

TEXAS DEPARTMENT OF PUBLIC SAFETY



REGULATORY SERVICES DIVISION

FY2020 Annual Regulatory Report

Revision Date: October 2020



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1. EXECUTIVE SUMMARY

This report is provided by the Regulatory Services Division (RSD) of the Texas Department of Public Safety (DPS) in accordance with the requirements of Senate Bill 616, 86th Regular Session of the Texas Legislature, 2019.

The Regulatory Services Division (RSD) provides effective oversight of regulated programs as authorized by the Texas Legislature and uses a three-strategy approach: 1) Issuance 2) Modernization and 3) Compliance and Enforcement.

The Regulatory Services Issuance section is responsible for issuing regulatory licenses and permits, and for tracking the number of license and permit holders. Regulatory Services Issuance ensures the integrity of regulatory programs through a rigorous licensing process, which includes receiving and reviewing license and permit applications and ensuring compliance with applicable policies, codes, and statutes.

The Regulatory Services Modernization section is responsible for improving the operational efficiency and delivery of regulatory services to customers through re-engineered business processes and implementation of improved technological solutions.

The Regulatory Services Compliance and Enforcement section is responsible for auditing program licensees and permit holders for compliance with applicable state and federal regulations. The section reviews complaints from the public and monitors and analyzes program data to detect potential criminal or administrative violations. If warranted, investigations are conducted, administrative penalties are assessed, and criminal prosecutions are pursued.

RSD maintains LENS-focused regulatory services (lean, efficient, nimble, and scalable) to improvise and adapt to an ever-changing environment to provide services the citizens and legislature demands. In a LENS business model, services and employees are organized by function, rather than by program, which helps to eliminate duplication of effort and increase efficiencies. For example, RSD application staff can process permits and licenses for all regulatory programs. This allows team members to easily redirect to programs experiencing high volume to maintain processing time effectively.

2. CALCULATION DEFINITIONS

The reporting period is calculated as Fiscal Year 2020, from September 1, 2019 through August 31, 2020.

2.1. LICENSES ISSUED

The number of licenses issued under the program during the reporting period.

i DEFINITION

The figure reflects the number of new and renewal program licenses issued during the reporting period.

2.2. COMPLAINTS

The number and types of complaints received and resolved by the Department during the reporting period.

i COMPLAINT DEFINITION

A complaint is defined as any formal written statement received from a member of the public providing facts or cause for action against a licensed/authorized person or business, or a person/business working without a license in a program regulated by the Regulatory Services Division.

ii RECEIVED AND RESOLVED

Complaints are documented on the day received by the Department through an electronic form, email, fax, or the United States Postal Service.

RSD investigates complaints, and records are documented as closed on the day the Division disposes of the complaint. Complaint disposition points include: closed for insufficient evidence, no violations found during the investigation, administrative violations found and notification sent to the subject, or criminal violations are found and referred to law enforcement for further investigation.

2.3. INVESTIGATIONS CONDUCTED

The number of investigations conducted by the Department during the reporting period.

i DEFINITION

This is a cumulative number reflecting investigations resulting from received complaints, violations found during a routine inspection, leads from law enforcement, reviewing program metrics such as Vehicle Inspection Clean Scan analysis, and investigation requests received from other agencies. Since an investigation can be conducted without a complaint (i.e., violations found during a routine inspection or reviewing program metrics), it is important to note that the number of complaints and investigations conducted will not always match in this report.

2.4. DISCIPLINARY ACTIONS

The number and types of disciplinary actions taken by the Department during the reporting period.

i DEFINITION

This calculation reflects all the disciplinary actions taken by the Division during the reporting period. An action is defined as formal notification to the subject of violations of program statute or administrative rules. Disciplinary actions taken can be the outcome of a complaint, inspection, investigations, background report, and notice of arrest or ineligibility to remain a licensee. Since disciplinary action can be taken without a formal investigation such as cases where a licensee becomes ineligible, it is important to note that the number of disciplinary actions may not match the number of complaints or investigations in this report.

Disciplinary action types in the report include advisory notices, cease and desist, fine, reprimand, revocation, or suspension.

3. CAPITOL ACCESS PASS

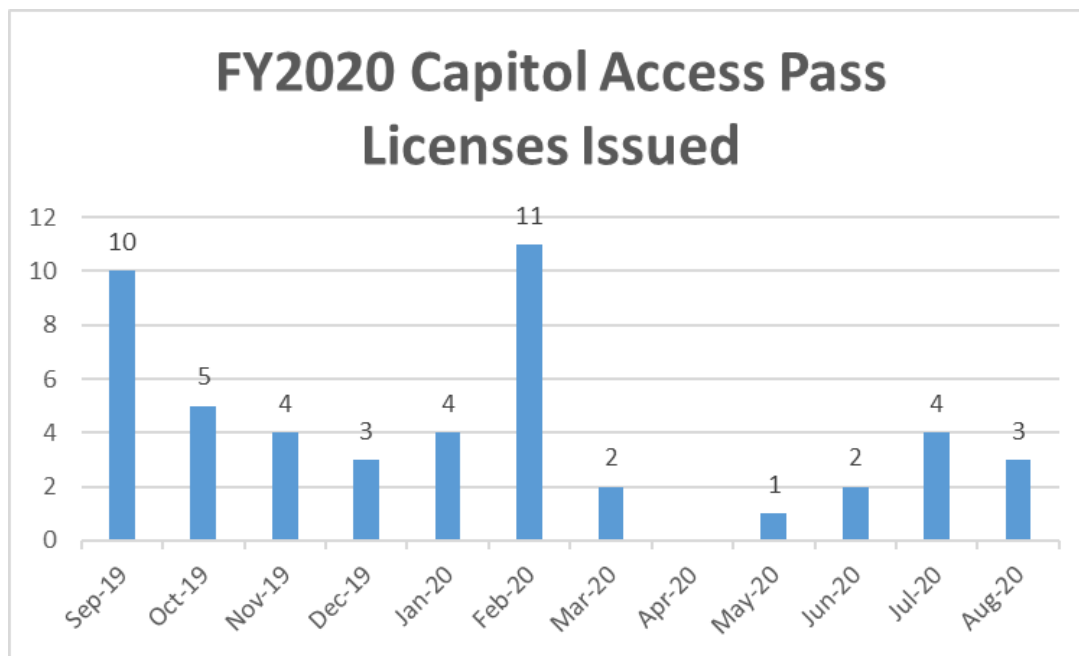
3.1. OVERVIEW

The Regulatory Services Division oversees the Capitol Access Pass (CAP) expedited access program under the authority of the Texas Government Code, [Chapter 411](#), and the related administrative rules ([37 TAC Part 1, Chapter 2](#)).

