



TDLR COMPLAINTS

Do's and Don'ts

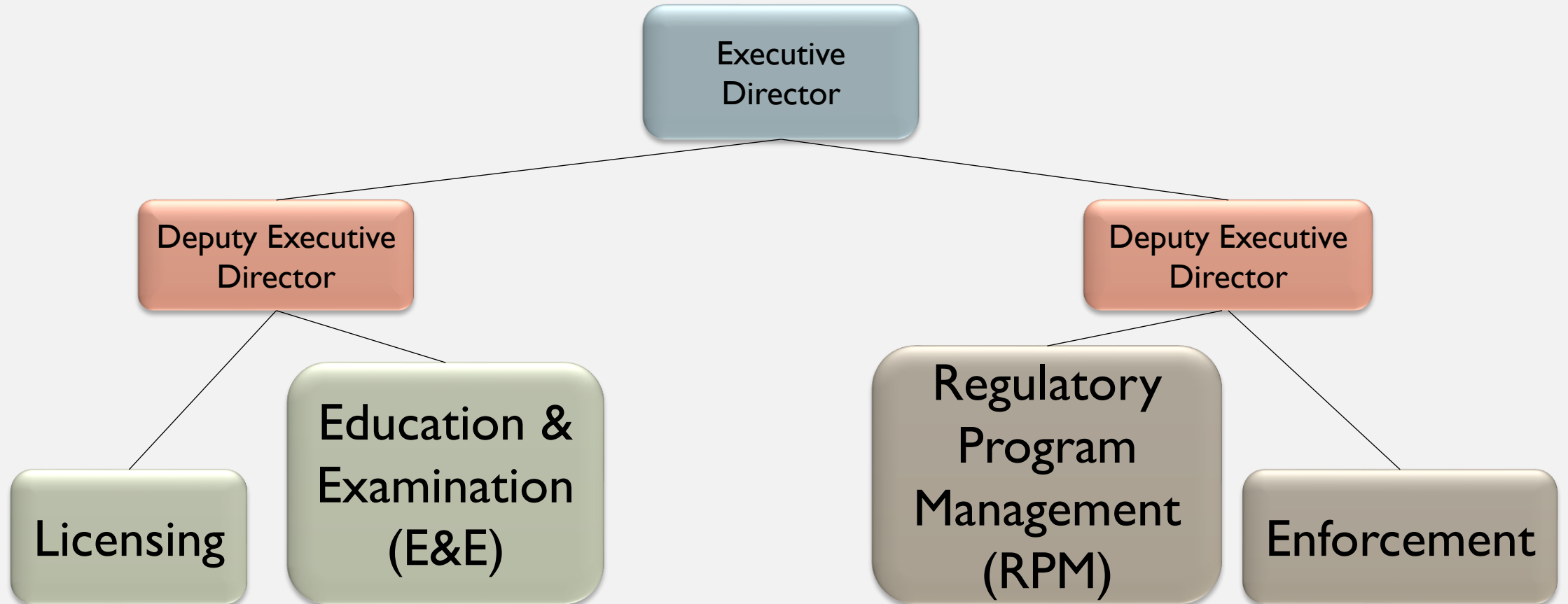
Trevor Theilen
Prosecutor
TDLR Enforcement Division

TDLR PROGRAMS

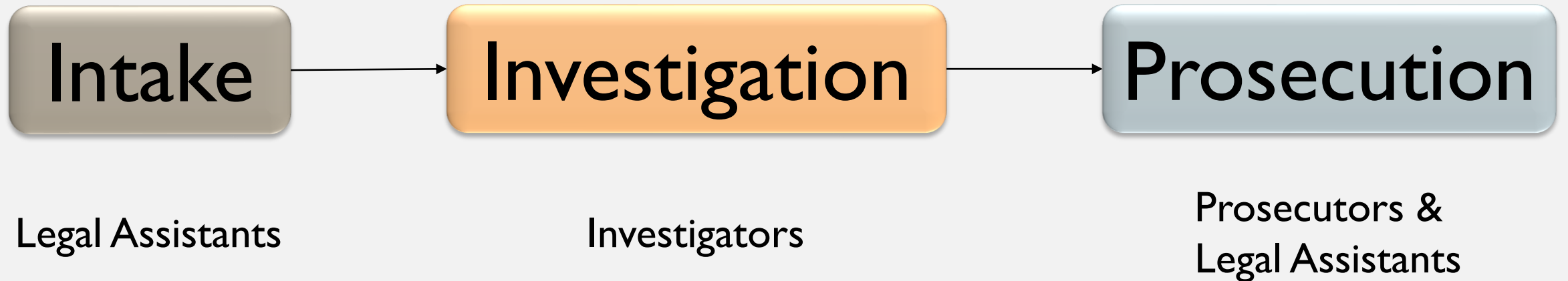
Air Conditioning and Refrigeration	Electricians	Podiatry
Elimination of Architectural Barriers	Elevator/Escalator Safety	Professional Employer Organizations
Athletic Trainers	Hearing Instrument Fitters and Dispensers	Property Tax Consultants
Auctioneers	Industrialized Housing and Buildings	Property Tax Professionals
Barbering	Laser Hair Removal	Sanitarians
Behavior Analysts	Licensed Breeders	Service Contract Providers
Boiler Safety	Massage Therapy	Speech-Language Pathologists and Audiologists
Code Enforcement Officers	Midwives	Tow Trucks, Operators and VSFs
Combative Sports	Mold Assessors and Remediators	Transportation Network Companies
Cosmetologists	Motor Fuel Metering and Quality	Used Auto Parts Recyclers
Dietitians	Motorcycle and ATV Operator Safety	Water Well Drillers and Pump Installers
Driver Education and Safety	Offender Education Programs	Weather Modification
Dyslexia Therapy	Orthotists and Prosthetists	

Statistic	PTP Fiscal Year 2022	TDLR Fiscal Year 2022
Licensees	3,629	890,673

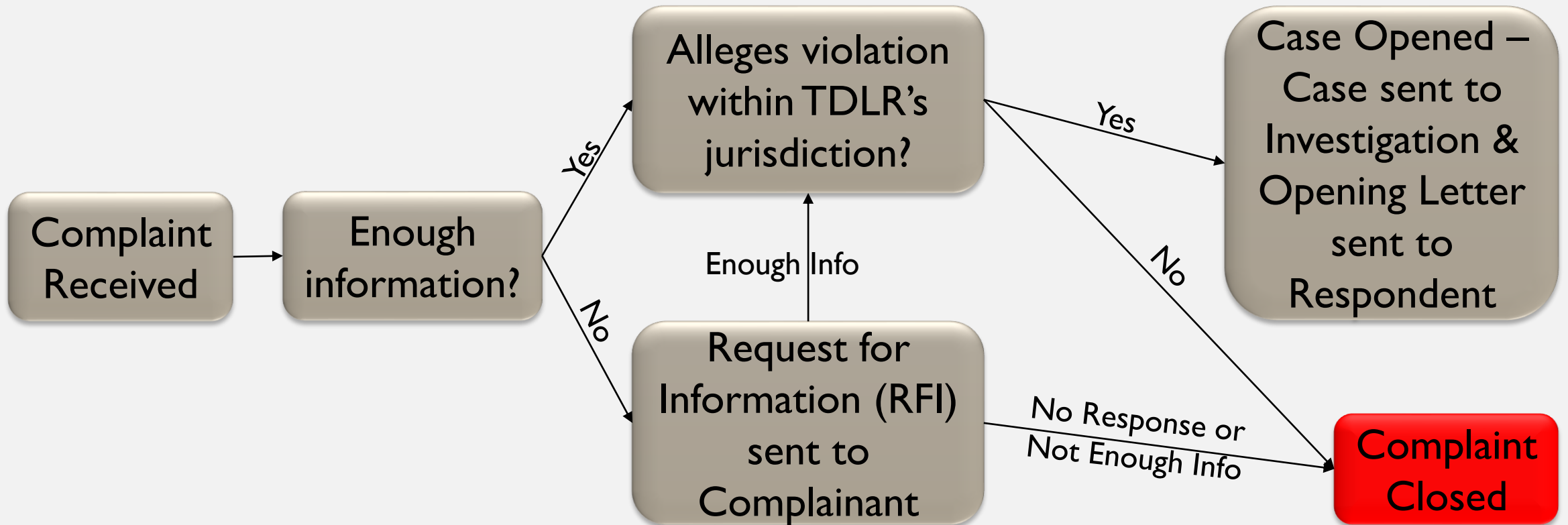
TDLR ORGANIZATIONAL OVERVIEW



ENFORCEMENT OVERVIEW



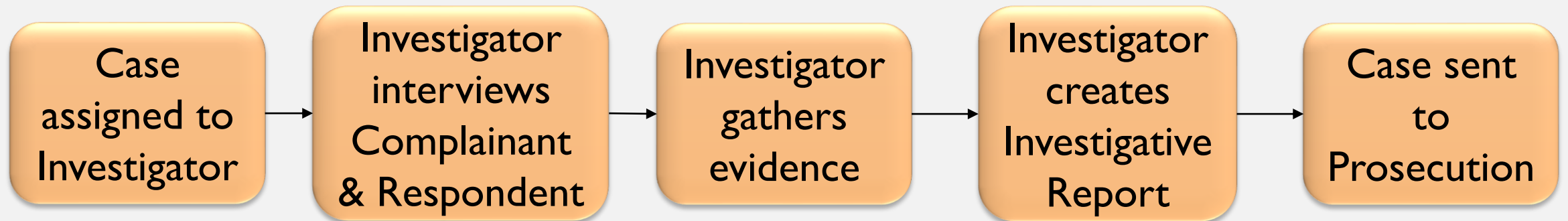
ENFORCEMENT PROCESS INTAKE



