

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 4, 2024

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Attention: Docket Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Rylan Vance; CN606115590; RN111693461
Denial of Application for Landscape Irrigation Technician License
TCEQ Docket No. 2024-0879-LIC

On behalf of the Executive Director, and pursuant to 30 TEX. ADMIN. CODE (TAC) § 70.109, please consider this letter a request for referral of the Executive Director's denial of Rylan Vance's application for a Landscape Irrigation Technician License to the State Office of Administrative Hearings ("SOAH") for SOAH to acquire jurisdiction over the contested case.

Accordingly, the Executive Director requests that you file a Request for Docket Case form for the above referenced case. The Executive Director initially notified Mr. Vance of her decision on the Landscape Irrigation Technician license application on May 23, 2023. The Executive Director sent a second notice on June 27, 2023. Mr. Vance filed a timely response on July 24, 2023.

The denial notifications and hearing request are attached to this letter. According to 30 TAC § 30.38 all hearings regarding Occupational Licenses are to be conducted according to 30 TAC Chapters 70 and 80; 30 TAC § 70.109 provides that the Executive Director may request that the chief clerk refer the cases to SOAH for a contested case hearing. Additionally, please issue the necessary public notice of the hearing.

Please contact me at (512) 239-0133 with any questions you may have. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alicia Ramirez", with a long horizontal flourish extending to the right.

Alicia Ramirez
Staff Attorney
Environmental Law Division

cc: Mr. Rylan Vance, P.O. Box 865066, Plano, Texas 75086-5066
Jaya Zyman, P.E., Occupational Licensing & Registration Division, TCEQ
Tamara Calhoun, Occupational Licensing Section Manager, TCEQ
Rebecca Moore, Occupational Licensing & Registration Division, TCEQ
Kenneth Smith, Occupational Licensing & Registration Division, TCEQ
Garrett Arthur, Public Interest Counsel, TCEQ

bcc: Charmaine Backens, Environmental Law Division, TCEQ
Todd Galiga, Environmental Law Division, TCEQ
Aubrey Pawelka, Environmental Law Division, TCEQ
Melissa Knight, General Law Division, TCEQ

Jon Niermann, *Chairman*Emily Lindley, *Commissioner*Bobby Janecka, *Commissioner*Erin E. Chancellor, *Interim Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 23, 2023

Mr. Rylan Vance
P.O. Box 865066
Plano, Texas 75086-5066

RE: Initial Application for Landscape Irrigation Technician License- First Notice

Dear Mr. Vance:

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) received your Landscape Irrigation Technician license application in March 2023. As part of the application review process, the ED is required to review an applicant's criminal history. The review was conducted in accordance with guidelines established by 30 Texas Administrative Code (TAC) Section (§) 30.35. The review of your application revealed that you received deferred adjudication for a State-Jail Felony in 2013, and three State-Jail Felonies in 2021.

The ED intends to deny your Landscape Irrigation Technician license application because you have been convicted of offenses that directly relate to the license as referenced in Texas Occupations Code (TOC) § 53.021(a)(1). The ED also considered the factors in TOC §§ 53.022 and 53.023 and this decision was based on the nature and seriousness of the crimes, the relationship of the crimes to the purposes for requiring a license to engage in the occupation, the opportunity the license may offer to engage in further criminal activity of the same type as that in which you were previously involved, the extent and nature of your past criminal activity, your age when the crimes were committed, and the amount of time that has elapsed since your last criminal activity.

It is the applicant's responsibility to provide to TCEQ evidence regarding the factors listed in TOC § 53.023(a):

- The context (extent and nature) behind the events that led to the convictions listed in your criminal history record;
- Your conduct and work activity before and after the criminal activity;
- Evidence of your rehabilitation or rehabilitative effort while incarcerated or after release;
- Evidence of your compliance with any conditions of community supervision parole, or mandatory supervision; and
- Other evidence of your fitness, including letters of recommendation. (Must be signed and on official letterhead to be considered during the review process)

Mr. Rylan Vance
Page 2
May 23, 2023

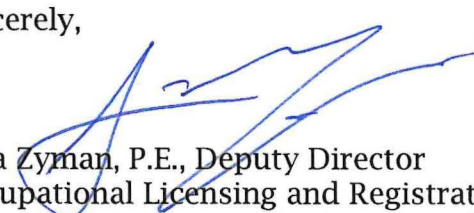
TCEQ must consider any correlation between the elements of the crime and the specific duties of the licensed occupation to determine whether a conviction directly relates to the license. In determining whether your criminal conviction directly relates to the duties and responsibilities of the licensed occupation, the ED considered the following factors:

- the nature and seriousness of the crime;
- the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- 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;
- the relationship of the crime to the ability, capacity required to perform the duties and discharge the responsibilities of the licensed occupation;
- any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation

You may submit additional relevant information for the ED to consider to the address below, within 30 days of this letter, including but not limited to any evidence relating to any rehabilitation efforts you may have undergone while incarcerated, or after release, and any evidence of compliance with conditions of community supervision, parole, or mandatory supervision, in accordance with TOC § 53.023.

