

SUNSET ADVISORY COMMISSION

STAFF REPORT

*TEXAS Commission of Equality on
Environmental Quality*

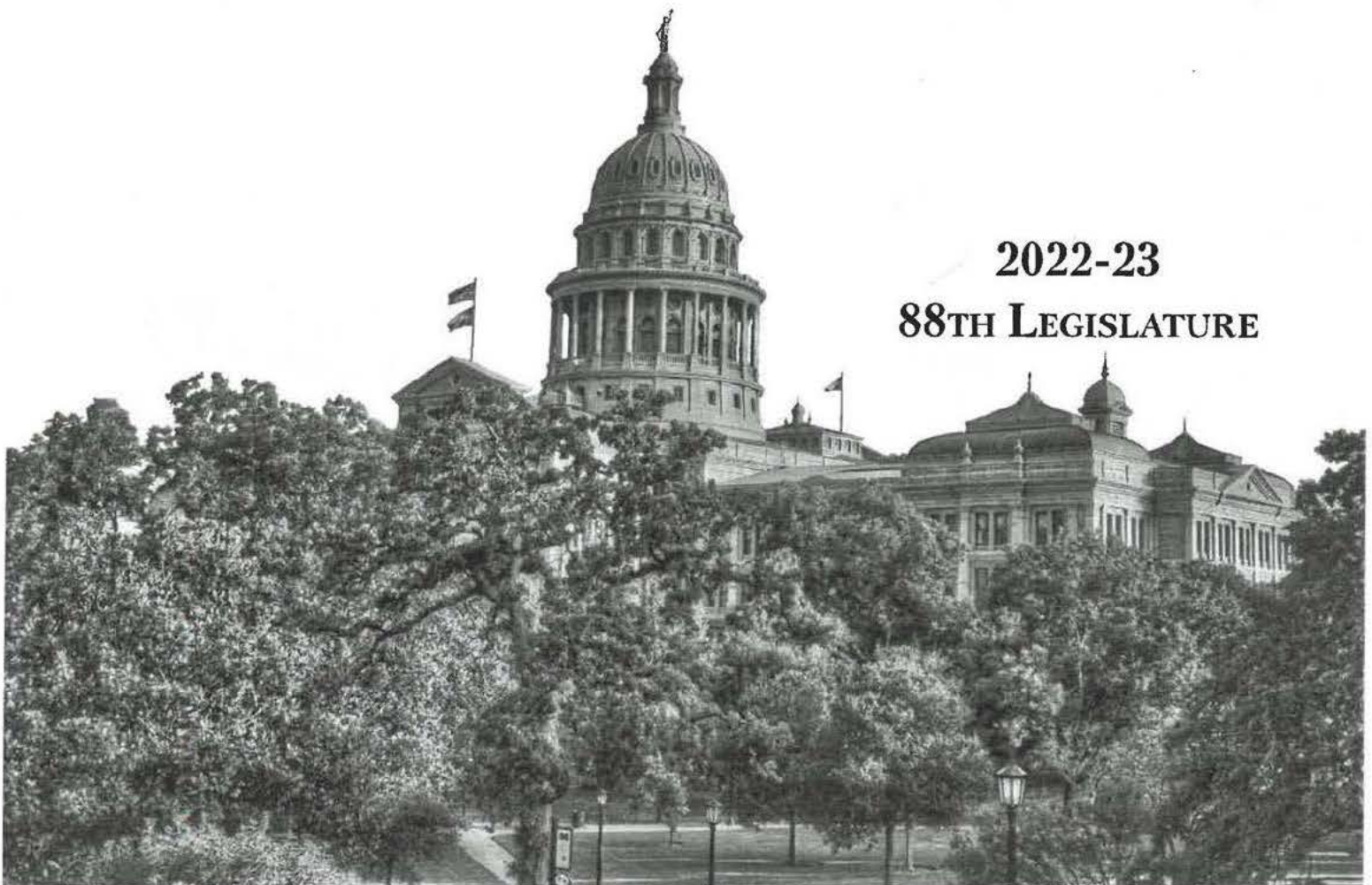
**Texas Commission on
Environmental Quality**

Reviewed by James Trimble

**Texas Low-Level Radioactive Waste
Disposal Compact Commission**

2022-23

88TH LEGISLATURE



James Trimble

IN THE _____ COURT

Plaintiff

TRAVIS COUNTY, TEXAS

V.

_____ JUDICIAL DISTRICT

TCEQ, OPIC, Sunset c/o

Counsel

*Accepted at District Court Envelope 65796216
TO THE HONORABLE COURT FAXed to Secretary of State 6.27.22
12:14 p.m*

James Trimble the plaintiff complains of The TCEQ, OPIC, Sunset, and affiliated Defendants , TCEQ, OPIC, Sunset w/ counsel; and for cause of action shows pleading for TCEQ, OPIC dissolution, re-structuring immediately with legislative real-time updates thru Judicial ruling in favor of laws already in place for the general public/plaintiff too be afforded because of the taxes already paid and not to bring Taxation Without Representation. Because of no time allowed for General Public/ plaintiff to tell Sunset "official" comments. Where-the-boots-hit-the ground reality is 129 + 1 septic guy is NOT ENOUGH. Somethings wrong and needs fix; IMMEDIATELY. Plaintiff instructed 6-22-22 in "official comment timeframe" and still asks the TCEQ, OPIC, Sunset; speak to the public, all media inclusive. For the benefit of Citizens of Texas to be heard/represented as per taxation. Or dissolve; for immediate restructure.

The plaintiff pleads that discovery should be conducted in accordance with a discovery control plan under Civil Procedure Rule 190.3 or 190.4.

The plaintiff seeks Restraining Order and Temporary Injunction in order to prevent closure of Official Public Comment due to expire on 6-27-22.

The plaintiff is James Trimble; having 40+y residence and business dealings Willis Tx 77378. With personal justifiable interest related to a legal right, duty, privilege, power, especially an economic interest; affected here-in regulated.