The CAP program provides expedited access to the Texas State Capitol through the main public entrances. Approved applicants gain access to the Capitol by presenting their Texas Driver License or Texas ID card at the line designated for CAP and handgun license holders.

3.2. LICENSES ISSUED

In 2020, the Regulatory Services Division issued 49 individual licenses.



3.3. COMPLAINTS

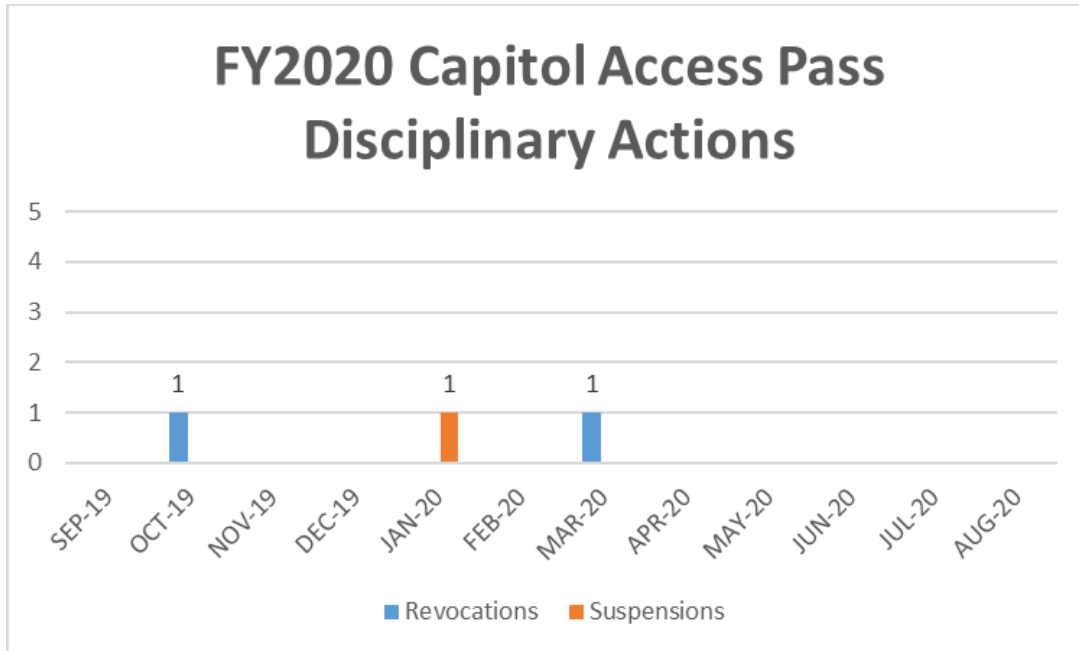
In 2020, the Regulatory Services Division received no complaints for the Capitol Access Pass program.

3.4. INVESTIGATIONS CONDUCTED

In 2020, the Regulatory Services Division conducted no investigations.

3.5. DISCIPLINARY ACTIONS

In 2020, the Regulatory Services Division issued three formal disciplinary actions: two revocations, and one suspension.



4. COMPASSIONATE USE PROGRAM

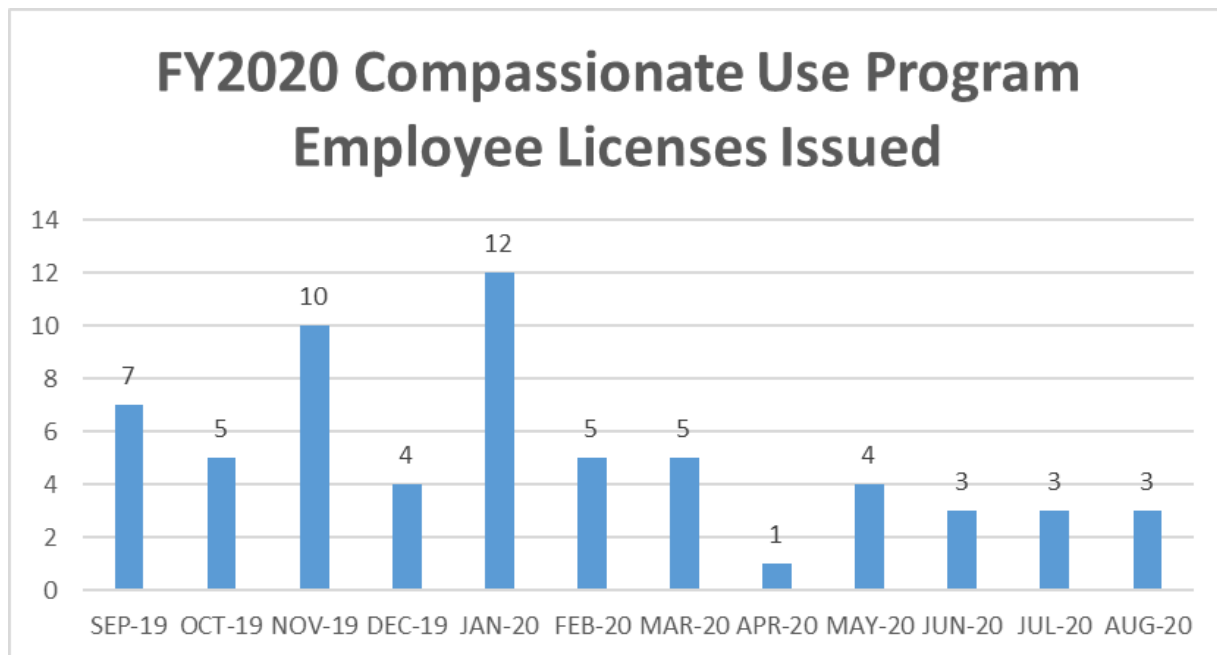
4.1. OVERVIEW

The Regulatory Services Division regulates dispensing organizations and their employees associated with the Compassionate Use Program (CUP), which allows the medical use of low-THC cannabis for specific medical conditions.

