

April 3, 2024

My name is Blake Lee Pendley, I am writing in response to the letter I received regarding my application for an On-Site Sewage Facility Installer I License. I am requesting a formal hearing to discuss, clarify, and provide more information in the hopes that my application will be approved.

My current address is 1250 US Hwy 281, Wichita Falls, TX 76310 and my current phone number 940-733-1278.

Please feel free to contact me if you have any questions or need further information. I look forward to your response and a scheduled hearing date.

Thank you,



4/4/24

CHIEF CLERK'S OFFICE

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ON ENVIRONMENTAL
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 7, 2024

Mr. Blake Pendley
1244 Rathgeber Rd.
Wichita Falls, Texas 76310-7800

RE: Initial Application for On-Site Sewage Facility Installer I License- Second and Final Notice

Dear Mr. Pendley:

This second and final notice is in regard to your On-Site Sewage Facility Installer I license application received by Executive Director (ED) of the Texas Commission of Environmental Quality (TCEQ) in December 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 January 25, 2024 regarding your rehabilitation efforts and compliance with court ordered requirements was also considered.

The review of your application revealed that you received a Third-Degree Felony in 2021. The ED intends to deny your On-Site Sewage Facility Installer I license application because you have been convicted of a sexually violent offense that directly relates to the license as referenced in Texas Occupations Code (TOC) §§ 53.021(a)(1) and (3). 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 crime, the relationship of the crime 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 crime was committed, the amount of time that has elapsed since your last criminal activity, the fact that you have not completed supervision and are scheduled to complete court supervision in April 2026, and the fact that you are a registered Sex Offender.

You may request a formal hearing on the denial of your On-Site Sewage Facility Installer I 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:

Mr. Blake Pendley
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CHIEF CLERKS OFFICE

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

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 On-Site Sewage Facility Installer I 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

Blake Penley
1244 Rathgeber Rd.
Wichita Falls, TX 76310

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CHIEF CLERKS OFFICE

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TCEQ
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Austin, TX 78711

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