The defendant is TCEQ, OPIC, Sunset , c/o Advisory council c/o Texas Attorney General Ken Paxton c/o Texas Secretary of State. 1501 N. Congress Austin, Tx 78701

The plaintiff, citizen of Texas and having over 35y engaged full time in activities of every type regarding TCEQ designation of OSSF or commonly known as septic. Plaintiff has built up an extensive and confidential customer list , acquired unique skills ie., Anaerobic/Aerobic; successfully licensed 30+y and after 18th year special knowledge as Anaerobic/Aerobic concrete tank and distributor of a famous company does business worldwide. Customer needs and product information has been developed substantial goodwill in-the business community. Including purchasing, Research & Development; locally and international business extension. Aside from TCEQ whom has been using plaintiffs' name in record books to build case law on the " possibility " fear of what may happen and not in the truth of what is reality. And TCEQ/OPIC/ Sunset propensity to destroy rather than build because of exhaustive which-hunting whereby leaving no privacy or capacity (addressed later)

. On or about 1989 Defendant thru TCEQ trained the plaintiff in the education of effluent manipulation successfully & keeping up to date with required continuing education(required for TCEQ &

occupationally as seen fitting) until Dec 2015 40+ tickets.(farce as 99.5% of paperwork was completed)but proceedings(which-hunt) supposedly ended my struggle(what on earth happened too all the customer related issues being worked on ---NOTHING. As if it ment NOTHING, means NOTHING)At this current time there is a "new" terminology called "root" violation. Where if all my minute mistakes don't have too be categorized as "larger facility" (read sunset report) but newly designated for the two or three "root" violations. One of the "root" violations(7 tickets) were dismissed because the writer added water well violations (after my final inspections and 100% having nothing to do with me) This and other "technical affirmations" can be discussed face-to face with grant of TRO

At the SOAH hearing there was no specific person with which I could face my accuser. Except for the OPIC which stated for the record that my loss of 30+y license will NOT AFFECT my business, Only the "fear of possibly I would break the rules" indictment- followed thru with non-renewal of my 3 licensing. I filed and was accepted with envelope #47979024 Case #D-1-GN-19-003562 Appellant Court but I've never been granted access too the court too hear my appeal. This here-in document is 1st time to be heard "officially" . But not here, not now. This is proving the relationship of the parties and not asking for readdressing; at this time.

TCEQ at plaintiffs hearings; as well as recipient of the general publics' subsequently provided confidential information and trade secrets, including the identity of private sales and purchase histories and information concerning the unique needs of the plaintiff/general publics' personal information. . Plaintiff/general public does not publicize this information and has spent considerable time, effort, and resources to maintain the nature of this enterprise General public/ plaintiff has built over time. . This is to show the relationship of parties and not the important subject of this pleading. And beg the Court to analyze the facts as too why TCEQ,OPIC, Sunset would go to such great lengths to expose the underbelly of the many for simply no action at all; as Defendants actions numerous documented in Sunset Report and many other ways , shows.

1. The defendant has previously and continues to be threatened with irreparable harm to the plaintiffs' business/property interests or rights. On 6-22-22 Sunset immediately stated its business , actively seeking the plaintiff and general public official comments. Actively soliciting the plaintiffs' and General public personal history, confidential information, enterprise information or anything else mustered to try to figure out what will enjoin defendant to be fair and Equal in its actions.. The defendant's conduct is wrong because any citizens' of Texas right of representation; fair and Equal representation and not the current Taxation Without Representation. Simply read the 100 page document which is Sunset Advisory Commission Staff Reports instances of TCEQ/OPIC/SUNSET ADVISORY disfunction. General public un-representation of facts; un-preparations for some life and death decisions of General public. Also breach of confidence in the defendants representations. Plaintiff/General public has not had the time to prepare and present comments necessary to address the over-reach of the TCEQ/OPIC/Sunset in years past. Also to present evidence supporting General publics'/ plaintiff's position that the agency should not be renewed—but should be sunset and terminated. See attached A evidence already in the record .

The plaintiff and General public has and will continue to be damaged and injured by the defendants conduct by sunset Advisory closing official public comments 6-27-22. Loss of opportunity to close the gap in TCEQ, OPIC, SUNSET disfunction. Loss of confidence in defendants goodwill, and the loss and

permanent injury to the value of the General public's/plaintiff importance of protection of life, liberty & pursuit of happiness ie...No Taxation Without Representation. The particular needs of General public/plaintiff being as unique and deserving of simple words spoken; but under the light afforded the protector; this Honorable Court; demands Justice. Abolish TCEQ. Sunset TCEQ dysfunctional practice. Bring Equality as TCEER(Texas Commission of Equality on Environmental Responsibility)

The defendant's actions have caused the plaintiff and General public unspecified damages within the jurisdictional limits of the court. By depriving general public/ plaintiff profits from correctly Equalizing representation for what has already been and will continue to be paid for in taxes; bringing about life, liberty and the pursuit of happiness.

The plaintiff requires injunctive relief to prevent the defendant from closing official General public comments 6-27-22, continuing to violate or assist in the violation of the defendant's contractual obligations, including the defendant's obligation to refrain from soliciting, serving or catering to the closing of what is a traditional benefit General public pays for in taxes. Also to prevent the wrongful use of the General public's/ plaintiff un-disclosed, un-represented (contributions)of greatest value.

The plaintiff has alleged a cause of action against the defendant and as indicated in this petition and Declaration of James Trimble. The plaintiff has shown a probable right of recovery and likelihood of success on the merits. The plaintiff and General public will suffer imminent, irreparable harm without court intervention and there is no adequate remedy at law.

The only adequate, effective and complete relief to the plaintiff and General public is to restrain the defendant from further engaging in certain proscribed activities; as set forth below.

Pursuant to Tex. R Civ. P. 680 et seq. and Tex. Civ. Prac. & Rem. Code 65.001 et seq., and in order to preserve the status quo during the pendency of this action, the plaintiff seeks a temporary restraining order and immediately restraining of the defendant. Including defendant's agents, servants, employees, independent contractors, attorneys, representatives, and those persons or entities in active concert or participation with them(collectively, the Restrained Parties) as follows:

Enjoining the defendant from the destruction or deletion or destruction of any documents, evidence or record, electronic or otherwise. That relates to any of the matters implicated by this suit or pertaining to the plaintiff or General public including but not limited to all hard drives, backups , archives, and other possible sources of stored metadata or information.

Wherefore , the plaintiff respectfully prays the following relief:

1. A temporary restraining order and upon hearing; a preliminary injunction for the relief requested above
2. Upon final trial, judgement against the defendant for full permanent injunctive relief and for the full constitution of plaintiff or general public damages. Including, but not limited to loss of life, liberty and pursuit of happiness as a consequence of the defendant conduct.
3. The plaintiff's and General public's attorney fees in prosecuting its claims through trial and if necessary, through appeal.

4. Other such and further relief at law or in equity, to which the plaintiff, General public may show itself justly entitled. (to be donated to providing real Public Interest Counsel).

Exhibit A: just reading thru the Sunset Advisory Report;

Pg 1 4th line up from bottom of page" for public input"

Pg 2 2nd line from bottom "meaningful public participation"

Pg 3 3rd line from top "public meetings"

4th: "unclear rules in public participation"

5th: "improvements in public engagement practice"

6th: "Use of Advisory Committee will increase engagement"

Keys:

1.) Clarify statute on public contribution

2.) Direct commission(basically dissolve because they have almost zero history of following)

Which is; as above, "public contribution"

3.)Direct guidance document of "affected persons definition"

ISSUE 1keys

3rd line "publics' opportunity"

5th line "public engagement practice"

7-8th line "public engagement(2minutes-130 citizens-1 septic guy... Bravo)

"General public n TCEEQ relationship" note, order of implication rulemaking(not a real word)

Website(non-existent) then finally bolster(whatever that means) the general public.(hope

it don't mean what sounds like – bull ster)

ISSUE 2 note: by tradition; there will be no equitable solutions because TCEQ hasn't changed names

To; TCEER Texas Comission of Equality on Enviornmental Responsibility.

Keys: voiding the key recommendations ; congruently validating how current standards use formula complexity (in error)

2nd: key invalidation: classification "in-equality" asking others to do annually when 12 years(decade+2= decadence) is what?

3rd key invalidation: my personal subscription to this un-equal taxation without representation. Super validation of dissolution, renaming with "Equality" face to face I'll debate anyone on this if given chance.

ISSUE 3 : If the recommendation is for a biennial work plan for the "precious" water resource. How much

more valuable is the preciousness of life in humanity(general public) [much shorter time than 12y)

Side note: if we use 12y in relation to 12months and theres 3 inspections per y required. This equates to 4 year(4month) interval as a tradition of comparison in numbers already on the books & seeking Equality

Keys: OPIC has been given ample time to “consider”, TCEQ has also had ample time to “take formal action” (its usual formal action begs legislation, starting judicially)

ISSUE 5 1st line add “ with or as well as the general public”after Texas so we don’t forget who we are.

ISSUE 6 keys: as proof why this gov’t body needs legislating and judicial oversight & as if the previous mentioned issues were never mentioned by Sunset. Give till 2035 so meaningful change never happens?

Pg 6 1.) if the (non-living) webpage inherently deserves a number of meetings; how much more important the general public meetings are.

2.)Again (non-living) regularly updated compliance history; how much more the important general public regular updates

3.) Again, numbers & numbers of updates s/b= public updates in all Equality.

Pg 7 numerical reference #'s are not aligning correctly to corroborate important information with historical or statutory law, regs, or requirements. What page is referenced numbers elaborated? The importance of the federal contribution of 6.6% spells stricter adherence too higher up standards and by proof in TCEQ, OPIC, Sunset; history of kick-the-can down the road feebleness. Reference#'s important.

Pg 9.) Individual permits & registrations: grouping 3 obviously industrial entities in with single family residence “waste water treatment operations” is un-equal. Those regulators needing to employ “death sentence” tactics as when dealing with litigious industrial complex is not the same as the guy with single family. . (ie... Mentioned as single-family residence)[creating non-family or family destroying results]

Pg 10.) 5th line from top “Some” but not all. What qualifications are perfected by those whom make the determination. ie... who is and who isn’t allowed. If some permits allow public to request meeting; besides who decides which permits. Who decides which members? Are the training methods fair & equal?? ie Executive Directors decision too go with 440’ from center of disputed area inside a concrete plant when its obvious OPIC has the upper hand bc from the edge if the property affords the “innocent” public as much leeway as possible. It also is true that the commission has been exemplified as “paraphrased” unwilling or unable too correctly resolve matters involving general public.

Pg 11 P2 line 5 “correcting violations allowed” hows that? No teamsters union(compared to TXDOT- TCEQ is a fraud, no mediator, ombudsman, no liaison, nobody. When “accidentally finding the deeply hidden TCEQ Sunset, I exclaimed “like I been in solitary confinement for a very long time. No-one could help. NO ONE TO TALK TOO.

Line 6 read my lips: “violation risks harm to human health” in an equality view. “ watch whom you give violations (40+).Its harmful; yes. Very, very harmful.

Line7,8,9 resolution can devolve into devastating “ death penalty [witch hunt] status” what appeal process—BROKEN.

5th P 5th line "may" better figure " may not"

Pg 19.) considering practical experience any litigious entity considering:

1st P last line " legal liability" is the only action TCEQ will definitely respond to. How many rules, s do I "get" with 30+y practical experience; needs explaining but only if this Honorable Court mandates. Otherwise, de-evolution, dis-function, and chaos survive.

3rd: P: I could fill a book with all the nuances which regularity has gotten me nowhere but here. ie... The short nature of this most important paragraph of showcasing terrible rule-following is again unfortunate. I could elaborate in great detail if given TRO. Ask away; I promise to tell the whole truth. Given the opportunity; I would explain many of the nuances which effect truthful deliberation of existing law.

Pg 19 is where the buck stops. ie...Practical Experience : The Texas right-to-work statutes regarding the General Publics license holding capability are NOT mentioned in TCEQ/OPIC (law[rule]). TCEQ/OPIC is wholly out if context to what Texas Legislature designates. This TCEQ/OPIC impracticality voids the enforcement direction; non-withstanding.

Can the Legislature re-issue its already issued statutes; but that will not override TCEQ/OPIC (law[rule]). Therefore liability may be the only venue. Reflecting of TCEQ/OPIC practices.