In 2019, the 86th Texas Legislature expanded the program to include additional medical conditions and physician specialties for which low-THC cannabis may be prescribed. The Compassionate Use Registry of Texas (CURT) system has undergone the necessary modifications to allow additional physician specialty registrations and support patient prescriptions for these additional conditions ([House Bill 3703](#)).

4.2. LICENSES ISSUED

In 2020, the Regulatory Services Division issued 62 employee licenses and had three active dispensing facilities.



4.3. COMPLAINTS

In 2020, the Regulatory Services Division received no complaints for the Compassionate Use Program.

4.4. INVESTIGATIONS CONDUCTED

In 2020, the Regulatory Services Division conducted no investigations.

4.5. DISCIPLINARY ACTIONS

In 2020, the Regulatory Services Division did not take any formal disciplinary action against a licensee.

5. IGNITION INTERLOCK DEVICE

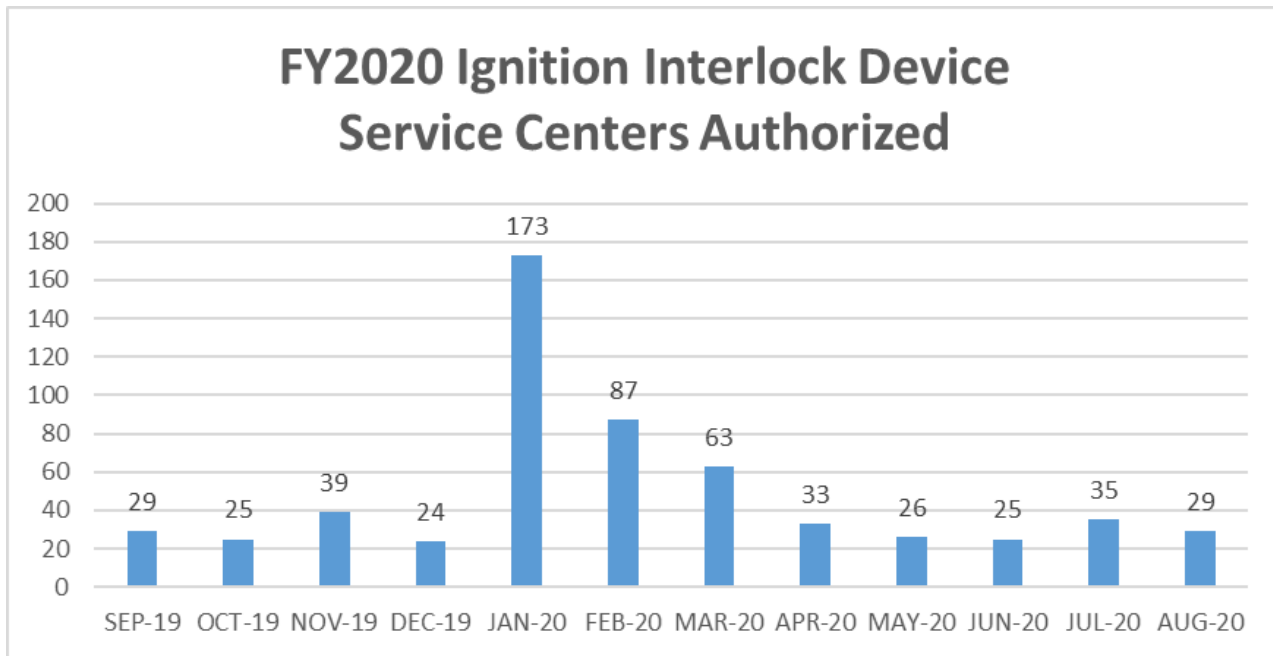
5.1. OVERVIEW

The Regulatory Services Division regulates the service providers of ignition interlock devices for citizens who are court-ordered to have a device installed.

The Texas Transportation Code [§521.2476](#) requires DPS to establish minimum standards for vendors of Ignition Interlock Devices (IID) who conduct business in Texas and procedures to ensure compliance with those standards, including procedures for the inspection of a vendor’s facilities.

5.2. LICENSES ISSUED

In 2020, the Regulatory Services Division issued 588 service center authorizations.



5.3. COMPLAINTS

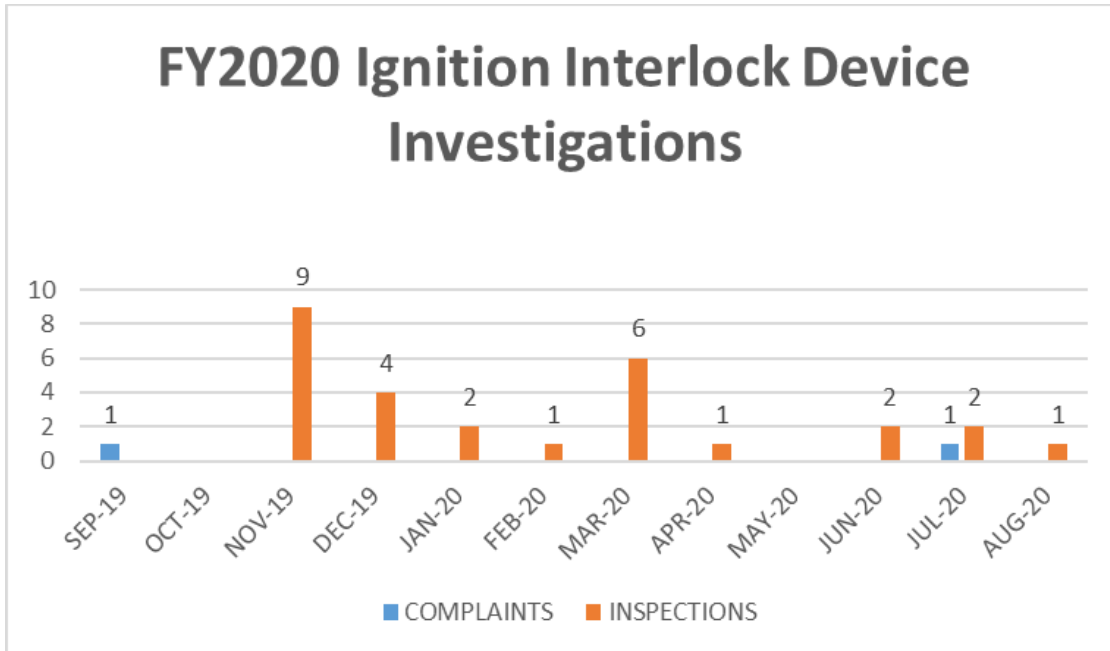
In 2020, the Regulatory Services Division received two complaints, both resulted in no action due to insufficient evidence or no violation found.

i VIOLATION DESIGNATION

Defective Equipment	1
Other	1

5.4. INVESTIGATIONS CONDUCTED

In 2020, the Regulatory Services Division conducted 30 investigations: two from complaints, and 28 as a result of inspections.



5.5. DISCIPLINARY ACTIONS

In 2020, the Regulatory Services Division did not take any formal disciplinary action against a licensee. Service Centers were able to correct deficiencies to comply.

6. PRIVATE SECURITY

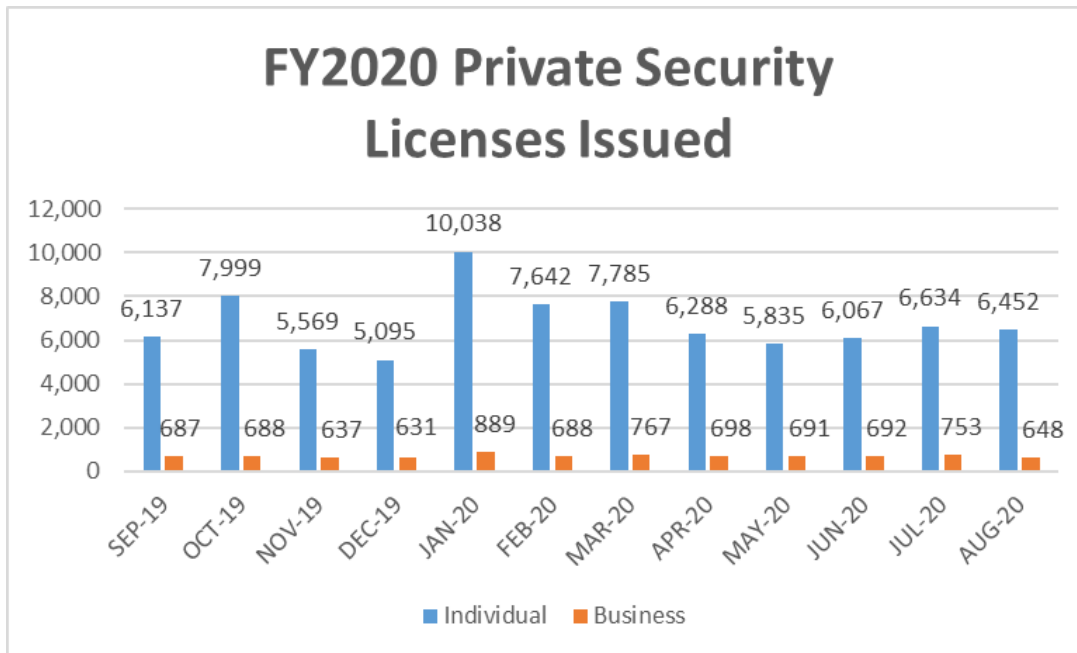
6.1. OVERVIEW

The Regulatory Services Division regulates the private security profession in Texas. The Division protects the public by conducting fingerprint-based background checks on applicants, investigating and resolving complaints, and taking disciplinary action against licensees or seeking criminal prosecution of those who perform private security services without a license.

The private security profession includes armed and unarmed security guards, personal protection officers, private investigators, alarm systems installers and monitors, armored car couriers, electronic access control device installers, and locksmiths. DPS regulates the private security profession under the authority of the Texas Occupations Code, [Chapter 1702](#), and the related administrative rules ([Title 37, Part 1, Chapter 35](#)).

6.2. LICENSES ISSUED

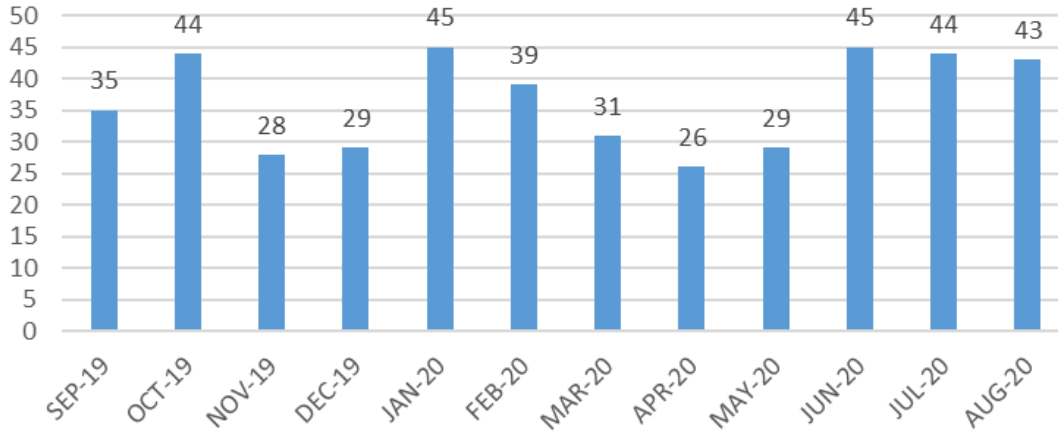
In 2020, the Regulatory Services Division issued 81,541 individual licenses and 8,469 business licenses.



6.3. COMPLAINTS

In 2020, the Regulatory Services Division received 438 complaints: 109 were referred for disciplinary action, nine were referred to law enforcement, and the remainder resulted in no action due to insufficient evidence or no violation found.

FY2020 Private Security Complaints



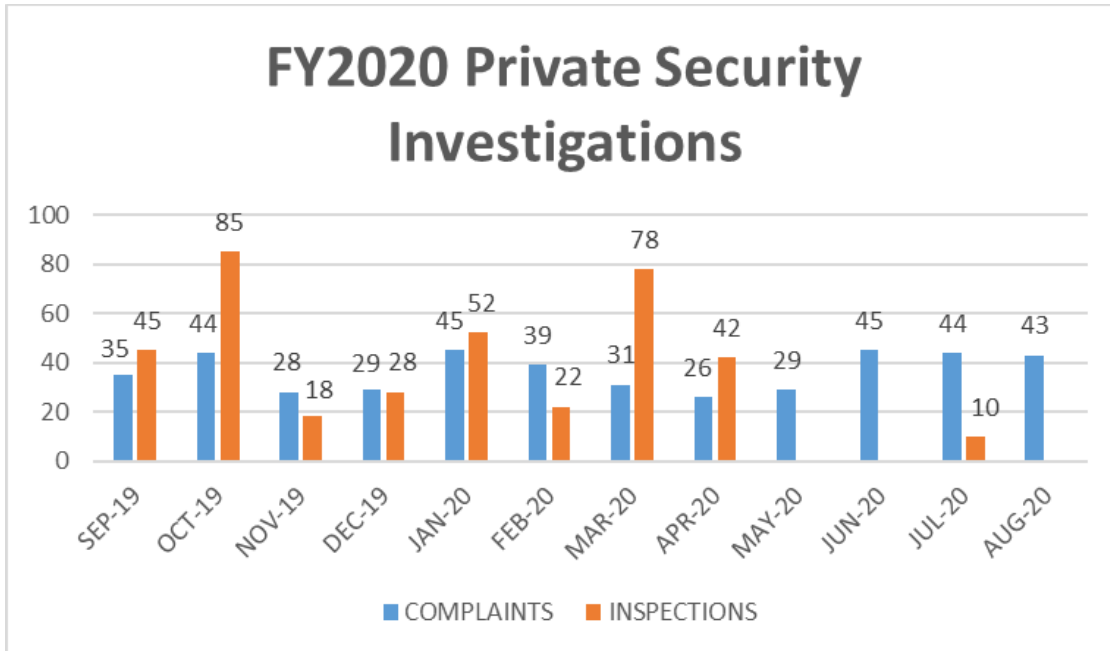
i VIOLATION DESIGNATION

Accidental Discharge	1
Advertisement Violation	7
Arrest Notification	2
Assault	6
Bounty Hunters	1
Brandish Firearm	2
Business Complaint	24
Civil Matter	37
Continuing Education	1
Contract Violation	16
Criminal Trespass	2
Deceptive Business Practices	24
Eligibility	3
Employing an Unqualified Person	12

Equipment	4
Failure to Register	12
Firearms Discharge	12
Fraud	6
Harassment	24
Impersonating a Public Servant	9
Impersonating a Security Officer	2
Non-Regulated Program	3
Operating without Qualified Manager	4
Operating with Expired License	15
Operating with Suspended Insurance	6
Operating with Suspended License	4
Operating without a License	130
Pocket Card	1
Records Issue	2
Safety Issue	1
Standards of Conduct	17
Tampering with a Government Document	4
Theft	1
Threat	5
Uniform Violation	8
Unlawful Arrest	2
Other	28

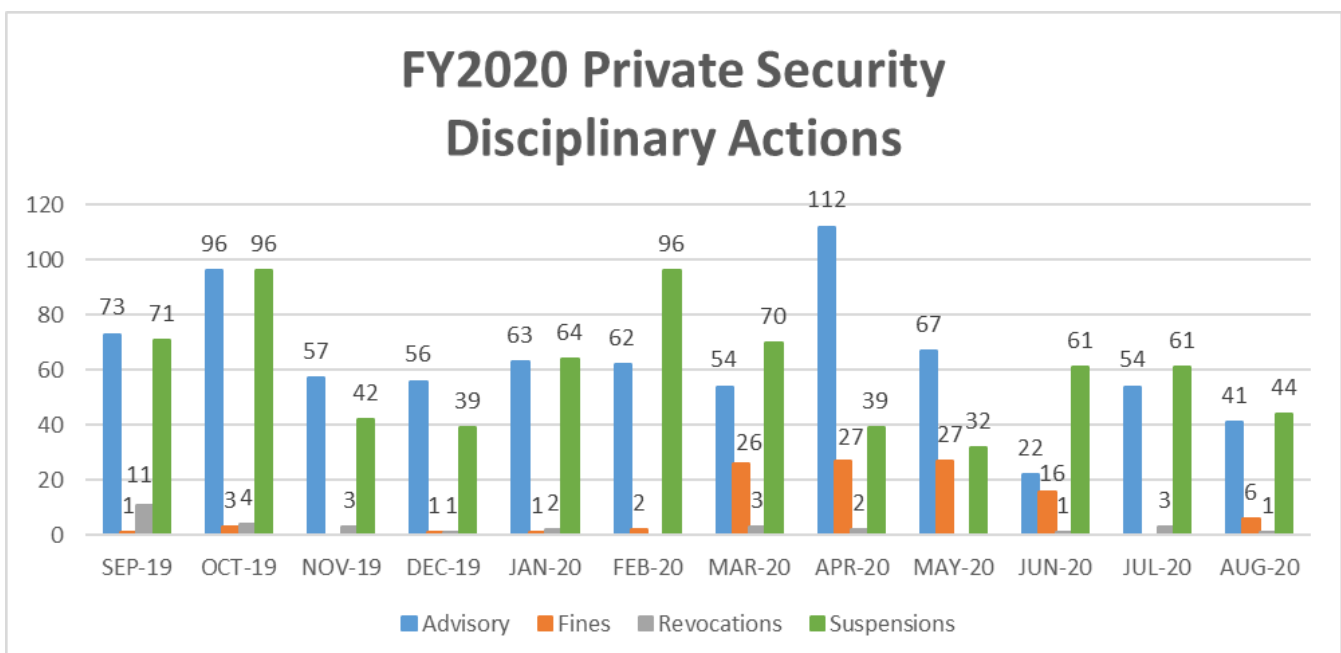
6.4. INVESTIGATIONS CONDUCTED

In 2020, the Regulatory Services Division conducted 818 investigations: 438 from complaints, and 380 from inspections.



6.5. DISCIPLINARY ACTIONS

In 2020, the Regulatory Services Division issued 1,613 formal disciplinary actions: 757 advisory notices, 110 fines, 31 revocations, and 715 suspensions.



7. TEXAS METALS PROGRAM

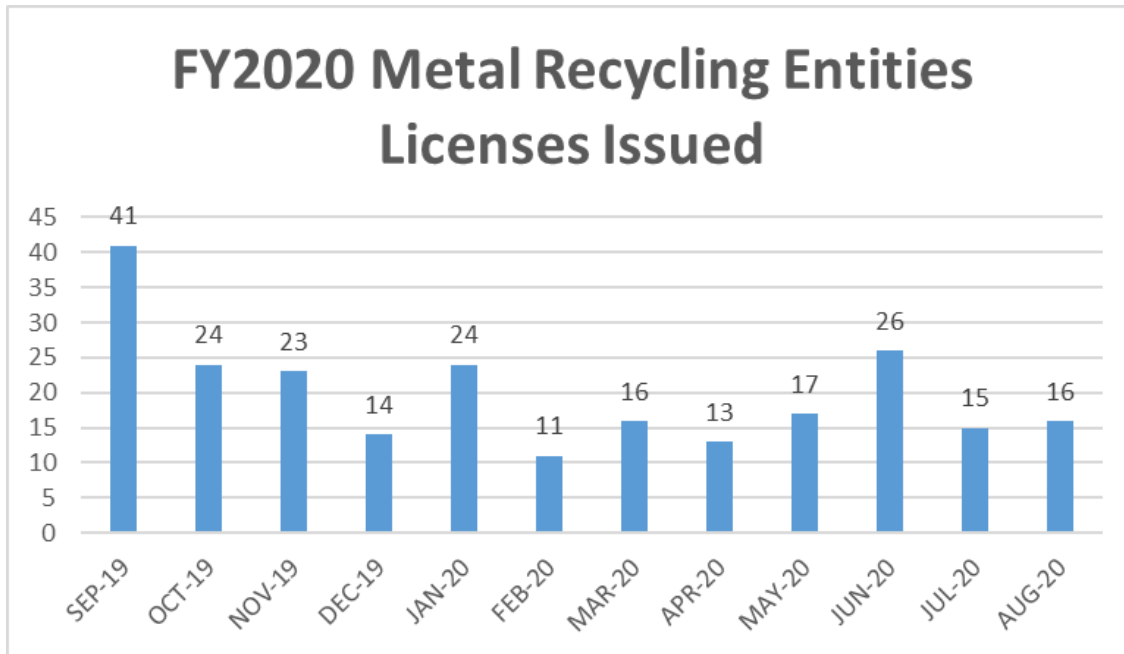
7.1. OVERVIEW

The Regulatory Services Division registers and regulates all Metal Recycling Entities (MREs) in Texas under the authority of the Texas Occupations Code, Chapter 1956, and the related administrative rules (Title 37, Part 1, Chapter 36).

The division licenses businesses, evaluates the eligibility of applicants through criminal history background checks, oversees transaction record-keeping, and conducts routine inspections to ensure compliance with applicable laws and administrative rules. The Division also provides online training to all MRE owners.

7.2. LICENSES ISSUED

In 2020, the Regulatory Services Division issued 240 licenses.



7.3. COMPLAINTS

In 2020, the Regulatory Services Division received four complaints: one was referred to law enforcement, and the remainder resulted in no action due to insufficient evidence or no violation found.

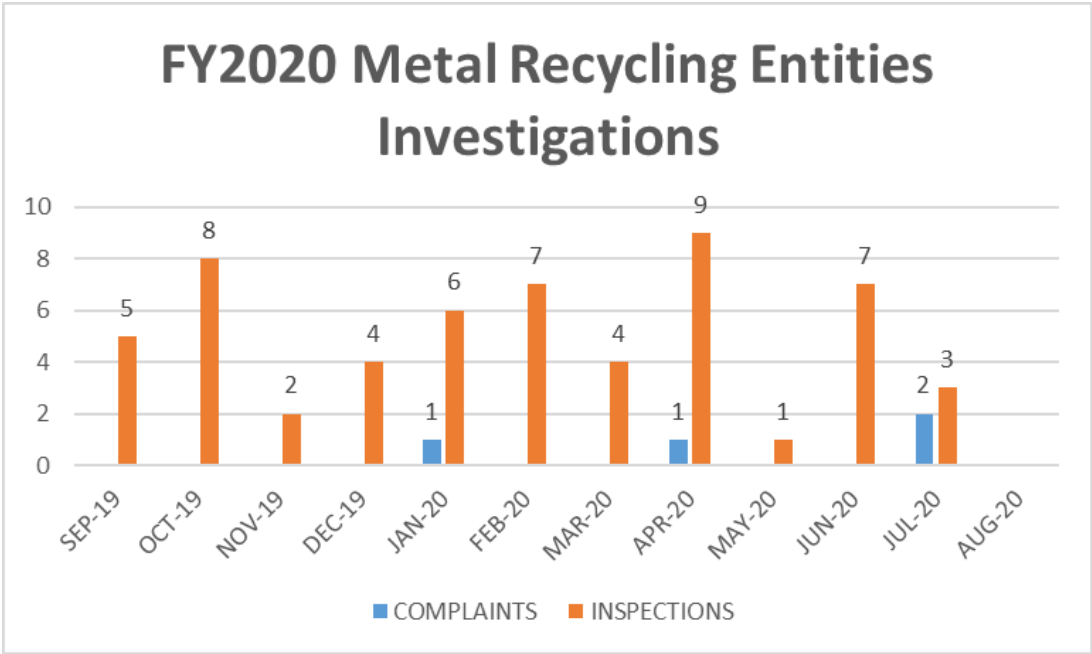
i VIOLATION DESIGNATION

Failure to Register	1
Theft	1

Other	2
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7.4. INVESTIGATIONS CONDUCTED

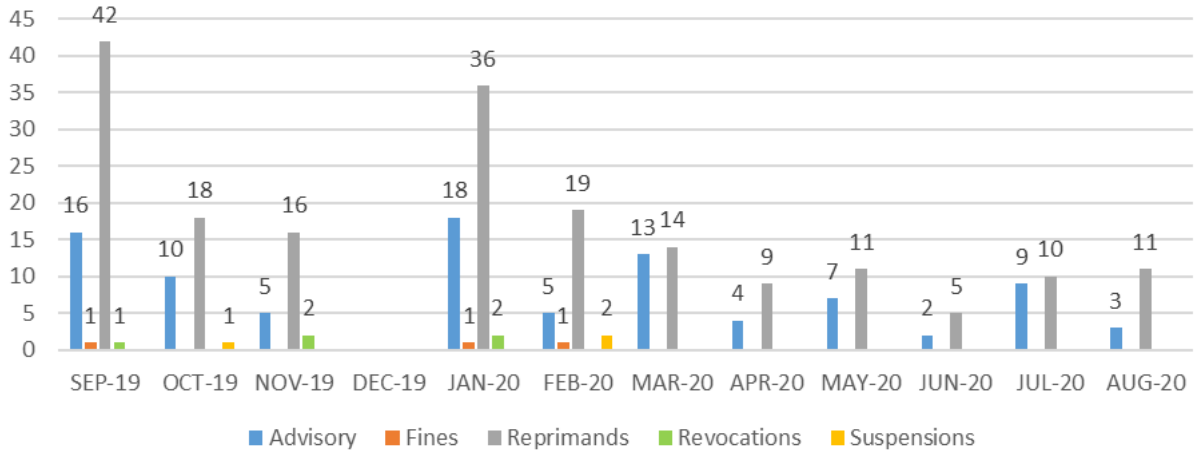
In 2020, the Regulatory Services Division conducted 60 investigations: four from complaints, and 56 from inspections.



