 103, P. O. Box 13087, Austin, TX 78711-3087, 512-239-6363. Further information regarding this hearing may be obtained by contacting Alicia Ramirez, Staff Attorney, TCEQ, Environmental Law Division, MC 173, P. O. Box 13087, Austin, TX 78711-3087, 512-239-0133. General information about the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>. General information about SOAH can be found on its website at <http://www.soah.texas.gov/index.asp>, or by calling 512-475-4993.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at <http://www.tceq.texas.gov/goto/eFilings> or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at 512-322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: August 16, 2018



Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality