



# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

October 3, 2022

Mary Smith  
General Counsel  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Bldg. F, Room 4225  
Austin Texas 78753

Via eFile

Re: SOAH Docket No. 582-22-0866; TCEQ No. 2021-1413-LIC; *Executive Director of the Texas Commission on Environmental Quality v. Michael Cooke*

Dear Ms. Smith:

The above-referenced matter will be considered by the Texas Commission on Environmental Quality on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

Enclosed are copies of the Proposal for Decision and Order that have been recommended to the Commission for approval. Any party may file exceptions or briefs by filing the documents with the Chief Clerk of the Texas Commission on Environmental Quality no later than October 24, 2022. Any replies to exceptions or briefs must be filed in the same manner no later than November 3, 2022.

This matter has been designated TCEQ Docket No. 2021-1413-LIC; SOAH Docket No. 582-22-0866. All documents to be filed must clearly reference these assigned docket numbers. All exceptions, briefs and replies along with certification of service to the above parties shall be filed with the Chief Clerk of the TCEQ electronically at <http://www14.tceq.texas.gov/epic/eFiling/> or by filing an original and seven copies with the Chief Clerk of the TCEQ. Failure to provide copies may be grounds for withholding consideration of the pleadings.

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Holly Vandovec,  
Presiding Administrative Law Judge

Enclosure  
CC: Mailing List

**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

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**EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY,  
PETITIONER  
v.  
MICHAEL COOKE,  
RESPONDENT**

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**PROPOSAL FOR DECISION**

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission) denied Michael Cooke's application for an on-site sewage facility apprentice license based on Mr. Cooke's criminal history. Mr. Cooke requested a formal hearing on the denial of his application. Having considered the evidence and applicable law, the Administrative Law Judge (ALJ) recommends that Mr. Cooke's application be denied.

## I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

Mr. Cooke applied to the Commission in May 2020, to be licensed as an on-site sewage facility apprentice.<sup>1</sup> On June 11, 2020 and August 3, 2020, the ED sent letters notifying Mr. Cooke of the ED's intent to deny the application based on Mr. Cooke's criminal history.<sup>2</sup> The letters included a short, plain statement of facts and informed Mr. Cooke of the reason for the denial of his application, including a reference to the relevant regulatory provisions. Mr. Cooke made a formal hearing request.<sup>3</sup> The ED referred the case to the State Office of Administrative Hearings (SOAH), and a preliminary hearing convened on February 10, 2022. At the preliminary hearing, the ALJ admitted Exhibits ED 1 through ED 5.

The hearing on the merits was held by videoconference on July 22, 2022, before ALJ Holly Vandrovec. Mr. Cooke represented himself. The ED was represented by attorney Alicia Ramirez, and the Commission's Office of Public Interest Counsel (OPIC) was represented by attorney Amanda Pesonen. The parties were given until July 28, 2022, to file closing briefs. Replies to the closing briefs were due on August 4, 2022, at which time the record closed.

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<sup>1</sup> See Ex. ED-1.

<sup>2</sup> Exs. ED-1, ED-2.

<sup>3</sup> Ex. ED-3.

## II. APPLICABLE LAW

Mr. Cooke, as the moving party and the applicant, bears the burden of proof by a preponderance of the evidence to show his application should be approved.<sup>4</sup>

Chapter 53 of the Texas Occupations Code provides the framework for licensing agencies to use in evaluating applicants and licensees who have criminal convictions and authorizes a licensing agency, such as the Commission, to suspend or revoke a license, or disqualify a person from receiving a license, if that person has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation.<sup>5</sup> A licensing authority may also disqualify a person from receiving a license or deny a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense that is a sexually violent offense, as defined by Article 62.001 of the Texas Code of Criminal Procedure.<sup>6</sup>

Each licensing authority is directed to issue guidelines stating the reasons a particular crime is deemed to relate to a given license and outlining any other criteria that the agency uses to make licensing decisions.<sup>7</sup> To determine whether an offense directly relates to the occupation, the agency must consider:

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<sup>4</sup> 30 Tex. Admin. Code §§ 30.38, 80.17, 80.117.

<sup>5</sup> Tex. Occ. Code § 53.021(a)(1).

<sup>6</sup> Tex. Occ. Code § 53.021(a)(3).

<sup>7</sup> Tex. Occ. Code § 53.025(a).

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
- (4) the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and
- (5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.<sup>8</sup>

The Commission has issued guidelines addressing the Consequences of Criminal Convictions for Occupational Licensing (Guidelines).<sup>9</sup> The Guidelines state that a criminal conviction above a Class C misdemeanor may result in a denial of a new or renewal license.<sup>10</sup> The Guidelines further state that on-site sewage facility apprentices have access to individuals or private residences as well as business facilities and deal directly with the general public and the owners or employees of the businesses which could present opportunities to engage in sexually violent offenses.<sup>11</sup>

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<sup>8</sup> Tex. Occ. Code § 53.022; 30 Tex. Admin. Code § 30.34(a).

<sup>9</sup> Ex. ED-10.

<sup>10</sup> Ex. ED-10. p. 0031.

<sup>11</sup> Ex. ED-10, p. 0039-40.

If the agency determines that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the Commission must also consider:

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person when the crime was committed;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person before and after the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release;
- (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
- (7) other evidence of the person's fitness, including letters of recommendation.<sup>12</sup>

An applicant has the responsibility, to the extent possible, to obtain and provide to the agency any letters of recommendations or any other evidence of the applicant's fitness for the license.<sup>13</sup>

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<sup>12</sup> Tex. Occ. Code § 53.023; 30 Tex. Admin. Code § 30.34(b).

<sup>13</sup> Tex. Occ. Code § 53.023(b); 30 Tex. Admin. Code § 30.34(c).

### III. EVIDENCE

At the hearing, the ED offered 11 exhibits, all of which were admitted, and presented the testimony of Jaya Zyman, the Deputy Director of the Commission's Occupational Licensing and Registration Division. Mr. Cooke testified on his own behalf and did not offer any evidence. OPIC did not offer any evidence.

#### A. BACKGROUND

The criminal history underlying the denial of Mr. Cooke's application is largely undisputed. In 2013, Respondent pled guilty to and was convicted of aggravated sexual assault of a child, a first-degree felony.<sup>14</sup> Aggravated sexual assault of a child is defined as a sexually violent offense by Texas Code of Criminal Procedure Article 62.001.<sup>15</sup> The offense occurred in 2011 when respondent was 26 years old.<sup>16</sup> Respondent was sentenced to 5 years of confinement in 2013.<sup>17</sup> According to the DPS report, Respondent served 4 years of this sentence and was paroled in 2017.<sup>18</sup> Respondent is also a registered sex offender who must register annually for life.<sup>19</sup> According to the Texas Public Sex Offender Registry, Respondent poses a moderate risk of reoffending.<sup>20</sup>

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<sup>14</sup> Ex. ED-8, p. 0023.

<sup>15</sup> Tex. Code Crim. Proc. Art. 62.001(5)(A).

<sup>16</sup> Ex. ED-8, p. 0023. Respondent disputed his age at the time of the offense, but he did not dispute the commission or conviction of the crime.

<sup>17</sup> Ex. ED-8, p. 0023.

<sup>18</sup> Ex. ED-8, p. 0023.

<sup>19</sup> Ex. ED-9, p. 0026.

<sup>20</sup> Ex. ED-9, p. 0026.

## **B. TESTIMONY**

### **1. Jaya Zyman, P.E.**

The ED's witness was Ms. Jaya Zyman, P.E., the Deputy Director for the Occupational Licensing and Registration Division, who has over 13 years of experience with the Commission. Ms. Zyman testified that the ED's executive review committee determined that Respondent's crime directly relates to the license because on-site sewage facility licenses are at high risk for providing applicants access to individuals or private residences, and licensees deal directly with the general public, which could present opportunities to engage in sexually violent offenses. She further testified that on-site sewage facility licenses are at high risk for providing applicants access to business facilities, and licensees deal directly with the owners or employees of the businesses, which could also present opportunities to engage in sexually violent offenses.

Ms. Zyman testified that, after hearing all the evidence, she had not heard anything that would cause her to change her opinion that a license should not be issued in this case. Ms. Zyman pointed out that Respondent could not be issued a probationary license and that there were no restrictions that could be placed on the license. If Respondent was issued a license, he could work anywhere in the State and the Commission would not be able to control or monitor his location.

Finally, Ms. Zyman testified that the objectives of the ED's criminal history review process are to protect public safety and to avoid providing additional



opportunities to reoffend. She concluded that those objectives are met by not granting Respondent a license in this case. The ED has a responsibility to the public in issuing licenses. When the agency issues someone a license, the public believes that person is safe to be around the public. Ms. Zyman testified that, without more evidence, the ED simply cannot make that representation in this case.

## **2. Michael Cooke**

Mr. Cooke testified that he seeks the license to make a better life for himself and to provide for his child and girlfriend (with whom he is expecting another child). Mr. Cooke has his own home and has provided for his girlfriend and child for the past 3 years. He has been at his current job, with Ledford Services, for the past 3 years and has prior consistent work history that includes jobs in the food service industry, at a galvanizing company, and at a construction company.

Mr. Cooke did not dispute his criminal record discussed above. He testified that he has other criminal history from his time in Seattle (an assault and an assault with sexual motivation involving a minor, which required him to register as a sex offender). He was 21 years old at the time of the crimes. Those crimes were not disclosed on his application.

Mr. Cooke testified that he is in compliance with the requirements of his parole and release and that he has undergone sex offender counseling, has attended Alcoholics Anonymous and church programs, and has completed group and one-on-one therapy.

Mr. Cooke stated that he seeks the license at the request of his employer, who recommended he get licensed so that he could perform additional duties.

#### **IV. ANALYSIS AND RECOMMENDATION**

The Texas Occupations Code section 53.021(a)(1) authorizes the Commission to deny, suspend, or revoke a license if the person has been convicted of an offense directly related to the duties and responsibilities of the licensed profession<sup>21</sup> and if the person has been convicted of an offense that is a sexually violent offense as defined by Article 62.001 of the Texas Code of Criminal Procedure.<sup>22</sup> The ED argues, and OPIC agrees, that Mr. Cooke's application is subject to denial because his offense— aggravated sexual assault of a child— directly relates to the duties and responsibilities of a licensed on-site sewage facility apprentice and is a sexually violent offense.

The factors listed in Texas Occupations Code section 53.022 and 30 Texas Administrative Code section 30.34(a) must be considered in determining whether an offense directly relates to the duties of a licensed occupation. A first-degree felony for aggravated sexual assault of a child is a serious crime. The Commission provided testimony that on-site sewage facility apprentices have access to the public at private residences and at businesses, which may present Mr. Cooke opportunities to engage in sexually violent offenses, which would jeopardize public

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<sup>21</sup> Tex. Occ. Code § 53.021(a)(1).

<sup>22</sup> Tex. Occ. Code § 53.021(a)(3).

health and safety. Therefore, an on-site sewage facility apprentice license might offer Mr. Cooke an opportunity to engage in further similar criminal activity. Therefore, the ALJ agrees that Mr. Cooke's offense directly relates to the duties and responsibilities of a water system operator.

Further, the Commission must determine whether Mr. Cooke is fit to be licensed despite his criminal history. That determination is made after consideration of the factors set forth in Texas Occupations Code section 53.023, in view of the evidence on his fitness to perform the duties and discharge the responsibilities of a licensed on-site sewage facility apprentice. Weighing those factors here, the record shows that Mr. Cooke was approximately 26 years old at the time of the offense giving rise to the denial; thus, it cannot be characterized solely as an act of youthful indiscretion. Mr. Cooke has maintained continuous employment; it has been 11 years since the crime was committed; he has not been involved in any crime or been arrested since the conviction; and he has engaged in therapy pursuant to the terms of his parole, which he has completed. Mr. Cooke did not submit any letters of recommendation. After considering the factors,<sup>23</sup> including the seriousness of the crime and the fact that Mr. Cooke had a similar prior conviction for the same type of activity as well as an assault, the ALJ recommends that the Commission deny Mr. Cooke's license application.

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<sup>23</sup> See Tex. Occ. Code § 53.023(a).

## V. FINDINGS OF FACT

1. In May 2020, Michael Cooke applied to the Texas Commission on Environmental Quality (Commission) to be licensed as an on-site sewage facility apprentice.
2. On June 11, 2020, and August 3, 2020, the Executive Director (ED) of the Commission issued letters notifying Mr. Cooke that his license application would be denied based on his conviction of a first-degree felony for aggravated sexual assault of a child.
3. The ED referred the case to the State Office of Administrative Hearings (SOAH), and a preliminary hearing convened on February 10, 2022.
4. The letters notifying Mr. Cooke that his license would be denied and an order from the Administrative Law Judge (ALJ) provided the date, time, and place of a preliminary hearing; the legal authority and jurisdiction under which the hearing was to be held; the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment that incorporates by reference the factual matters asserted in the complaint or petition filed with the state agency.
5. The hearing convened via Zoom videoconference on July 22, 2022, before ALJ Holly Vandrovec of SOAH. Respondent Mr. Cooke represented himself. The ED was represented by attorney Alicia Ramirez, and the Commission's Office of Public Interest Counsel was represented by attorney Amanda Pesonen.
6. The parties were given until July 22, 2022, to file closing briefs. Replies to the closing briefs were due on August 4, 2022, at which time the record closed.
7. In 2013, Mr. Cooke pleaded guilty and was convicted of a first-degree felony for aggravated sexual assault of a child. Mr. Cooke received a sentence of 5 years of confinement. Respondent served 4 years of this sentence and was paroled in 2017.

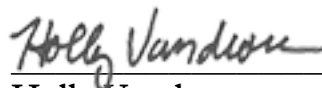
8. Mr. Cooke had a prior, similar conviction for assault with sexual motivation involving a minor, which required him to register as a sex offender, and assault. Mr. Cooke was 21 years old at the time of these crimes.
9. Aggravated sexual assault of a child is a serious offense.
10. Mr. Cooke was 26 years old at the time of the first-degree felony. Mr. Cooke was 37 years old at the time of hearing.
11. Mr. Cooke has incurred no convictions since the first-degree felony.
12. Mr. Cooke has been consistently employed since being released from incarceration, has supported his dependents, and has engaged in therapy.
13. The on-site sewage facility apprentice license is at high risk of providing licensees access to the public at both private homes and at businesses, which could provide licensees with opportunity to engage in further sexually violent crimes.
14. Mr. Cooke did not offer any recommendation letters or documentation to support his application related to specific rehabilitative classes or other steps he took.

## **VI. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over on-site sewage facility apprentice licensing decisions. Tex. Water Code ch. 37; 30 Tex. Admin. Code § 30.1, et seq.
2. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this case, including the preparation of a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; 30 Tex. Admin. Code §§ 30.38, 70.109. 80.1, et seq.
3. Mr. Cooke received proper notice of the decision and of the hearing on the merits. Tex. Occ. Code § 53.0231; Tex. Gov't Code §§ 2001.051-.052.

4. Mr. Cooke has the burden of proving by a preponderance of the evidence that he is fit for licensure despite his criminal history. 1 Tex. Admin. Code § 155.427; 30 Tex. Admin. Code §§ 80.17, 80.117.
5. Mr. Cooke has the responsibility, to the extent possible, to obtain and provide to the ED the recommendations of the prosecution, law enforcement, and correctional authorities. 30 Tex. Admin. Code § 30.34(c).
6. Mr. Cooke's felony offense directly relates to the occupation of an on-site sewage facility apprentice because it is a serious crime, and the license might offer an opportunity to engage in further criminal activity of the same type. Tex. Occ. Code § 53.022; 30 Tex. Admin. Code § 30.34; see Commission Guidelines RG-521, "Consequences of Criminal Convictions for Occupational Licensing."
7. A licensing authority may also disqualify a person from receiving a license on the grounds that the person has been convicted of an offense that is a sexually violent offense, as defined by Article 62.001 of the Texas Code of Criminal Procedure. Tex. Occ. Code § 53.021(a)(3). Aggravated sexual assault of a child is a sexually violent offense. Tex. Penal Code § 22.021.
8. The Commission must consider several factors to determine whether Mr. Cooke is fit to hold a water system operator's license despite his criminal history. Tex. Occ. Code §§ 53.022, .023; 30 Tex. Admin. Code §§ 30.34.
9. Mr. Cooke did not satisfy his burden to prove his fitness for on-site sewage facility apprentice license despite his criminal history. Tex. Occ. Code § 53.023; 30 Tex. Admin. Code § 30.34(c).
10. Based on the evidence and consideration of the required factors, Mr. Cooke's application for an on-site sewage facility apprentice license should be denied.

**SIGNED OCTOBER 3, 2022**



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Holly Vandrovce,  
Presiding Administrative Law Judge



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**AN ORDER  
DENYING THE APPLICATION BY  
MICHAEL COOKE FOR AN ON-SITE SEWAGE FACILITY  
APPRENTICE LICENSE;  
TCEQ DOCKET NO. 2021-1413-LIC;  
SOAH DOCKET NO. 582-22-0866**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (Commission) considered the application of Michael Cooke for an on-site sewage facility apprentice license. A Proposal for Decision (PFD) was issued by Holly Vandrovec, Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH) and considered by the Commission.

After considering the PFD, the Commission makes the following findings of fact and conclusions of law.

