

# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

May 7, 2025

Josiah Mercer  
Office of Public Interest Council  
Aubrey Pawelka  
Texas Commission on Environmental Quality

**VIA EFILE TEXAS**

Tony Mewis  
30902 Bluebonnet Lane  
Magnolia, TX 77354

**VIA EFILE & REGULAR MAIL**

**RE: SOAH Docket No. 582-24-21189.TCEQ; Texas Commission on Environmental Quality No. Tony Mewis - TCEQ 2024-0878-LIC; *Executive Director of the Texas Commission on Environmental Quality v. Tony Mewis***

Dear Parties:

Please find attached an Amended Proposal for Decision (PFD) in this case.

Any party may, within 20 days after the date of issuance of the PFD, file exceptions or briefs. Any replies to exceptions, briefs, or proposed findings of fact shall be filed within 30 days after the date of issuance on the PFD. 30 Tex. Admin. Code § 80.257.

All exceptions, briefs, and replies along with certification of service to the above parties and the ALJ 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.

CC: Service List

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**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

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**EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**v.**

**TONY MEWIS**

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**AMENDED PROPOSAL FOR DECISION<sup>1</sup>**

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) seeks to deny the application of Tony Mewis for an on-site sewage facility maintenance technician (Technician) license based on his criminal history. Mr. Mewis requested a formal hearing on the denial of his application. Having considered

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<sup>1</sup> The Administrative Law Judge issues this Amended Proposal for Decision (Amended PFD) to include proposed language for an order. All other aspects of the Amended PFD remain the same.

the evidence and applicable law, the Administrative Law Judge (ALJ) recommends that Mr. Mewis' application be denied.

## **I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY**

No party contested notice or jurisdiction and those matters are addressed solely in the findings of fact and conclusions of law.

Mr. Mewis filed an application for a Technician license with the Commission in April 2023. On May 23, 2023, and June 27, 2023, the ED notified Mr. Mewis of the ED's intent to deny his application because of his criminal history. Mr. Mewis timely requested a formal hearing on the denial of his application and the ED referred the case to the State Office of Administrative Hearings (SOAH).

At the preliminary hearing on September 12, 2024, the ALJ admitted Exhibits 1 through 6, for the limited purpose of establishing notice and jurisdiction and approved an agreed procedural schedule.

SOAH ALJ Rachelle Nicolette Robles convened the hearing on the merits on February 20, 2025. Mr. Mewis appeared and represented himself and attorney Aubrey Pawelka represented the ED. Attorney Josiah Mercer represented the Commission's Office of Public Interest Counsel (OPIC). The hearing concluded the same day. Parties filed post-hearing briefs, and the record closed on March 20, 2025.

## II. APPLICABLE LAW

Chapter 37 of the Texas Water Code provides that a person may not act as a Technician unless that person holds a license issued by the Commission and allows the adoption of any rules necessary for the licensing procedure.<sup>2</sup>

After notice and a hearing, the Commission may deny an application based on certain grounds.<sup>3</sup> Chapter 53 of the Texas Occupations Code (Code) provides the framework for licensing authorities, such as the Commission, to use in evaluating applicants and licensees who have criminal convictions. Code section 53.021(a) authorizes a licensing authority to 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>4</sup>

To determine if a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority is required to consider each of these factors:

- (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

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<sup>2</sup> Tex. Water Code §§ 37.002 and .003; *see* 30 Tex. Admin. Code § 30.1.

<sup>3</sup> Tex. Water Code § 37.005(c); 30 Tex. Admin. Code § 30.33(h).

<sup>4</sup> The Commission's rules at 30 Texas Administrative Code section 30.33(h)(1) track section 53.021(a) of the Texas Occupations Code, but cite to the former Texas Code of Criminal Procedure Article 42.12, Section 3g, which is now recodified at Texas Code of Criminal Procedure Article 42A.054.

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>5</sup>

If the licensing authority determines that a person has been convicted of a crime that is directly related to the duties and responsibilities of the occupation, then it must also consider the factors in Code section 53.023(a), to determine whether the licensing authority shall revoke, suspend, or deny a license application.<sup>6</sup> Those factors are:

- (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

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<sup>5</sup> Tex. Occ. Code § 53.022; 30 Tex. Admin. Code § 30.34(a).

<sup>6</sup> Tex. Occ. Code § 53.022(a).

- (7) other evidence of the person's fitness, including letters of recommendation.<sup>7</sup>

Code section 53.025 directs each licensing authority to issue guidelines stating the reasons a particular crime is considered to relate to a given license.<sup>8</sup> The Commission's guidelines (Guidelines) contain a section mirroring the language cited above regarding what factors are to be considered in determining whether there are grounds to deny a license and whether a criminal offense directly relates to the duties and responsibilities of the license.<sup>9</sup> The Guidelines address the consequences of criminal convictions for occupational licensing.<sup>10</sup> Additionally, this section includes a table demonstrating the relative risk a license may offer for an individual to re-engage in further criminal activity based on licenses' access to property or individuals.<sup>11</sup> This table assesses the risk level of a Technician as "high."<sup>12</sup>

The ED has the initial burden to prove the basis for denial, while Mr. Mewis, as the moving party, has the burden to prove that his application should

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<sup>7</sup> Tex. Occ. Code § 53.023(a); 30 Tex. Admin. Code § 30.34(b).

<sup>8</sup> Tex. Occ. Code § 53.025(a).

<sup>9</sup> ED Ex. 10 at 8-9.

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

<sup>11</sup> ED Ex. 10 at 9-11.

<sup>12</sup> ED Ex. 10 at 11

be granted, despite his criminal history. The burden of proof is by a preponderance of evidence.<sup>13</sup>

### **III. EVIDENCE**

At the hearing, the ED offered Exhibits 1 through 11,<sup>14</sup> and presented the testimony of Jaya Zyman, the Deputy Director of the Commission's Occupational Licensing and Registration Division. Mr. Mewis testified on his own behalf and uploaded several potential exhibits, three of which were admitted.<sup>15</sup> OPIC did not offer any evidence.

#### **A. BACKGROUND**

The criminal convictions underlying the denial of Mr. Mewis's application are largely undisputed. He was convicted of a state-jail felony for forgery of a financial instrument in 2005; a state-jail felony for forgery of a financial instrument in 2006; a second-degree felony for burglary of a habitation in 2012; a Class B misdemeanor for failure to stop and give information in 2015; a third-degree felony for tampering and fabricating physical evidence with an intent to impair in 2016; and two Class B misdemeanors for theft of property in

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<sup>13</sup> 30 Tex. Admin. Code §§ 80.17(a), .117; *see also* 1 Tex. Admin. Code § 155.427.

<sup>14</sup> OPIC objected to the admission of Staff Ex. ED-8 and the ALJ withheld ruling on the record. With this PFD, the ALJ overrules OPIC's objection and ED-8 is admitted, along with the ED's 10 other exhibits.

<sup>15</sup> The ALJ labeled Mr. Mewis' exhibits as Applicant Ex. 1 – Ex. 3, as Mr. Mewis had not labeled them.

2018. Mr. Mewis was 19 years old at the time of the first offense and 47 years old at the time of the most recent offense.<sup>16</sup>

### **B. MR. MEWIS' EVIDENCE**

Mr. Mewis did not dispute that he committed the crimes but gave context to some situations that precipitated the criminal charges and subsequent convictions.<sup>17</sup> He testified that, despite this, he has rehabilitated himself, that he goes to church, attends Alcoholics Anonymous meetings, and leads a support group for individuals who have experienced difficulties in the past. Mr. Mewis represents that he knows how to perform the work of a Technician, that he currently performs the work anyway, and deserves a second chance. He was last incarcerated in 2016 and ended his parole for that conviction on December 18, 2018.

### **C. STAFF'S EVIDENCE**

In addition to the documentary evidence of the conviction, Staff witness Ms. Zyman testified that, after reviewing the statutory and regulatory factors, it was her opinion that the license application should be denied because the offenses are related to the job duties he would be performing if the ED granted the Technician license. She stated that the type of license for which Mr. Mewis

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<sup>16</sup> ED Initial Brief at 4; *see* Staff Ex. ED-7. Mr. Mewis was first convicted in 1990, for forgery and burglary of a habitation, for which he received probation.

<sup>17</sup> *See* Applicant Ex. 2, entitled, "Tony's Letter to TCEQ Attorney."



applied would give him access to clients' homes and financial information for payment.

Additionally, she pointed out that Mr. Mewis has a lengthy criminal record involving serious crimes, ranging from the time he was 19 years old to 47 years old. Ms. Zyman noted that his most recent conviction and incarceration was just a few years before he filed his application, in 2023.

The features of the job duties performed by a Technician, in conjunction with Mr. Mewis' previous convictions for burglary, forgery, and theft, in large part, led the ED to deny his application for a Technician's license. Ms. Zyman summarized by stating that his criminal history is very serious and that the reputation of the Commission would be at stake if he were licensed and committed another criminal act during the performance of his job duties as a Technician.

Ms. Zyman stated that there is the possibility that Mr. Mewis could be eligible for the license in the future, as more time passes between his last conviction and the time of his application. However, with respect to the application that is the subject of this proceeding, his last conviction, and subsequent incarceration, was too recent and he has not demonstrated enough of a rehabilitative effort. Additionally, she pointed out that an individual had previously provided a letter supporting Mr. Mewis' application but later retracted it, citing that he has demonstrated "multiple unethical practices."<sup>18</sup>

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<sup>18</sup> ED Ex. 8.

Ms. Zyman testified that there was no question regarding whether Mr. Mewis has the ability to perform the duties that the license allows. However, before the ED can consider whether he possesses the knowledge and skill required of the license, a review of his criminal history must first be performed and the ED was not able to move past this phase of processing his application, due to his criminal history.

#### **IV. ANALYSIS**

After careful consideration of the record, the ALJ agrees with the ED's recommendation that Mr. Mewis' application for a license should be denied, due to his criminal history.

A licensing authority may 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. Here, Mr. Mewis does not dispute his criminal history. His convictions include, but are not limited to, burglary, forgery, and theft.

His past criminal convictions, particularly those involving burglary, forgery, and theft, directly relate to the duties and responsibilities of the licensed occupation. The ED enumerated these specific concerns regarding Mr. Mewis' application because, if granted the license, he would, for example, be given leave to enter clients' homes to perform his job duties and have access to their financial information for payment. Under the Guidelines, the relative

risk level provided by a Technician license that might offer an individual an opportunity to re-engage in further criminal activity is high.

The ALJ acknowledges the fact that Mr. Mewis has taken steps to rehabilitate himself. However, given the nature and recency of the criminal convictions, in addition to the length of his criminal history and the seriousness of the crimes, the ALJ recommends denial of Mr. Mewis' application at this time.

**Signed May 7, 2025**

A handwritten signature in black ink, appearing to read "Rachelle Robles", written in a cursive style.

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Rachelle Nicolette Robles  
Presiding Administrative Law Judge



**AN ORDER DENYING TONY MEWIS  
AN OSSF INSTALLER LICENSE  
AND A MAINTENANCE PROVIDER  
LICENSE TCEQ DOCKET NOS. 2024-0878-  
LIC; SOAH DOCKET NO. 582-24-21189**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (TCEQ or Commission) considered Tony Mewis' application for an onsite sewage facility installer and maintenance license. After a hearing, a Proposal for Decision (PFD) was issued by Rachelle Nicolette Robles, an Administrative Law Judge with the State Office of Administrative Hearings (SOAH). After considering the PFD, the Commission makes the following findings of fact and conclusions of law.

**V. FINDINGS OF FACT**

1. Tony Mewis applied to the Texas Commission on Environmental Quality (TCEQ or Commission) for an on-site sewage facility maintenance technician (Technician) license in April 2023.
2. On May 23, 2023, and June 27, 2023, the Executive Director (ED) of the Commission sent Mr. Mewis notice of intent to deny his application based on his convictions for state-jail felonies in 2005 and 2006, a second-degree felony

in 2012, a Class B misdemeanor in 2015, a third-degree felony in 2016, and two Class B misdemeanors in 2018.

3. Mr. Mewis timely requested a contested case hearing on his application.
4. The ED referred the case to the State Office of Administrative Hearings (SOAH) on July 1, 2024.
5. A preliminary hearing was held on September 12, 2024, at which time the Administrative Law Judge (ALJ) admitted ED Exhibits 1-6 for the limited purpose of establishing notice and jurisdiction. A final hearing was scheduled for February 20, 2025.
6. The notice of hearing provided the date, time, and place of the preliminary hearing; the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
7. On February 20, 2025, ALJ Rachelle Nicolette Robles convened the hearing on the merits via videoconference. Mr. Mewis represented himself. The ED was represented by attorney Aubrey Pawelka. The Commission's Office of Public Interest Counsel was represented by attorney Josiah Mercer. The hearing concluded the same day. The record was held open until March 20, 2025, for post-hearing briefing.
8. On March 21, 1990, Mr. Mewis was convicted of forgery and burglary. He was 19 years old at the time.
9. On October 25, 2005, Mr. Mewis was convicted of forgery of a financial instrument.
10. On September 22, 2006, Mr. Mewis was convicted of forgery of a financial instrument.
11. On September 4, 2012, Mr. Mewis was convicted of burglary.

12. On January 23, 2015, Mr. Mewis was convicted of failing to stop and give information.
13. On November 11, 2016, Mr. Mewis was convicted of tampering and fabricating physical evidence.
14. On March 7, 2018, Mr. Mewis was convicted of theft.
15. Mr. Mewis was last released from probation on December 18, 2018.
16. Mr. Mewis was convicted of his first criminal offense at 19 years old and he was 47 years old at the time of his last criminal conviction.
17. A Technician license is classified by the Commission as a “high risk” license because it could provide the license holder with access to individuals or private residences, and the license holder could deal directly with the general public, providing the license holder with the opportunity to engage in violent offenses.
18. Mr. Mewis is disqualified from a Technician license due to his criminal history.

## **VI. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over licensing of on-site sewage facility maintenance technicians. Tex. Water Code ch. 37; 30 Tex. Admin. Code ch. 30, subchapter G.
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, 80.1, *et seq.*
3. Mr. Mewis received proper notice of the petition and of the hearing on the merits. Tex. Gov’t Cde §§ 2001.051, .052.
4. The ED has the initial burden to prove the basis for denial, while Mr. Mewis, as the moving party, has the burden to prove that his application should be granted despite his criminal history. The burden of proof is by a preponderance of evidence. 1 Tex. Admin. Code § 155.427; 30 Tex. Admin. Code §§ 80.17(a), .117.

5. The offenses of burglary, theft, and forgery are directly related to the duties and responsibilities of an on-site sewage facility maintenance technician, considering the factors prescribed in Texas Occupations Code section 53.022, the actual work to be performed, the access required to perform that work, and the opportunity he might have to reoffend. Tex. Occ. Code § 53.022; 30 Tex. Admin. Code § 30.34(a); *see* Commission Guidelines RG-521, *Consequences of Criminal Convictions for Occupational Licensing*, <https://www.tceq.texas.gov/downloads/licensing/occupational/publications/rg-521.pdf> (last visited April 3, 2025).
6. The Commission may deny an applicant's application if they have been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation. Tex. Occ. Code § 53.021(a)(1), (a)(2).
7. Mr. Mewis has not met his burden of proving by a preponderance of the evidence that he is presently fit to hold an on-site sewage facility maintenance technician license and that he should be licensed despite his criminal history. Tex. Occ. Code §§ 53.003, .023(a); 30 Tex. Admin. Code § 30.34(b).
8. Mr. Mewis application for an on-site sewage facility maintenance technician license should be denied.

# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

April 15, 2025

Josiah Mercer  
Office of Public Interest Council  
Aubrey Pawelka  
Texas Commission on Environmental Quality

**VIA EFILE TEXAS**

Tony Mewis  
30902 Bluebonnet Lane  
Magnolia, TX 77354

**VIA EFILE & REGULAR MAIL**

**RE: SOAH Docket No. 582-24-21189.TCEQ; Texas Commission on Environmental Quality No. Tony Mewis - TCEQ 2024-0878-LIC; *Executive Director of the Texas Commission on Environmental Quality v. Tony Mewis***

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TCEQ Docket No. 2024-0878-LIC

Suffix: TCEQ

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# **BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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**EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**v.**

**TONY MEWIS**

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## **PROPOSAL FOR DECISION**

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) seeks to deny the application of Tony Mewis for an on-site sewage facility maintenance technician (Technician) license based on his criminal history. Mr. Mewis 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. Mewis' application be denied.

## **I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY**

No party contested notice or jurisdiction and those matters are addressed solely in the findings of fact and conclusions of law.

Mr. Mewis filed an application for a Technician license with the Commission in April 2023. On May 23, 2023, and June 27, 2023, the ED notified Mr. Mewis of the ED's intent to deny his application because of his criminal history. Mr. Mewis timely requested a formal hearing on the denial of his application and the ED referred the case to the State Office of Administrative Hearings (SOAH).

At the preliminary hearing on September 12, 2024, the ALJ admitted Exhibits 1 through 6, for the limited purpose of establishing notice and jurisdiction and approved an agreed procedural schedule.

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## II. APPLICABLE LAW

Chapter 37 of the Texas Water Code provides that a person may not act as a Technician unless that person holds a license issued by the Commission and allows the adoption of any rules necessary for the licensing procedure.<sup>1</sup>

After notice and a hearing, the Commission may deny an application based on certain grounds.<sup>2</sup> Chapter 53 of the Texas Occupations Code (Code) provides the framework for licensing authorities, such as the Commission, to use in evaluating applicants and licensees who have criminal convictions. Code section 53.021(a) authorizes a licensing authority to 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>3</sup>

To determine if a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority is required to consider each of these factors:

- (1) the nature and seriousness of the crime;
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<sup>2</sup> Tex. Water Code § 37.005(c); 30 Tex. Admin. Code § 30.33(h).

<sup>3</sup> The Commission's rules at 30 Texas Administrative Code section 30.33(h)(1) track section 53.021(a) of the Texas Occupations Code, but cite to the former Texas Code of Criminal Procedure Article 42.12, Section 3g, which is now recodified at Texas Code of Criminal Procedure Article 42A.054.

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>4</sup>

If the licensing authority determines that a person has been convicted of a crime that is directly related to the duties and responsibilities of the occupation, then it must also consider the factors in Code section 53.023(a), to determine whether the licensing authority shall revoke, suspend, or deny a license application.<sup>5</sup> Those factors are:

- (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;
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- (7) other evidence of the person's fitness, including letters of recommendation.<sup>6</sup>

Code section 53.025 directs each licensing authority to issue guidelines stating the reasons a particular crime is considered to relate to a given license.<sup>7</sup> The Commission's guidelines (Guidelines) contain a section mirroring the language cited above regarding what factors are to be considered in determining whether there are grounds to deny a license and whether a criminal offense directly relates to the duties and responsibilities of the license.<sup>8</sup> The Guidelines address the consequences of criminal convictions for occupational licensing.<sup>9</sup> Additionally, this section includes a table demonstrating the relative risk a license may offer for an individual to re-engage in further criminal activity based on licenses' access to property or individuals.<sup>10</sup> This table assesses the risk level of a Technician as "high."<sup>11</sup>

The ED has the initial burden to prove the basis for denial, while Mr. Mewis, as the moving party, has the burden to prove that his application should

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

<sup>8</sup> ED Ex. 10 at 8-9.

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

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be granted, despite his criminal history. The burden of proof is by a preponderance of evidence.<sup>12</sup>

### **III. EVIDENCE**

At the hearing, the ED offered Exhibits 1 through 11,<sup>13</sup> and presented the testimony of Jaya Zyman, the Deputy Director of the Commission's Occupational Licensing and Registration Division. Mr. Mewis testified on his own behalf and uploaded several potential exhibits, three of which were admitted.<sup>14</sup> OPIC did not offer any evidence.

#### **A. BACKGROUND**

The criminal convictions underlying the denial of Mr. Mewis's application are largely undisputed. He was convicted of a state-jail felony for forgery of a financial instrument in 2005; a state-jail felony for forgery of a financial instrument in 2006; a second-degree felony for burglary of a habitation in 2012; a Class B misdemeanor for failure to stop and give information in 2015; a third-degree felony for tampering and fabricating physical evidence with an intent to impair in 2016; and two Class B misdemeanors for theft of property in

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<sup>12</sup> 30 Tex. Admin. Code §§ 80.17(a), .117; *see also* 1 Tex. Admin. Code § 155.427.

<sup>13</sup> OPIC objected to the admission of Staff Ex. ED-8 and the ALJ withheld ruling on the record. With this PFD, the ALJ overrules OPIC's objection and ED-8 is admitted, along with the ED's 10 other exhibits.

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2018. Mr. Mewis was 19 years old at the time of the first offense and 47 years old at the time of the most recent offense.<sup>15</sup>

### **B. MR. MEWIS' EVIDENCE**

Mr. Mewis did not dispute that he committed the crimes but gave context to some situations that precipitated the criminal charges and subsequent convictions.<sup>16</sup> He testified that, despite this, he has rehabilitated himself, that he goes to church, attends Alcoholics Anonymous meetings, and leads a support group for individuals who have experienced difficulties in the past. Mr. Mewis represents that he knows how to perform the work of a Technician, that he currently performs the work anyway, and deserves a second chance. He was last incarcerated in 2016 and ended his parole for that conviction on December 18, 2018.

### **C. STAFF'S EVIDENCE**

In addition to the documentary evidence of the conviction, Staff witness Ms. Zyman testified that, after reviewing the statutory and regulatory factors, it was her opinion that the license application should be denied because the offenses are related to the job duties he would be performing if the ED granted the Technician license. She stated that the type of license for which Mr. Mewis

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applied would give him access to clients' homes and financial information for payment.

Additionally, she pointed out that Mr. Mewis has a lengthy criminal record involving serious crimes, ranging from the time he was 19 years old to 47 years old. Ms. Zyman noted that his most recent conviction and incarceration was just a few years before he filed his application, in 2023.

The features of the job duties performed by a Technician, in conjunction with Mr. Mewis' previous convictions for burglary, forgery, and theft, in large part, led the ED to deny his application for a Technician's license. Ms. Zyman summarized by stating that his criminal history is very serious and that the reputation of the Commission would be at stake if he were licensed and committed another criminal act during the performance of his job duties as a Technician.

Ms. Zyman stated that there is the possibility that Mr. Mewis could be eligible for the license in the future, as more time passes between his last conviction and the time of his application. However, with respect to the application that is the subject of this proceeding, his last conviction, and subsequent incarceration, was too recent and he has not demonstrated enough of a rehabilitative effort. Additionally, she pointed out that an individual had previously provided a letter supporting Mr. Mewis' application but later retracted it, citing that he has demonstrated "multiple unethical practices."<sup>17</sup>

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Ms. Zyman testified that there was no question regarding whether Mr. Mewis has the ability to perform the duties that the license allows. However, before the ED can consider whether he possesses the knowledge and skill required of the license, a review of his criminal history must first be performed and the ED was not able to move past this phase of processing his application, due to his criminal history.

#### **IV. ANALYSIS**

After careful consideration of the record, the ALJ agrees with the ED's recommendation that Mr. Mewis' application for a license should be denied, due to his criminal history.

A licensing authority may 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. Here, Mr. Mewis does not dispute his criminal history. His convictions include, but are not limited to, burglary, forgery, and theft.

His past criminal convictions, particularly those involving burglary, forgery, and theft, directly relate to the duties and responsibilities of the licensed occupation. The ED enumerated these specific concerns regarding Mr. Mewis' application because, if granted the license, he would, for example, be given leave to enter clients' homes to perform his job duties and have access to their financial information for payment. Under the Guidelines, the relative

risk level provided by a Technician license that might offer an individual an opportunity to re-engage in further criminal activity is high.

The ALJ acknowledges the fact that Mr. Mewis has taken steps to rehabilitate himself. However, given the nature and recency of the criminal convictions, in addition to the length of his criminal history and the seriousness of the crimes, the ALJ recommends denial of Mr. Mewis' application at this time.

## **V. FINDINGS OF FACT**

1. Tony Mewis applied to the Texas Commission on Environmental Quality (TCEQ or Commission) for an on-site sewage facility maintenance technician (Technician) license in April 2023.
2. On May 23, 2023, and June 27, 2023, the Executive Director (ED) of the Commission sent Mr. Mewis notice of intent to deny his application based on his convictions for state-jail felonies in 2005 and 2006, a second-degree felony in 2012, a Class B misdemeanor in 2015, a third-degree felony in 2016, and two Class B misdemeanors in 2018.
3. Mr. Mewis timely requested a contested case hearing on his application.
4. The ED referred the case to the State Office of Administrative Hearings (SOAH) on July 1, 2024.
5. A preliminary hearing was held on September 12, 2024, at which time the Administrative Law Judge (ALJ) admitted ED Exhibits 1-6 for the limited purpose of establishing notice and jurisdiction. A final hearing was scheduled for February 20, 2025.
6. The notice of hearing provided the date, time, and place of the preliminary hearing; the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved;

and either a short, plain statement of the factual matters asserted or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.

7. On February 20, 2025, ALJ Rachelle Nicolette Robles convened the hearing on the merits via videoconference. Mr. Mewis represented himself. The ED was represented by attorney Aubrey Pawelka. The Commission's Office of Public Interest Counsel was represented by attorney Josiah Mercer. The hearing concluded the same day. The record was held open until March 20, 2025, for post-hearing briefing.
8. On March 21, 1990, Mr. Mewis was convicted of forgery and burglary. He was 19 years old at the time.
9. On October 25, 2005, Mr. Mewis was convicted of forgery of a financial instrument.
10. On September 22, 2006, Mr. Mewis was convicted of forgery of a financial instrument.
11. On September 4, 2012, Mr. Mewis was convicted of burglary.
12. On January 23, 2015, Mr. Mewis was convicted of failing to stop and give information.
13. On November 11, 2016, Mr. Mewis was convicted of tampering and fabricating physical evidence.
14. On March 7, 2018, Mr. Mewis was convicted of theft.
15. Mr. Mewis was last released from probation on December 18, 2018.
16. Mr. Mewis was convicted of his first criminal offense at 19 years old and he was 47 years old at the time of his last criminal conviction.
17. A Technician license is classified by the Commission as a "high risk" license because it could provide the license holder with access to individuals or private residences, and the license holder could deal directly with the general public, providing the license holder with the opportunity to engage in violent offenses.

18. Mr. Mewis is disqualified from a Technician license due to his criminal history.

## VI. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over licensing of on-site sewage facility maintenance technicians. Tex. Water Code ch. 37; 30 Tex. Admin. Code ch. 30, subchapter G.
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, 80.1, *et seq.*
3. Mr. Mewis received proper notice of the petition and of the hearing on the merits. Tex. Gov't Cde §§ 2001.051, .052.
4. The ED has the initial burden to prove the basis for denial, while Mr. Mewis, as the moving party, has the burden to prove that his application should be granted despite his criminal history. The burden of proof is by a preponderance of evidence. 1 Tex. Admin. Code § 155.427; 30 Tex. Admin. Code §§ 80.17(a), .117.
5. The offenses of burglary, theft, and forgery are directly related to the duties and responsibilities of an on-site sewage facility maintenance technician, considering the factors prescribed in Texas Occupations Code section 53.022, the actual work to be performed, the access required to perform that work, and the opportunity he might have to reoffend. Tex. Occ. Code § 53.022; 30 Tex. Admin. Code § 30.34(a); *see* Commission Guidelines RG-521, *Consequences of Criminal Convictions for Occupational Licensing*, <https://www.tceq.texas.gov/downloads/licensing/occupational/publications/rg-521.pdf> (last visited April 3, 2025).
6. The Commission may deny an applicant's application if they have been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation. Tex. Occ. Code § 53.021(a)(1), (a)(2).
7. Mr. Mewis has not met his burden of proving by a preponderance of the evidence that he is presently fit to hold an on-site sewage facility maintenance

technician license and that he should be licensed despite his criminal history. Tex. Occ. Code §§ 53.003, .023(a); 30 Tex. Admin. Code § 30.34(b).

8. Mr. Mewis application for an on-site sewage facility maintenance technician license should be denied.

**Signed April 15, 2025**

A handwritten signature in black ink, appearing to read "Rachelle Robles", written over a horizontal line.

Rachelle Nicolette Robles  
Presiding Administrative Law Judge