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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 22, 2025

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

Re: LaMarcus Bell; CN606214195; RN111868253
Denial of Application for Water Operator D License
TCEQ Docket No. 2025-0062-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 LaMarcus Bell's application for a Water Operator D 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. Bell of her decision on the Water Operator D license application on February 1, 2024. The Executive Director sent a second notice on March 7, 2024. Mr. Bell filed a timely response on April 3, 2024.

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. LaMarcus Bell, 3740 Holton Circle, Euless, Texas 76040
Jaya Zyman, P.E., Occupational Licensing & Registration Division, TCEQ
Tamara Calhoun, Occupational Licensing Section Manager, TCEQ
Rebecca Morigan, Occupational Licensing & Registration Division, TCEQ
Kenneth Smith, Occupational Licensing & Registration Division, TCEQ
Garrett Arthur, Public Interest Counsel, TCEQ

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 1, 2024

Mr. Lamarcus Bell
812 Brown BLVD APT 104
Arlington, Texas 76011-2449

RE: Initial Application for Water Operator D License- First Notice

Dear Mr. Bell:

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) received your Water Operator D license application in January 2024. 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 two Felonies in 1993, Class B Misdemeanors in 2001 and 2003, State Jail Felon in 2011, a 3rd-Degree Felony in 2005, and a State Jail Felony in 2014.

The ED intends to deny your Water Operator D 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. Lamarcus Bell
Page 2
February 1, 2024

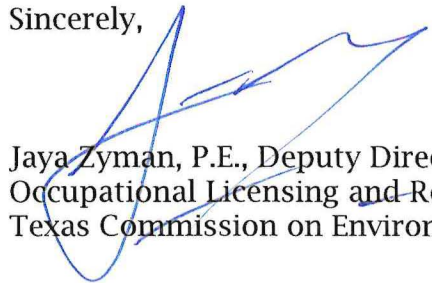
TCEQ must consider any correlation between the elements of the crime and the specific duties of the licensed occupation to determine whether a conviction directly relates to the license. In determining whether your criminal conviction directly relates to the duties and responsibilities of the licensed 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 Niemann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 7, 2024

Mr. Lamarcus Bell
812 Brown Blvd, APT 104
Arlington, Texas 76011-2449

RE: Initial Application for Water Operator D License- Second and Final Notice

Dear Mr. Bell:

This second and final notice is in regard to your Water Operator D license application received by Executive Director (ED) of the Texas Commission of Environmental Quality (TCEQ) in January 2024. 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 February 1, 2024 regarding your rehabilitation efforts and compliance with court ordered requirements was also considered.

The review of your application revealed that you received two Felonies in 1993, Class B Misdemeanors in 2001 and 2003, a State Jail Felony in 2011, a 3rd-Degree Felony in 2005, and a State Jail Felony in 2014. The ED intends to deny your Water Operator D 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 Water Operator D 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. Lamarcus Bell
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March 7, 2024

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 Water Operator D 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.

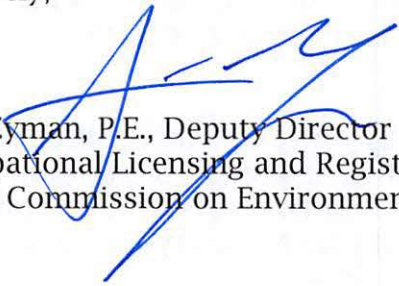
If you fail to appear at the preliminary hearing or evidentiary hearing, the ED will request that the hearing be canceled and that the appeal of the ED's decision be dismissed.

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

FAX

To: Fax User

Company:

Fax: 915122393311

Phone:

From: Walkup

Fax:

Phone:

E-mail:

NOTES:

Attached Image

Date and time of transmission: Wednesday, April 3, 2024 10:26:04 AM

Number of pages including this cover sheet: 04

3/28/24

Lamarcus Bell

3740 Holton Cir. Euless, TX. 76040

469-524-9004

To Whom it may concern:

This letter is to request a phone hearing to discuss the ruling in the TCEQ application that I submitted. I would appreciate the time and consideration to further discuss the decision made. Additionally, I will respect any further decisions made and to say thank you for your time provided in this matter.

Thank you for your assistance.

Yours Truly,

LaMarcus Bell



To whom it may concern,

I **LaMarcus Bell** am contacting you regarding the TECQ license and hearig procedures. I'm currently employed at the City Of Dallas and I'm submitting this notation because I received an defieny letter regarding my background. I take full accountability for those aforementioned things on my background and I'm competent and regret such things occured during my adolescent years. I've paid my debt to society of being incarcerated for these offenses and dicharging my sentence. Since then, I've compeleted community service hours (24hrs) by donating non-parishable items to the North Texas Food Bank. Enroute to becoming a productive citizen, I've been employed and I also have my own logistics company! Therefore, I'm requesting a hearing on my behalf so that I can obtain my water license for my current employer the City Of Dallas because this is directly affecting my lively hood and I would appreciate it if this process could be expedited because I have a deadline of 05/06/2024 to schedule my test for my employer. Thank You!

Sincerely,

LaMarcus A. Bell

To whom it may concern,

LaMarcus Bell is currently employed through the City of Dallas Water Department working as a Water Meter Tech I in the Meter Services Division. Every new employee serves a 6 month probation and during that 6 months, the employees performance is evaluated day to day. Mr. Bell has been with Meter Services Division since November 6th, 2023 and has exhibited acceptable performance in all the areas we look for in an employee. These areas include attendance, ethics ,empathy, safety, teamwork to work procedures involving water meters, valve replacements, etc..

Mr. Bell's last day of his 6 months' probation will be end of business, May 6th, 2024. At this point, the only requirement missing for LaMarcus to successfully pass his 6 month probation with the City of Dallas is obtaining a Class D Water License through TCEQ. Please consider this letter of recommendation as part of the evaluation of Mr. Bells TCEQ application.

Thank you,



Christopher Rodriguez

Supervisor

City of Dallas | DallasCityNews.net

Dallas Water Utilities – Meter Services

2861 Municipal St.

Dallas, TX 75215

O: 214-670-8792 | C: 469-682-0507

Chris.Rodriguez@dallas.gov



Laurie Gharis

From: eFax Corporate <message@inbound.efax.com>
Sent: Wednesday, April 3, 2024 10:29 AM
To: Fax3311
Subject: Corporate eFax message from "CityofDallas" - 4 page(s)
Attachments: FAX_20240403_1712158133_478.pdf

Login

Service Notification

You have received a 4 page fax at 2024-04-03 10:28:53.

* The reference number for this fax is use1b.prod.afc_did1-1712158015-15122335236-478. Please [click here](#) if you have any questions regarding this message or your service. You may also contact Corporate Support:

US

Email: corporatesupport@mail.efax.com
Phone: 1 (323) 817-3202 or 1 (800) 810-2641

EU

Email: corporatesupporteu@mail.efax.com
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+33 171025330
+49 800 0003164
+35 314380713

Customer Service

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