Executive Review Committee
c/o Occupational Licensing
TCEQ, MC-178
PO Box 13087
Austin, TX 78711-3087

Sincerely,



Jaya Zyman, P.E., Deputy Director
Occupational Licensing and Registration Division
Texas Commission on Environmental Quality

Jon Niermann, *Chairman*
 Emily Lindley, *Commissioner*
 Bobby Janecka, *Commissioner*
 Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 27, 2023

Mr. Rylan Vance
 P.O. Box 865066
 Plano, Texas 75086-5066

RE: Initial Application for Landscape Irrigation Technician License- Second and Final Notice

Dear Mr. Vance:

This second and final notice is in regard to your Landscape Irrigation Technician license application received by Executive Director (ED) of the Texas Commission of Environmental Quality (TCEQ) in March 2023. As part of the application review process, the ED is required to review an applicant's criminal history. The review was conducted in accordance with guidelines established by 30 Texas Administrative Code (TAC) Section (§) 30.35. Any additional information that you may have submitted in response to our initial notice on May 23, 2023 regarding your rehabilitation efforts and compliance with court ordered requirements was also considered.

The review of your application revealed that you received three State-Jail Felonies in 2021. The ED intends to deny your Landscape Irrigation Technician license application because you have been convicted of offenses that directly relate to the license as referenced in Texas Occupations Code (TOC) § 53.021(a)(1). The ED also considered the factors in TOC §§ 53.022 and 53.023 and this decision was based on the nature and seriousness of the crimes, the relationship of the crimes to the purposes for requiring a license to engage in the occupation, the opportunity the license may offer to engage in further criminal activity of the same type as that in which you were previously involved, the extent and nature of your past criminal activity, your age when the crimes were committed, and the amount of time that has elapsed since your last criminal activity.

You may request a formal hearing on the denial of your Landscape Irrigation Technician license application. The hearing request must be made in writing and must contain your name, address, and phone number. The Chief Clerk's Office must receive your request no later than 30 calendar days after the United States Post Office delivery date of this letter. You must submit the request to the following address:

Office of the Chief Clerk
 Texas Commission on Environmental Quality
 P.O. Box 13087, MC 105
 Austin, TX 78711-3087
 (512) 239-3311 (FAX)

Mr. Rylan Vance
Page 2
June 27, 2023

The formal hearing is known as a contested case hearing and is conducted by the State Office of Administrative Hearings (SOAH). The contested case hearing usually consists of a preliminary hearing and an evidentiary hearing. 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 denied 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 you should be issued a Landscape Irrigation Technician 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.

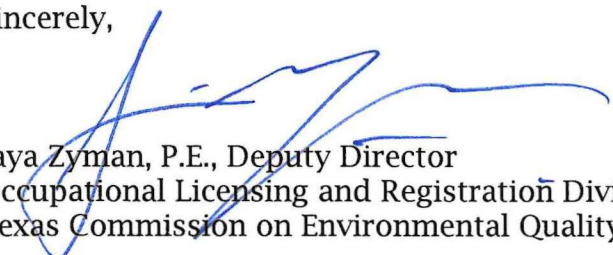
If you fail to appear at the preliminary hearing or evidentiary hearing, the ED will request that the hearing be canceled and that the appeal of the ED's decision be dismissed.

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

If you have additional questions about the hearing process, please contact Alicia Ramirez at Alicia.Ramirez@tceq.texas.gov or at (512) 239-0133.

If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules."

Sincerely,



Jaya Zyman, P.E., Deputy Director
Occupational Licensing and Registration Division
Texas Commission on Environmental Quality

July 17, 2023

Texas Commission of Environment Quality,

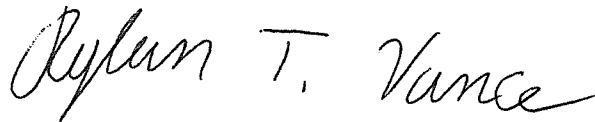
My name is Rylan Vance and I'm writing you in regards to obtaining to my irrigation technician license. I have received notification that my application had been denied due to my criminal history. I have sent in legal documentation as well as paper work showing my rehabilitation in the program called SAFP. I am requesting a formal hearing if possible.

Prior to my most recent criminal convictions I was struggling with depression. I was also not employed; I found an escape by using drugs to help me cope. While I was using drugs, I was not my true self and did things I would never have done sober. I used a car for longer than I had permission (UUMV) to use it and I also used my mother's debit card to pay my bills (credit card abuse). However, I have a great relationship with my mother now and she has been able to find a way to forgive my past mistake of using her card.

Since my release I have turned my life around. My friends and family have seen a change in me. I never want to experience the feeling of being incarcerated again. I also no longer have any of the old thoughts I once had and now find joy in waking up each day. I have stayed employed with Grant Leighton for the last 7 months. I have a great passion for my job and will do whatever it takes to keep it. I found joy in the work I do and I am hoping to make a career out of it. This is a feeling I have yet to find in other lines of work I have done. When I heard my application had been denied I wasn't sure what to do. I struggled with writing a letter because I was embarrassed with what I knew I needed to say. I'm just a young man who made some mistakes in my past due to the feeling of being a failure as well as being depressed of where I was in life. I had a great home life and was taught not to break the law or use drugs. It wasn't until my father passed away that I found the numbing feeling both drugs and alcohol provided me. While living on my own and dealing with my depression I resorted to the only coping mechanism I was familiar with which is the reason behind my most recent offenses.

I truly hope my past will not take away the opportunity I currently have of building my career in irrigation. I have learned a lot about myself within the last year and I know I am not the person my background portrays. I look forward to the hearing and I hope the information I have provided is sufficient with making a decision on my license application.

Sincerely,



Rylan Thomas Vance
PO Box 865066
Plano, TX 75086
682-803-4067

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ON ENVIRONMENTAL
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Plano, Texas 75086

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