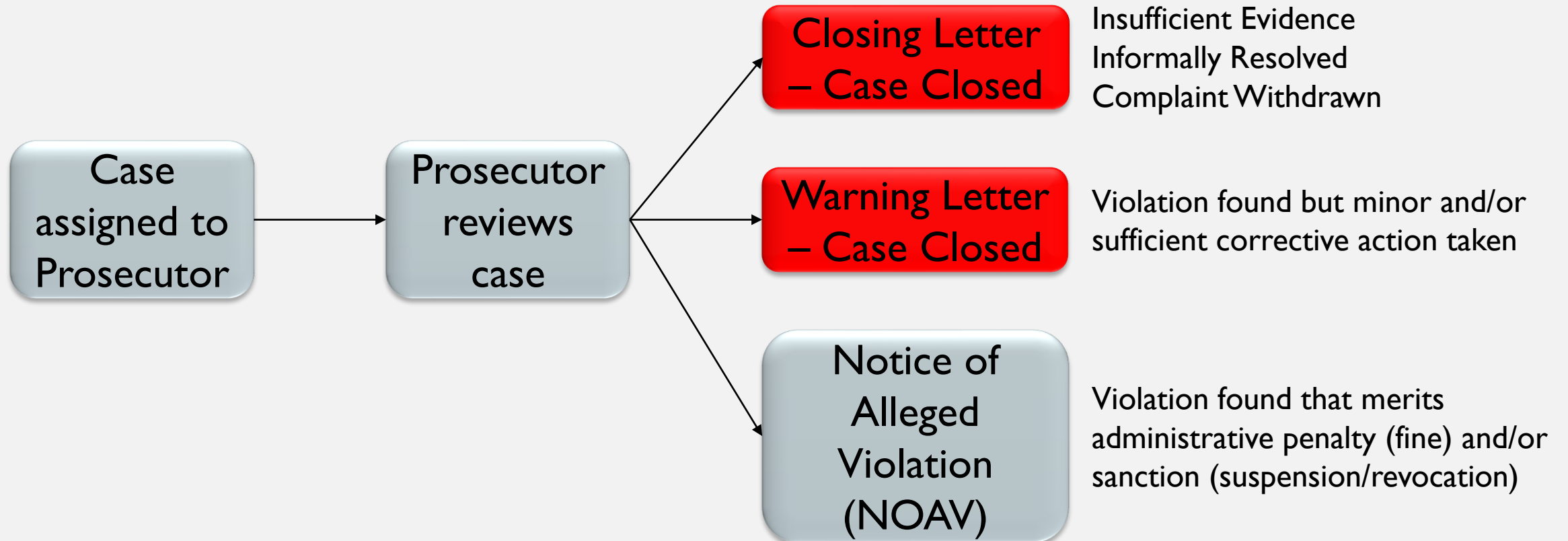
ENFORCEMENT PROCESS INTAKE STATISTICS

Statistics	PTP Fiscal Year 2022	TDLR Fiscal Year 2022
Consumer Complaints Received	57	14,098
Department Complaints Received	0	2,368
Consumer Cases Opened	34	6,567
Department Cases Opened	0	2,368