7.5. DISCIPLINARY ACTIONS

In 2020, the Regulatory Services Division issued 294 formal disciplinary actions: 92 advisory notices, three fines, 191 reprimands, five revocations, and three suspensions.

FY2020 Metal Recycling Entities Disciplinary Actions



8. VEHICLE INSPECTION

8.1. OVERVIEW

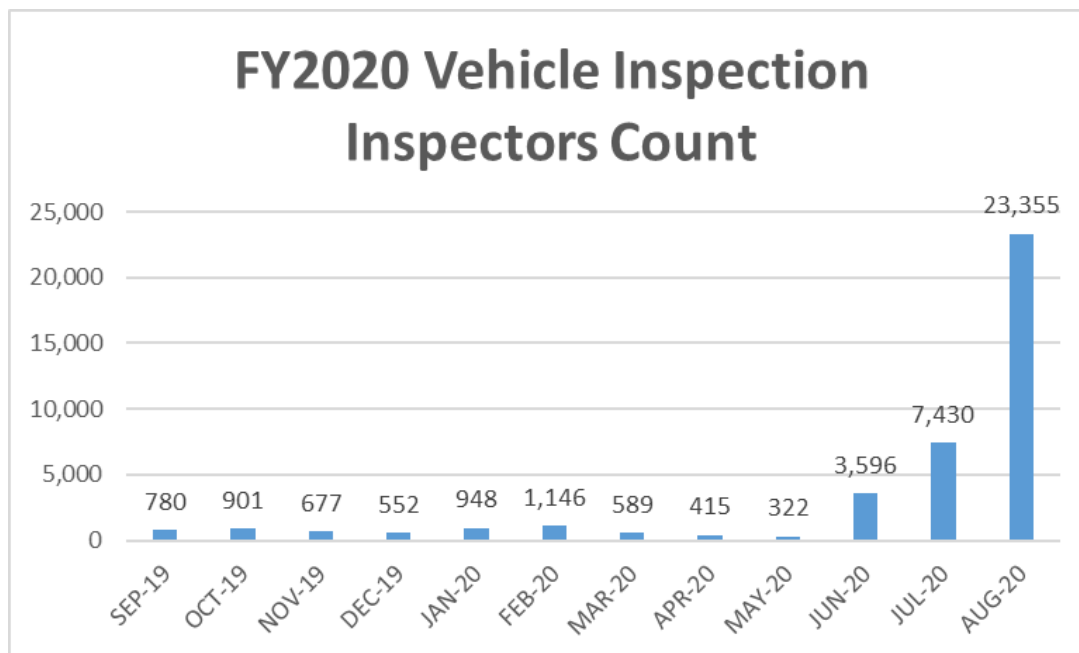
The Regulatory Services Division administers the Vehicle Inspection (VI) program in Texas under the authority of the Texas Transportation Code, Chapters [547](#) and [548](#), and the related administrative rules ([Title 37, Part 1, Chapter 23](#)).

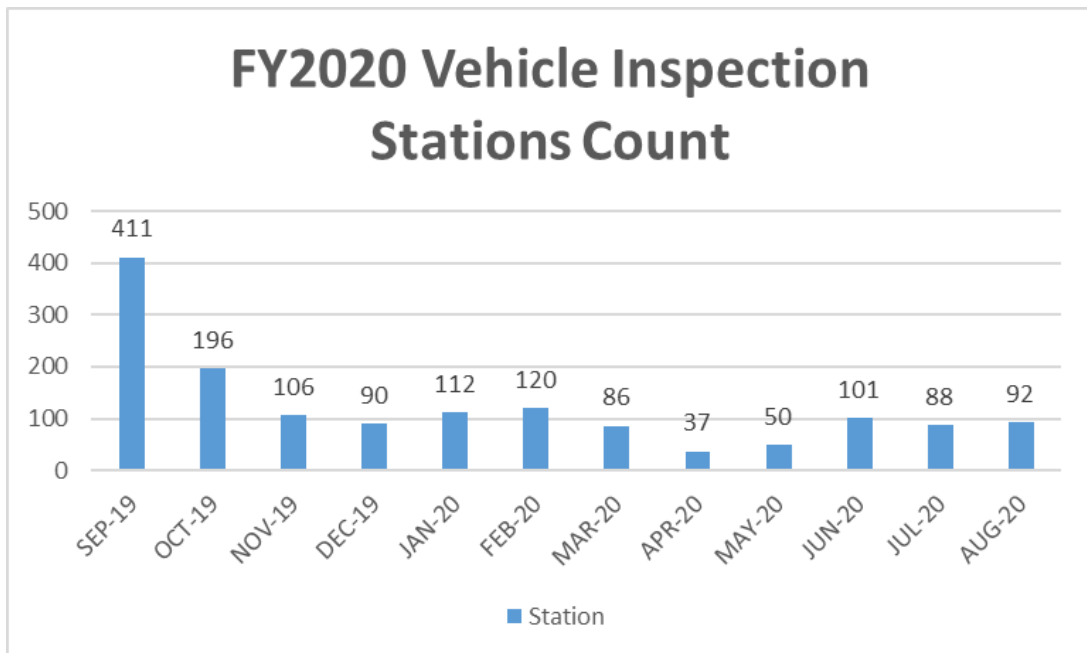
The VI program licenses all official vehicle inspection stations and inspectors throughout the state to help keep roadways safe and the environment clean. Vehicles are required to be inspected annually for conditions or defects that might cause traffic collisions and contribute to air pollution. Division employees are authorized to take appropriate enforcement action against anyone in violation of Texas laws.

Vehicles registered in Texas are required to pass an annual inspection to ensure compliance with safety standards. While safety inspections are required throughout the state, emissions testing is required of vehicles inspected in 17 Texas counties to comply with federally mandated clean air requirements. Vehicle inspections are performed at Official Vehicle Inspection Stations licensed by DPS.