## I. FINDINGS OF FACT

1. In May 2020, Michael Cooke applied to the Texas Commission on Environmental Quality (Commission) to be licensed as an on-site sewage facility apprentice.
2. On June 11, 2020, and August 3, 2020, the Executive Director (ED) of the Commission issued letters notifying Mr. Cooke that his license application would be denied based on his conviction of a first-degree felony for aggravated sexual assault of a child.
3. The ED referred the case to the State Office of Administrative Hearings (SOAH), and a preliminary hearing convened on February 10, 2022.
4. The letters notifying Mr. Cooke that his license would be denied and an order from the Administrative Law Judge (ALJ) provided the date, time, and place of a preliminary hearing; the legal authority and jurisdiction under which the hearing was to be held; the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment that incorporates by reference the factual matters asserted in the complaint or petition filed with the state agency.
5. The hearing convened via Zoom videoconference on July 22, 2022, before ALJ Holly Vandrovec of SOAH. Respondent Mr. Cooke represented himself. The ED was represented by attorney Alicia Ramirez, and the Commission's Office of Public Interest Counsel was represented by attorney Amanda Pesonen.
6. The parties were given until July 22, 2022, to file closing briefs. Replies to the closing briefs were due on August 4, 2022, at which time the record closed.
7. In 2013, Mr. Cooke pleaded guilty and was convicted of a first-degree felony for aggravated sexual assault of a child. Mr. Cooke received a sentence of 5 years of confinement. Respondent served 4 years of this sentence and was paroled in 2017.



8. Mr. Cooke had a prior, similar conviction for assault with sexual motivation involving a minor, which required him to register as a sex offender, and assault. Mr. Cooke was 21 years old at the time of these crimes.
9. Aggravated sexual assault of a child is a serious offense.
10. Mr. Cooke was 26 years old at the time of the first-degree felony. Mr. Cooke was 37 years old at the time of hearing.
11. Mr. Cooke has incurred no convictions since the first-degree felony.
12. Mr. Cooke has been consistently employed since being released from incarceration, has supported his dependents, and has engaged in therapy.
13. The on-site sewage facility apprentice license is at high risk of providing licensees access to the public at both private homes and at businesses, which could provide licensees with opportunity to engage in further sexually violent crimes.
14. Mr. Cooke did not offer any recommendation letters or documentation to support his application related to specific rehabilitative classes or other steps he took.

## **II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over on-site sewage facility apprentice licensing decisions. Tex. Water Code ch. 37; 30 Tex. Admin. Code § 30.1, et seq.
2. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this case, including the preparation of a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; 30 Tex. Admin. Code §§ 30.38, 70.109. 80.1, et seq.
3. Mr. Cooke received proper notice of the decision and of the hearing on the merits. Tex. Occ. Code § 53.0231; Tex. Gov't Code §§ 2001.051-.052.

4. Mr. Cooke has the burden of proving by a preponderance of the evidence that he is fit for licensure despite his criminal history. 1 Tex. Admin. Code § 155.427; 30 Tex. Admin. Code §§ 80.17, 80.117.
5. Mr. Cooke has the responsibility, to the extent possible, to obtain and provide to the ED the recommendations of the prosecution, law enforcement, and correctional authorities. 30 Tex. Admin. Code § 30.34(c).
6. Mr. Cooke's felony offense directly relates to the occupation of an on-site sewage facility apprentice because it is a serious crime, and the license might offer an opportunity to engage in further criminal activity of the same type. Tex. Occ. Code § 53.022; 30 Tex. Admin. Code § 30.34; see Commission Guidelines RG-521, "Consequences of Criminal Convictions for Occupational Licensing."
7. A licensing authority may also disqualify a person from receiving a license on the grounds that the person has been convicted of an offense that is a sexually violent offense, as defined by Article 62.001 of the Texas Code of Criminal Procedure. Tex. Occ. Code § 53.021(a)(3). Aggravated sexual assault of a child is a sexually violent offense. Tex. Penal Code § 22.021.
8. The Commission must consider several factors to determine whether Mr. Cooke is fit to hold a water system operator's license despite his criminal history. Tex. Occ. Code §§ 53.022, .023; 30 Tex. Admin. Code §§ 30.34.
9. Mr. Cooke did not satisfy his burden to prove his fitness for on-site sewage facility apprentice license despite his criminal history. Tex. Occ. Code § 53.023; 30 Tex. Admin. Code § 30.34(c).
10. Based on the evidence and consideration of the required factors, Mr. Cooke's application for an on-site sewage facility apprentice license should be denied.

**NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:**

1. The Application by Michael Cooke for an on-site sewage facility apprentice license is denied.
2. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.
3. The effective date of this Order is the date the Order is final, as provided by Texas Government Code § 2001.144 and 30 Texas Administrative Code § 80.273.
4. The Commission's Chief Clerk shall forward a copy of this Order to all parties.
5. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

**ISSUED:**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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**Jon Niermann, Chairman for the Commission**