ENFORCEMENT PROCESS INVESTIGATION



ENFORCEMENT PROCESS PROSECUTION

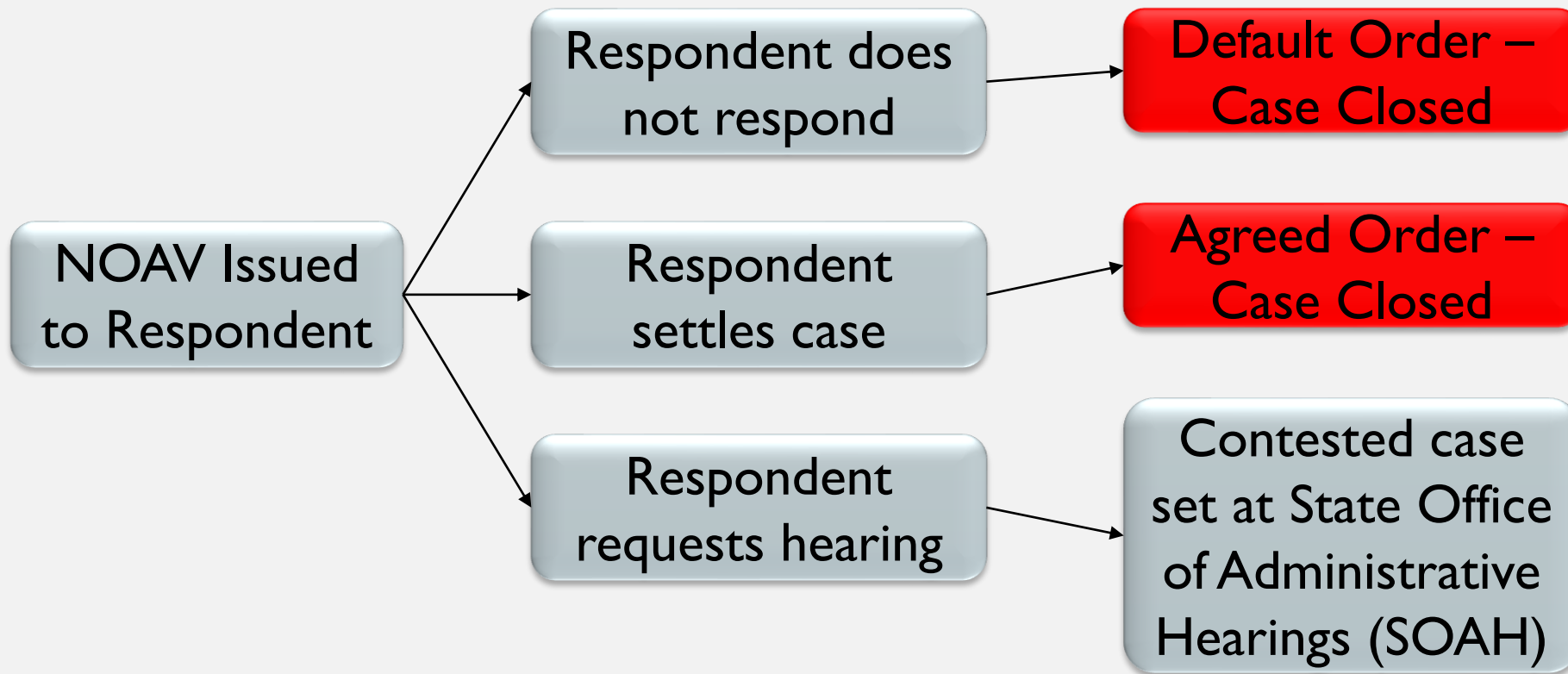


ENFORCEMENT PROCESS PROSECUTION - NOAV

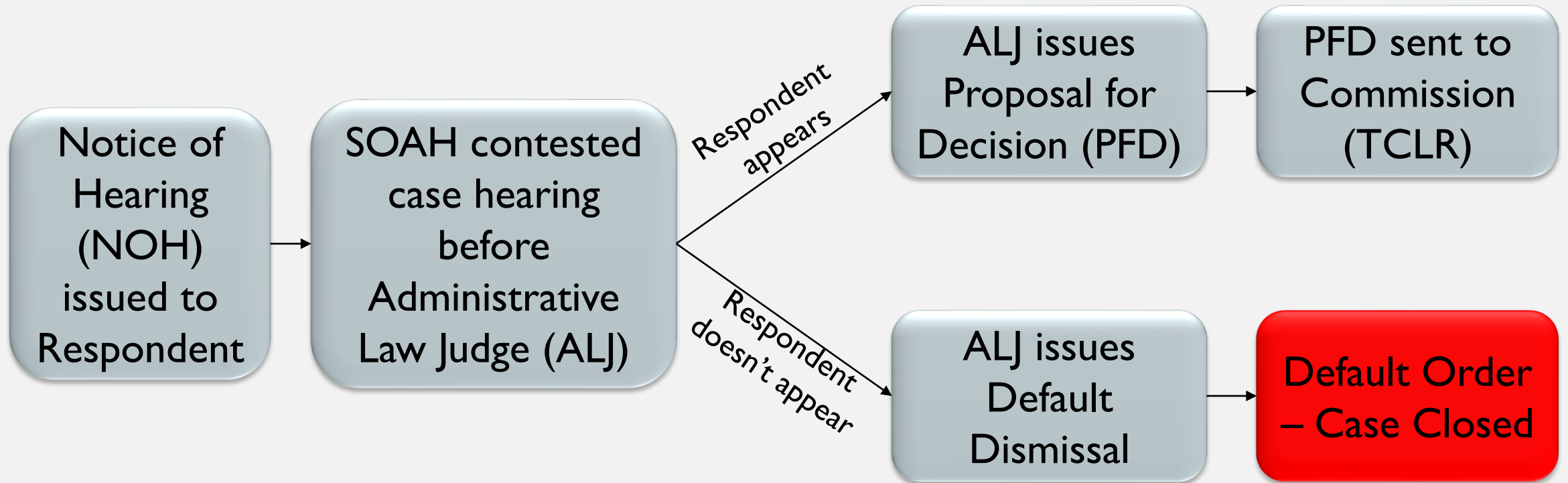
The amount of the administrative penalty and/or sanction is determined by the ranges in the Enforcement Plan for the particular violation and the consideration of these factors:

- 1) The seriousness of the violation
- 2) The respondent's history of past violations
- 3) The amount necessary to deter a future violation
- 4) Efforts made by the respondent to correct the violation
- 5) Any other matter that justice may require