8.2. LICENSES ISSUED

In 2020, the Regulatory Services Division issued 40,711 inspector licenses and 1,489 station licenses.

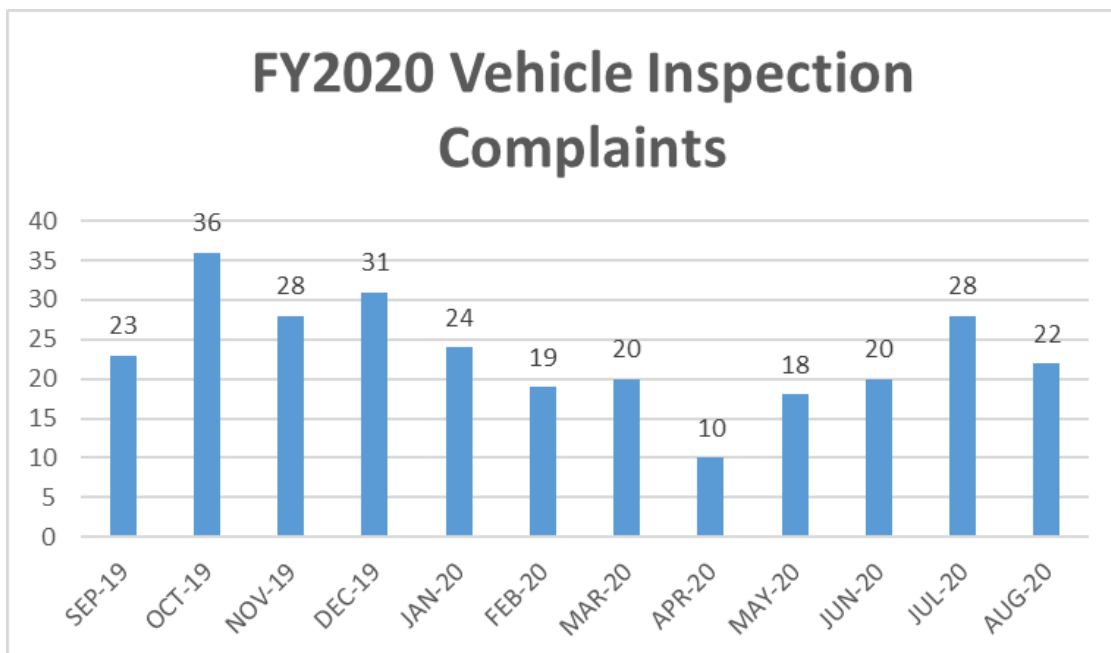




Note: Inspector licenses expire 8/31 of even number years and station inspection licenses expire 8/31 of odd number years. The bulk of the renewal applications are submitted in the month of August.

8.3. COMPLAINTS

In 2020, the Regulatory Services Division received 279 complaints: 12 were referred for disciplinary action, five were referred to law enforcement, and the remainder resulted in no action due to insufficient evidence or no violation found.

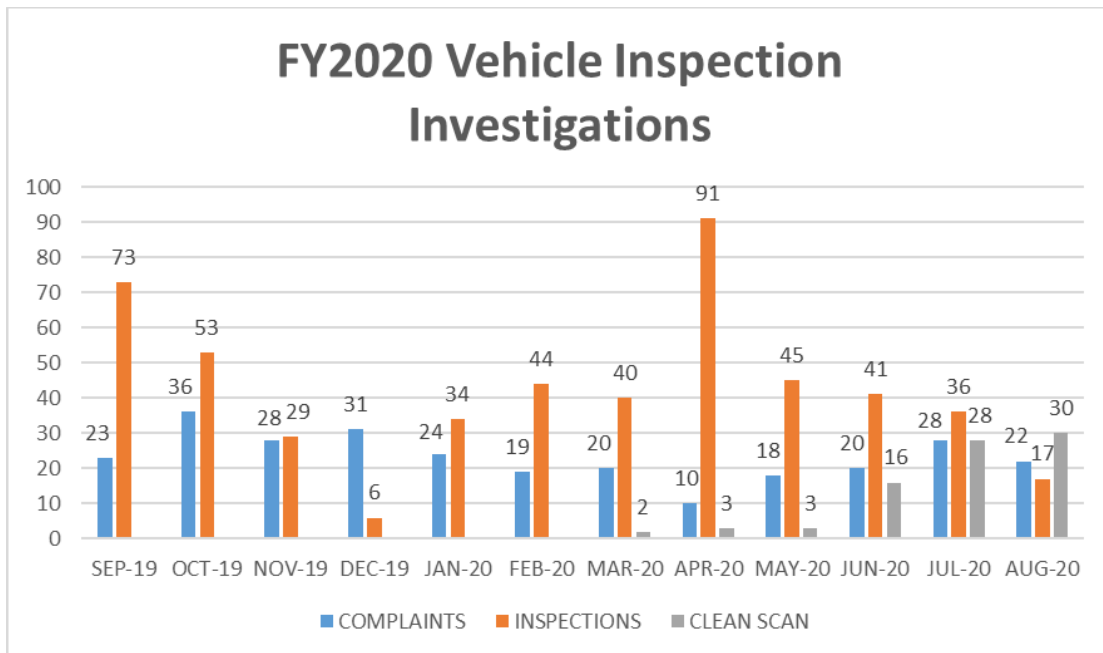


i VIOLATION DESIGNATION

Business Complaint	15
Civil Matter	3
Clean Scan	9
Deceptive Business Practices	13
Employing an Unqualified Person	1
Equipment	1
Failure to Inspect	5
Fraud	4
Fraudulent Inspection	149
Fraudulent Vehicle Inspection Report	6
Non-Regulated Program	2
Operating without a License	3
Safety Issue	2
Standards of Conduct	24
Tampering with a Government Document	1
VI Inspection Fee Overcharge	23
Other	18

8.4. INVESTIGATIONS CONDUCTED

In 2020, the Regulatory Services Division conducted 870 investigations: 279 from complaints, 509 from inspections, and 82 from Vehicle Inspection Clean Scan analysis.



8.5. DISCIPLINARY ACTIONS

In 2020, the Regulatory Services Division issued 1,940 formal disciplinary actions: 45 fines, 115 revocations and 1,780 suspensions.