There are other exhibit too show the Court, personally and if afforded " general public"

. G_d has blessed this country with the Declaration of Independence. The Constitution and all the rules enabled within. We are enjoined to follow.

Thanks too all; for their time.

James Trimble Pro-se.

I charge the TCEQ, OPIC have committed crime
And or conspiracy to comit crime. FBI - please
investigate, James Trimble



U.S. Department of Justice

Civil Rights Division

Federal Coordination and Compliance Section
950 Pennsylvania Ave, NW
Washington, DC 20530

COMPLAINANT CONSENT/RELEASE FORM

Your Name: J. T. .66

Address: 1

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice of Investigatory Uses of Personal Information by the Department of Justice (DOJ). As a complainant, I understand that in the course of an investigation it may become necessary for DOJ to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of DOJ to honor requests under the Freedom of Information Act. I understand that it may be necessary for DOJ to disclose information, including personally identifying details, that it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by DOJ's regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by DOJ.

CONSENT/RELEASE

☒ **CONSENT** - I have read and understand the above information and authorize DOJ to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the Department of Justice (DOJ) to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and medical records. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

☐ **CONSENT DENIED** - I have read and understand the above information and do not want DOJ to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

SIGNATURE J. T. .66

DATE 6.27.22

OMB No. 1190-0008
Expires: 2/6/2019

19.* We cannot accept a complaint if it has not been signed. Please sign and date this Complaint Form below.

(Signature) J. Smith

6.27.22
(Date)

Please feel free to add additional sheets to explain the present situation to us.

We will need your consent to disclose your name, if necessary, in the course of any investigation. Therefore, we will need a signed Consent Form from you. (If you are filing this complaint for a person whom you allege has been discriminated against, we will in most instances need a signed Consent Form from that person.) See the "Notice about Investigatory Uses of Personal Information" for information about the Consent Form. Please mail the completed, signed Discrimination Complaint Form and the signed Consent Form (please make one copy of each for your records) to:

United States Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section - NWB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Toll-free Voice and TDD: (888) 848-5306

Voice: (202) 307-2222

TDD: (202) 307-2678

20. How did you learn that you could file this complaint?

online

21. If your complaint has already been assigned a DOJ complaint number, please list it here:

Note: If a currently valid OMB control number is not displayed on the first page, you are not required to fill out this complaint form unless the Department of Justice has begun an administrative investigation into this complaint.

OMB No. 1190-0008
Expires: 2/6/2019

12. Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint.

Name Address Area Code/Telephone

FRANK Green

Scott Nichols

Roy Elisondo

13. Do you have any other information that you think is relevant to our investigation of your allegations?

much inclosed

14. What remedy are you seeking for the alleged discrimination?

Retraining gov't employees on Equality

15. Have you (or the person discriminated against) filed the same or any other complaints with other offices of the Department of Justice (including the Office of Justice Programs, Federal Bureau of Investigation, etc.) or other Federal agencies?

Yes ___ No X

If so, do you remember the Complaint Number?

What agency and department or program was it filed with?

Address: _____

Zip _____

Telephone No: (____) _____

Date of Filing: _____ Filed Against: _____

4B.* Employment: Does your complaint concern discrimination in employment by the department or agency? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken.

Race/Ethnicity: White
National origin: American
Sex: M
Religion: Christian
Age: 60+
Disability: Yes

5. What is the most convenient time and place for us to contact you about this complaint?

ANY

6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint:

Name: Angie Trimble

Telephone: Home: () Work or Cell: (936) 856 3333

7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name: NONE

Address: _____ Zip _____

Telephone: Home: () Work or Cell: ()

8.* To your best recollection, on what date(s) did the alleged discrimination take place?

Earliest date of discrimination: 2015

Most recent date of discrimination: 2022

9. Complaints of discrimination generally must be filed within 180 days of the alleged discrimination. If the most recent date of discrimination, listed above, is more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint and FCS will evaluate the explanation and decide if a waiver is appropriate.

waiver of filing requirement requested
Delayed, because it's been complicated.
Learning as soon as possible

07/08/2019
2:46pm

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2019 JUL -8 PM 2:46

COMMISSION ON
ENVIRONMENTAL QUALITY
Chief clerk
Bridget C Bohac
POB 13087, MC105
Austin Texas 78711.3087

CHIEF CLERKS OFFICE

PETITIONER
JAMES TRIMBLE
POB. 1424, WILLIS
TEXAS, 77378
936/672/1600
texasdozeranaerobic@yahoo.com
Texas Dozer/Septico

As per Texas Government Code 2001.021

I apply to the Commission for change rule 37.005 (c) (1)

Finding of Facts,

Page 2 of the TAC2018 states Texas agencies should carefully review its own enabling Statutes, along with the APA. BEFORE taking any action such as holding a contested hearing or adopting rules.

Letter dated 3 18 2018 (BEFORE 4 16 2018 Notice of Representation) from The Commission quote Texas Water Code 37.003(b)(1)(3) and 37.005(c)(1). No mention of any preliminary or BEFORE actions taken by the Commission.

No party aggrieving License Holder applied 2001.054(c)(2)APA where the License Holder MUST be given an opportunity to show compliance with all requirements of law for retention of license. 2001.054(e) gives license holder Judicial Review of a final order brought by license holder. The Commissions failure to comply with 2001.(c) constitutes prejudice to the substantial rights of License Holder under Section 2001.174(2) and must be Adjudicated with Justice.

License Holder would apply for Class 1 license if The Commission would allow.

License Holder is waiting for return reply certified copy Ups tracking # 1Z37Y4492414979051

Signed for by Commission employee June 17 whereby Alicia Ramirez comply to sign and return Cease and Desist. The hearings of Commission docket #2017 1024 LIC, 2017 1026 LIC, 2018 0546 LIC have expired as License so they say license #OSSF 3522 (Class 2 installs any type) and MP 1064 (No mention of former class 1 license, installs non aerobic). License Holder applied for the APPRENTICE type license several weeks ago and is looking for statutory rules to ascertain personal rights as to The Commission on timely non-reply.

That's fine. License Holder wanted to wrap up the last 3 loose ends (finish of the hundreds on original compliance lists) still outstanding and has not received reply on Waiver Request or Cease and desiest. Even the Montgomery Co Attorney Office (John McKinney) is eagerly awaiting.

License Holder will wrap up 30 year career as primary source of income for License Holder family (pregnant wife of 2 months and 4 and 7 y.o.) as soon as 80.273 is Adjudicated or BEFORE. As there is not much hope The Commission, doing any of the things its supposto do And the question before the Court of 2001.021. License Holder respectfully requests also that 2001.034 Texas government Code be add in a timely manner.

Conclusions of Law

As example BEFORE The Comission taking action, license holder enable rule 2001.054(c)(2) The License Holder MUST be given opportunity to show compliance with all requirements of law for retention of license. Appling 2001.021 is the just remedy of license holder. The Court has authority to rule on 2001.034 in the interest of Justice. Enable the License Holder who has completed compliance list minus the 3 requesting urgent permission to complete. Grass inspections where Montgomery Co environmental finally ticketed the owners for failing to open their gate to allow inspectors access and approve the grass growing. One job where the owners put the well on the wrong place according to design and permit needing conclusion inspection.

A handwritten signature in cursive script, appearing to read "J. Smith".

Jul-3-2019
4:16 pm

IN THE 261st DISTRICT COURT TRAVIS CO. TEXAS

Envelope # 345 36036
Case # D-1-GN-19-003562

**Requesting amendment to Texas Water Code 37.005(c)(1)
Enabling rule 2001.054(c)(2)APA
Enabling rule APA 2001.021 and 2001.034**

As per Texas Government Code 2001.021

I apply to the Commission for change rule 37.005 (c) (1)

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cc. Commission On Environmental Quality

Chief clerk

Bridget C Bohac

POB 13087, MC105

Austin Texas 78711.3087

JAMES TRIMBLE

texasdozeran

Michael A. McDougal
LAWYER

Board Certified Criminal Law T.B.L.S.



K. Ryan McDougal
LAWYER

12/6/2018
10:56 am

November 30, 2018

Ms. Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087.


TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2018 DEC -6 AM 9:42
CHIEF CLERKS OFFICE

RE: James Trimble
SOAH Docket Nos. 582-17-5381, 582-17-5382, 582-18-3569
TCEQ Docket Nos. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

Dear Ms. Bohac:

Enclosed for filing is James Trimble's Closing Argument in the above designated matters.

Respectfully,


Michael A. McDougal
Lawyer for James Trimble

cc: Mailing List

TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

JAMES TRIMBLE'S CLOSING ARGUMENT

MR. TRIMBLE'S BACKGROUND

The Public Interest Counsel's Closing Argument stated that Mr. Trimble had 37 convictions out of 87 citations he had received. That means he was not

convicted on 50 of the citations issued to him by Montgomery County and Waller County.

It would therefore seem to confirm Mr. Trimble's testimony that Montgomery County purposely tried to make it difficult for him to perform his job requirements while having to deal with Montgomery County's filing groundless citations against him (more than 50%).

ARGUMENT AGAINST TCEQ's DENIALS

TCEQ is a state agency. It's main purpose is to protect the environment and public health from any adverse impact from the installation and maintenance of septic systems. In pursuance of such purpose, TCEQ has adopted numerous rules and regulations for people and businesses that wish to engage in providing septic systems for use in the state.

TCEQ has denied Mr. Trimble's renewal applications for: (1) new site evaluator; (2) site sewage installer; and (3) on site sewage maintenance provider. TCEQ's reasoning is that he received "numerous" citations from Montgomery County, maybe one from Waller County, and NONE from Walker County (even though Mr. Trimble has septic jobs there).

Mr. Trimble argues that he has honestly attempted to do what Montgomery County demands of him, but has been prevented from doing so by the County's failure to communicate with him, except by issuing him citations.

The ED tendered Frank Nichols, an employee of Montgomery County, as a fact witness at the hearing in September. According to him, Mr. Trimble's compliance issues began in late 2014 and has continued into 2018. However, Mr. Nichols also testified that Mr. Trimble did try to perform under the County's demands by having numerous conversations with the County staff about his regulatory responsibilities; BUT, he added that it is not the county's duty to provide reminders or clerical help, which begs the question if Mr. Trimble is honestly

seeking assistance on matters required of him by the County, why shouldn't the County attempt to help him. It is patently unfair for Montgomery County to demand Mr. Trimble follow the rules and regulations, but deny him assistance when he seeks advice on how to remedy the reason for the County's citations.

Mr. Trimble also would highlight the Maintenance Provider Maintenance list submitted by the ED. It is 11 pages in total and lists 75 missing reports out of 345 reports submitted – that does not show Mr. Trimble to be derelict in his duties or performance.

Mr. Trimble also argues that in spite of the "evidence" against him, the ED has totally ignored his job performance for from 1988 until 2014, 24 years of performing his duties under TCEQ's and Montgomery County's rules and regulations without any violations, citations, or complaints.

Mr. Trimble also argues that even though the ED has stated that Mr. Trimble had received complaints against his work, the ED totally failed to submit ANY evidence of such complaints. Mr. Trimble, on the other hand, submitted numerous letters from his clients in support of his work. Mr. Trimble would specifically reference the letter of Mr. Wayne Hall of Hockley, Texas, on March 17, 2018:

"...I called Delta Whitewater Septic Systems for a referral and was given Mr. Trimble as a certified factory repair company. He responded promptly to repair my issue. At that time, I contracted with him to service and maintain my system and provide me with the proper paperwork at the time of each timely inspection to be forwarded to the county, which he did. I met him out here on several occasions when he performed his inspection and my recollection back to 2012 was either given a report of left in the door.

"Fast forward several months, one day the head of the Waller County Environmental Dept. drove up and started looking around and taking pictures. I remember being at the back of my property and went up to see what this was all

about. He told me the county had not received any reports of any inspections on my system. I asked him if he wanted to see my paperwork and he said no. He said Mr. Trimble's wife owned the company and the county was going to take her to court. I thought that was very odd he didn't need to see the copies of what was left with me.