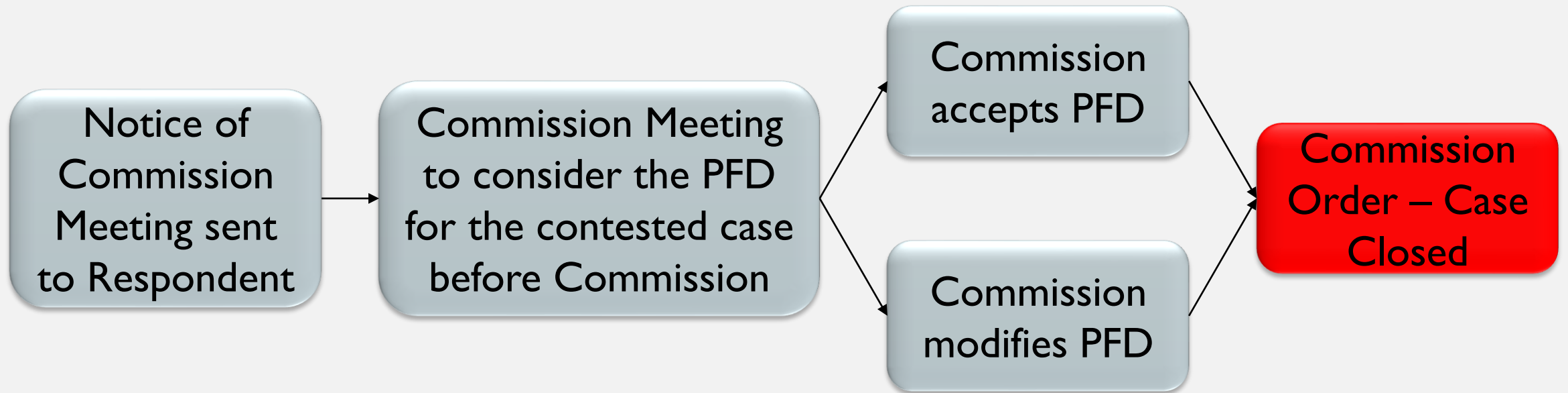
ENFORCEMENT PROCESS PROSECUTION - NOAV



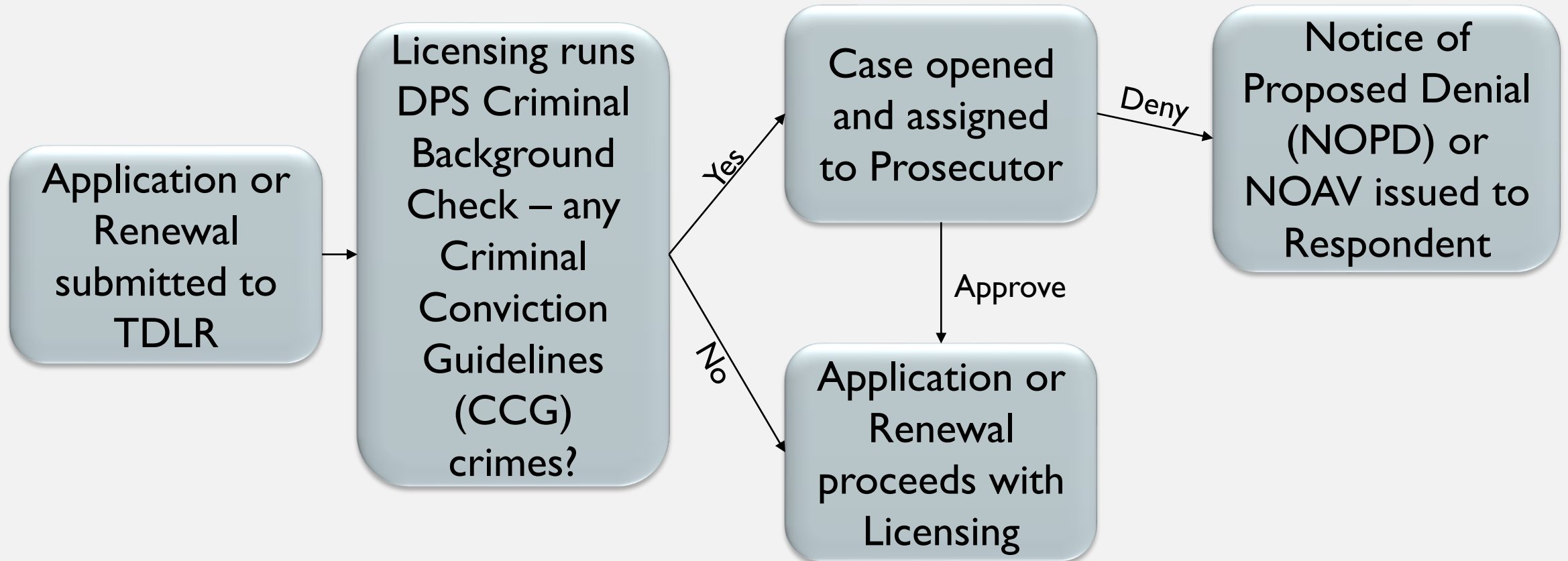
ENFORCEMENT PROCESS PROSECUTION - SOAH



ENFORCEMENT PROCESS PROSECUTION - TCLR



ENFORCEMENT PROCESS CRIMINAL HISTORY



ENFORCEMENT PROCESS CRIMINAL HISTORY

TDLR considered these factors for placing crimes in the Criminal Conviction Guidelines:

- 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
- 5) Any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation

ENFORCEMENT PROCESS CRIMINAL HISTORY

The prosecutor considers these factors to determine whether a conviction or deferred adjudication for a Criminal Conviction Guideline crime should be disqualifying:

- 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
- 7) Other evidence of the person's fitness, including letters of recommendation

ENFORCEMENT PROCESS CRIMINAL HISTORY

Statistics	PTP Fiscal Year 2022	TDLR Fiscal Year 2022
Criminal History Records Reviewed	83	48,488
Criminal History Cases Opened	2	2,710

ENFORCEMENT PROCESS CASE STATISTICS

Statistics	PTP Fiscal Year 2022	TDLR Fiscal Year 2022
Cases Opened	36	11,663
Closing Letters	41	7,108
Warning Letters	1	3,378
Cases referred to SOAH	0	61
SOAH Contested Case Hearings	0	30
Default Orders	0	384
Agreed Orders	0	749
Commission Orders	0	27
Cases Closed	42	11,754

CONSIDERATIONS – 1151.204(B)

After investigation, the department shall dismiss a complaint, in part or entirely, without conducting a hearing if:

- (1) the complaint challenges:
 - (A) the imposition of or failure to waive penalties or interest under Sections 33.01 and 33.011, Tax Code;
 - (B) the appraised value of a property;
 - (C) the appraisal methodology;
 - (D) the grant or denial of an exemption from taxation; or
 - (E) any matter for which Title I, Tax Code, specifies a remedy, including an action that a property owner is entitled to protest before an appraisal review board under Section 41.41(a), Tax Code; and
- (2) the subject matter of the complaint has not been finally resolved in the complainant's favor by an appraisal review board, a governing body, an arbitrator, a court, or the State Office of Administrative Hearings under Section 2003.901, Government Code.

CONSIDERATIONS – 1151.202(C)

Before imposing an administrative penalty under Subchapter F, Chapter 51, against a registrant, the department must consider evidence that the registrant:

- (1) attempted in good faith to implement or execute a law, policy, rule, order, budgetary restriction, or other regulation provided by the laws of this state, the comptroller, or the governing body or the chief administrator of the appraisal district or taxing jurisdiction that employs the registrant;
- (2) acted on the advice of counsel or the comptroller; or
- (3) had discretion over the matter on which the complaint is based, if the complaint is based solely on grounds that the registrant decided incorrectly or failed to exercise discretion in favor of the complainant.

**FINAL THOUGHTS?
QUESTIONS?**

RESOURCES

TDLR website: <https://www.tdlr.texas.gov>

TDLR Complaint Process: <https://www.tdlr.texas.gov/investigation.htm>

TDLR PTP website: <https://www.tdlr.texas.gov/taxprof/taxprof.htm>

PTP Enforcement Plan: <https://www.tdlr.texas.gov/enforcement/ptpsanctions.htm>

PTP Criminal Conviction Guidelines: <https://www.tdlr.texas.gov/crimconvict.htm#ptp>

PTP Statute: <https://statutes.capitol.texas.gov/Docs/OC/htm/OC.1151.htm>

PTP Administrative Rules:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=16&pt=4&ch=94&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=16&pt=4&ch=94&rl=Y)

TDLR Open Records: [https://tdlr.govqa.us/WEBAPP/_rs/\(S\(rcnhlf1cty4anhayuhz1fcg1\)\)/SupportHome.aspx](https://tdlr.govqa.us/WEBAPP/_rs/(S(rcnhlf1cty4anhayuhz1fcg1))/SupportHome.aspx)

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