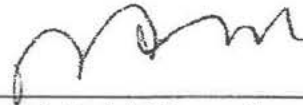
"Now time has gone by and everything related to the subject has been thrown out. If this issue is being held against him for dereliction of his responsibility, it would be wrong as everything he did is exactly the same way the maintenance company I have today."

In summation, Mr. Trimble reurges the Judge to take into account the fact that absolutely zero of Mr. Trimble's jobs has come close to harming the environment or the public health. Both Frank Nichols and Jaya Zyman testified in response to this defense, that there was "potential adverse impact" and failure to investigate environment harm "does not mean environmental harm did not happen." Such statements are absurd and fail to support the denial of Mr. Trimble's license applications.

CONCLUSION

After evaluating the credible evidence submitted by TCEQ and OPIC, it is readily apparent that Mr. Trimble does not have, and TCEQ and OPIC have failed to submit, any evidence which shows that Mr. Trimble "has a record in the preceding 5 years of continuing violations and misconduct." According to TCEQ's and OPIC's own testimony, Mr. Trimble's woes with Montgomery County did not start until 2014; the ED denied his applications on March 9, 2017, May 9, 2017 and March 28, 2018. That is, at most, 4 years out of the 30 years Mr. Trimble has been performing his work.

Respectfully submitted,



Michael A. McDougal
Lawyer for James Trimble
SBN 13570000

MAILING LIST

SOAH DOCKET NOS. 582-17-5381, 582-17-5382, 582-18-3569

TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

The Honorable Casey Bell
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025


Hollis Henley, Staff Attorney
TCEQ Environmental Law Division
MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Bridget Bohac
TCEQ Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Pranjal M. Mehta
Assistant Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087

CERTIFICATE OF SERVICE

I certify that I have filed with the Docket Clerk of the State Office of Administrative Hearings and the Chief Clerk of the TCEQ the foregoing Closing Argument for James Trimble. I have also mailed by United States Mail a true and correct copy of every one on the above mailing list.



COMMISSION
ON ENVIRONMENTAL
QUALITY

2019 JUL -8 PM 2:46

**COMMISSION ON
ENVIRONMENTAL QUALITY**

Chief clerk

Bridget C Bohac

POB 13087, MC105

Austin Texas 78711.3087

CHIEF CLERKS OFFICE

**PETITIONER
JAMES TRIMBLE**

texasdoze

Texas Dozer/Septico

As per Texas Government Code 2001.021

I apply to the Commission for change rule 37.005 (c) (1)

Finding of Facts,

Page 2 of the TAC2018 states Texas agencies should carefully review its own enabling Statutes ,along with the APA . BEFORE taking any action such as holding a contested hearing or adopting rules.

Letter dated 3 18 2018 (BEFORE 4 16 2018 Notice of Representation)from The Commission quote Texas Water Code 37.003(b)(3) and 37.005(c)(1). No mention of any preliminary or BEFORE actions taken by the Commission .

No party aggrieving License Holder applied 2001.054(c)(2)APA where the License Holder MUST be given an opportunity to show compliance with all requirements of law for retention of license.2001.054(e) gives license holder Judicial Review of an final order brought by license holder. The Comissions failure to comply with 2001.(c) constitutes prejudice to the substantial rights of License Holder under Section 2001.174(2) and must be Adjudicated with Justice.

License Holder would apply for Class 1 license if The Commission would allow.

License Holder is waiting for return reply certified copy Ups tracking # 1Z37Y4492414979051

Signed for by Commission employee june 17 whereby Alicia Ramirez comply to sign and return Cease and Desist. The hearings of Commission docket #2017 1024 LIC, 2017 1026 LIC, 2018 0546 LIC have expired as License so they say license #OSSF 3522 (Class 2 installs any type)and MP 1064 (No mention of former class 1 license, installs non aerobic). License Holder applied for the APPRENTICE type license several weeks ago and is looking for statutory rules to ascertain personal rights as to The Commission on timely non-reply.

That's fine, License Holder wanted to wrap up the last 3 loose ends (finish of the hundreds on original compliance lists.)still outstanding and has not received reply on Waiver Request or Cease and desiest. Even tho Montgomery Co Attorney Office(John McKinney) is eagerly awaiting.

Jun/26/2019
5:06 pm

PETITIONER :

Honorable Court of
261st District Court

JAMES TRIMBLE

Cause #
D-I- GN-19-003562

EMERGENCY INJUNCTION REQUEST

Finding of Facts

Alleged letter dated June 6 (enclosed), supposedly from a person who is supposed to get their dates right according to Texas Supreme court ruling on these type matters . This has cause an unworkable problem which OSSF LIC3522 cannot remedy. After asking 5 local OSSF installers to take the responsibility to inspect 3 jobs outstanding. No one is willing to challenge the opinion of the local Dr that license holder is not worth helping. Therefore 3 jobs with 3 different familys rights plus my own cannot be inspected without LETTER OF EXCEPTION DIRECTED TO Montgomery County Attorney office. As they are ready to recieve this letter as of personal meetings 6-20,6-21,6-24-2019.

Permit # 157299-19 ,

Permit# 161921-19

& Permit #156905-18 (initially inspected 2018 required more dirt because of an unusual flood line on maps showing high ground wáter- this OSSF #3522 has seen people loose land because MONTGOMERY County Enviornmental has refused to accept the fact this área is on a hill with all land going down from it and its still classified as flood on maps . This OSSF #3522 has even completed many Jobs; several{7' Or more} feet lower than the elevation of this mistaken line.) OSSF #3522 placed more soil for the drip lines and reinstalled the required footage of dripline. Regardless of the fact that the original inspector Signed off on Inspection report writing on the bottom of PRE- FINAL Inspection that more dirt must be brought in and lines brought up. Second inspector showed up at 2:40 for Inspection sceduled for 3pm . Turned on system , saw that everything Works and texted me 6:46 pm that I was to be charged reinspect fees of \$135 because he didnt bring parerwork for an initial inspection . This inspector left before OSSF #3522 got there at the sceduled 3pm. OSSF#3522 even called with DR Scott Nichols to explain before 3 pm. Even tho OSSF#3522 cancel an inspection with this same inspector by phone 5-30-19 because of heavy rain night before causes rain in ditches. {now its rained several more times making the nit-picking inspector not abiding by the idea of public saftey.} {{ also some inspectors inspect with rain in ditches and some only sometime do; as if to créate an oppertunity to FINE \$135 }}[OSSF #3522 has called the local sheriff deputy because an inspector whom

would later ticket for the 40 tickets that was the imputus for TCEQ to deny OSSF33522 license created official oppression in this humble OSSF#3522 opinion.]Scott Nichols DR reported to OSSF #3522 6-24-19 that the job was finaled because This inspector reported that the system was functional . It wasnt in the system yet is Scott Nickols DR Final Conclusion so permit #156905-18 has ANOTHER inspection and this is Final Conclusion to nearly 30 years of dealing with this idea that the TCEQ says like they lay awake at night for no reason wondering if like the young trained nucular bomb specialist ... Did he learn and do his job right??? Did OSSF#3522 learn enough to do it right???

CONCLUSION OF LAW

TAC Chapter 290(D)

Gives rule granting EXCEPTION , this will allow proper closure to the nearly 30 year career, and for respect of all partys involved. This can still meet the intent of AN ORDER by Commission on Enviornmental Quality dated 5-23-19 whereby ossf license will expire as FINAL ORDER .

And for reason of good common sence whereby ossf license #3522 has been trusted by some inspectors to complete matters at hand because at different times deserving failure of inspection ; this ossf#3522 has always completed desired level of competent finality. And ironically ; doing this job best as possible because , this is the chosen profession for familys livelihood.

6/17/2019
09:56 am

SOAH DOCKET NOS. 582-17-5381, 582-17-5382, & 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026, & 2018-0546-LIC

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
Petitioner

BEFORE THE STATE OFFICE
OF

v.
JAMES TRIMBLE

ADMINISTRATIVE HEARINGS

CHIEF CLERKS OFFICE

2019 JUN 17 AM 9:56

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

APPEAL

All litigants should be represented by competent counsel. Until we can achieve that ideal, however, we must find ways to simplify our system for those who lack the money to hire a lawyer.

Former Chief Justice Wallace Jafferson.

I. FINDING OF FACT

- a. PAGE 5 OF AN ORDER DATED 5.23.19 SIGNED BY Texas Commission On Environmental Quality Jon Niermann, Chairman.
Stated order effective date is final as provided by 36 Texas Administrative code 66.273 and Texas Government code 2001.144.
(2001.144) Appeal Motion before 25 days after 5.23.19
- b. (2001.142 (d) (i)) To establish a revised period under Subsection (c), "If an adversely affected party or the party's attorney of record does not receive the notice required by Subsection (a) and (b) or acquire actual knowledge of a signed decision or order before the 15th day after the date the decision or order is signed, a period specified by or agreed to under Section 2001.144(a), 2001.146, 2001.147, or 2011.176(a), relating to a decision or order or motion for rehearing begins, with respect to that party, on the date the party or the party's attorney of record receives the notice or acquires actual knowledge of the signed decision or order, whichever occurs first. The period may not begin earlier than the 15th or later 45th day after the date the decision or order was signed.
- c. Letter dated June 6 2019 (ENCLOSED) which is NOT part of the official record allegedly lied DR Scott Nicholes to cancel my inspections sceduled on June 1st for June 10th.(very

unusual long wait time) Has kept me from doing any of the things I'm allowed by
CONCLUSION OF LAW. I hereby swear out COMPLAINT. The actions of the TCEQ
staff attorney Alica Rameriz if sent; giving authority to DR Scott Nichols HAS HARMED
ME. Same HARM from TCEQ not forwarding to me as per Director Niermann order.

CONCLUSION OF LAW

- A. Appeal is filed before 25 days after 5.23.19
- B. Appealant hereby swears out affidavit that the order signed by Jon Niermann TCEQ
Chairman, was never delivered by TCEQ and Appealant found same hisself and has
copy as of 6.12.19
- C. An official or governmental position knowingly fails to follow applicable procedure or
rules and causes injury or potential injury to a party or to the integrity of the legal
process. As per 2018 TX REG TEXT 496937(NS)

NO. _____

§
§
§
§
§

AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF _____

Montgomery

[PRINT the name of the county where this statement is being notarized.]

BEFORE ME, the undersigned authority, on this day personally appeared

James Trimble

, who

[PRINT the first and last names of the person who will sign this statement.]

swore or affirmed to tell truth, and stated as follows:

"My name is

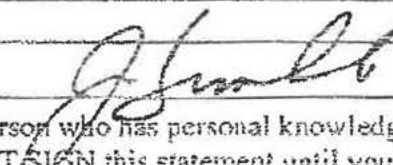
James Trimble

[PRINT the first and last names of the person who will sign this statement.]

I am of sound mind and capable of making this sworn statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement I may be held criminally responsible. This statement is true.

#1 James Trimble received order signed by Son Niermto only by his own research. Same was never delivered by TCEQ.

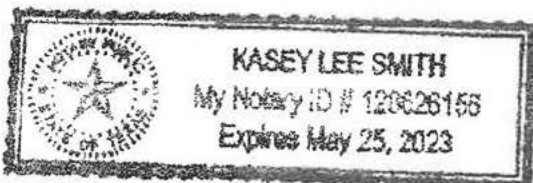
#2 Harm was done by a alleged letter from TCEQ stating James Trimble was from June 6th 2019 forward ineligible to continue the occupation which has been livelihood 30 years, the only means of sustenance for James Trimble family.

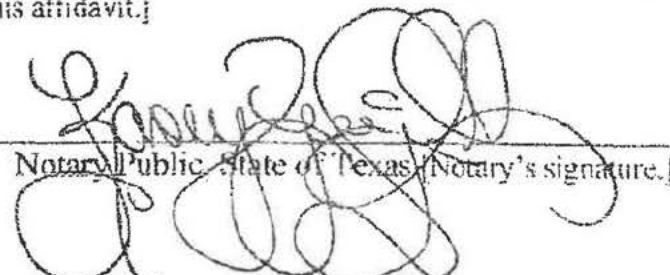

[The person who has personal knowledge of this statement must sign it.
DO NOT SIGN this statement until you are in front of a notary.]

State of Texas
County of Montgomery
[name of county where statement is notarized.]

SWORN to and SUBSCRIBED before me, the undersigned authority, on
the 14th day of June, 2019 year, by

James Joseph Trumble
[PRINT the first and last names of the person who is signing this affidavit.]




Notary Public, State of Texas [Notary's signature.]

[Notary's seal must be included.]



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protect the Texas by Reducing and Preventing Pollution

June 6, 2019

Mr. Michael A. McDougal
McDougal Law
417 West Lewis Street
Conroe, Texas 77301
936-756-1960 (Telephone)
936-756-1998 (Facsimile)
mmcdougal@mcDougallaw.com

RE: Mr. James Trimble's Continued use of OS0003522 and MP0001064

Dear Mr. McDougal,

The purpose of this letter is to remind you and your client that Mr. Trimble may no longer use his OSSF maintenance provider or OSSF installer licenses. The Texas Government Code allowed Mr. Trimble to use his licenses until there was a final determination by the Texas Commission on Environmental Quality (TCEQ or commission). On May 23, 2019, the TCEQ issued an order denying all of Mr. Trimble's applications. Now that the TCEQ has made a final determination to deny Mr. Trimble's applications, Mr. Trimble's licenses have expired, and he may not operate as a licensed OSSF maintenance provider or OSSF installer.

If Mr. Trimble performs work that must be done by a licensed individual, he will be subject to enforcement action, which may include the assessment of fees and/or penalties.

If you have any questions in this regard, please contact Alicia Ramirez at 512-239-0133.

Sincerely,

Alicia Ramirez
Staff Attorney
Environmental Law Division

cc: Mr. James Trimble
Street, Willis, TX 7
Mr. Scott Nichols, Environmental Director, Montgomery County Environmental
Health, 501 N Thompson Ste 101, Conroe, TX 77301
Ms. Jaya Zymari, P.E., Director, Permitting and Registration Support Division,
TCEQ MC 223, PO Box 13087, Austin, TX 78711-3087

Michael A. McDougal
LAWYER
Board Certified Criminal Law T.B.L.S.



K. Ryan McDougal
LAWYER

June 11, 2019

Ms. Alicia Ramirez
Texas Commission on Environment Quality
P.O. Box 13087
Austin, Texas 78711-3087


Re: James Trimble

Dear Ms. Ramirez:

I have not represented James Trimble since Judge Bell denied his applications after we submitted our briefs last year.

I no longer represent Mr. Trimble, so you can remove me from the mailing list.

Sincerely,


Michael A. McDougal

6/24/2019
5:51pm

PETITIONER :

Honorable Court of
261st District Court

JAMES TRIMBLE

Cause #
D-I- GN-19-003562

EMERGENCY INJUNCTION REQUEST

Finding of Facts

Alleged letter dated June 6 (enclosed), supposedly from a person who is supposed to get their dates right according to Texas Supreme court ruling on these type matters . This has cause an unworkable problem which OSSF LIC3522 cannot remedy. After asking 5 local OSSF installers to take the responsibility to inspect 3 jobs outstanding. No one is willing to challenge the opinion of the local Dr that license holder is not worth helping. Therefore 3 jobs with 3 different families rights plus my own cannot be inspected without LETTER OF EXCEPTION DIRECTED TO Montgomery County Attorney office. As they are ready to receive this letter as of personal meetings 6-20,6-21,6-24-2019.

Permit # 157299-19 ,

Permit# 161921-19

& Permit #156905-18 (initially inspected 2018 required more dirt because of an unusual flood line on maps showing high ground water- this OSSF #3522 has seen people loose land because MONTGOMERY County Environmental has refused to accept the fact this area is on a hill with all land going down from it and its still classified as flood on maps . This OSSF #3522 has even completed many Jobs; several{7' or more} feet lower than the elevation of this mistaken line.) OSSF #3522 placed more soil for the drip lines and reinstalled the required footage of dripline. Regardless of the fact that the original inspector Signed off on Inspection report writing on the bottom of PRE- FINAL Inspection that more dirt must be brought in and lines brought up. Second inspector showed up at 2:40 for Inspection scheduled for 3pm . Turned on system , saw that everything Works and texted me 6:46 pm that I was to be charged reinspect fees of \$135 because he didnt bring paperwork for an initial inspection . This inspector left before OSSF #3522 got there at the scheduled 3pm. OSSF#3522 even called with DR Scott Nichols to explain before 3 pm. Even tho OSSF#3522 cancel an inspection with this same inspector by phone 5-30-19 because of heavy rain night before causes rain in ditches.{now its rained several more times making the nit-picking inspector not abiding by the idea of public safety.} {{ also some inspectors inspect with rain in ditches and some only sometime do; as if to create an opportunity to FINE \$135 }}[OSSF #3522 has called the local sheriff deputy because an inspector whom would later ticket for the 40 tickets that was the impetus for TCEQ to deny OSSF33522 license created official oppression in this humble OSSF#3522 opinion.] Scott Nichols DR reported to OSSF #3522 6-24-19 that the job was finalized because This inspector reported that the system was functional . It wasnt in the system yet is Scott Nickols DR Final Conclusion so permit #156905-18 has

ANOTHER inspection and this is Final Conclusion to nearly 30 years of dealing with this idea that the TCEQ says like they lay awake at night for no reason wondering if like the young trained nuclear bomb specialist ... Did he learn and do his job right??? Did OSSF#3522 learn enough to do it right???

CONCLUSION OF LAW

TAC Chapter 290(D)

Gives rule granting EXCEPTION , this will allow proper closure to the nearly 30 year career, and for respect of all parties involved. This can still meet the intent of AN ORDER by Commission on Environmental Quality dated 5-23-19 whereby ossf license will expire as FINAL ORDER .

6/24/2019
5:53pm

SOAH DOCKET NOS. 582-17-5381, 582-17-5382, & 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026, & 2018-0546-LIC

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
Petitioner

BEFORE THE STATE OFFICE
OF

v.
JAMES TRIMBLE

ADMINISTRATIVE HEARINGS

VARIANCE REQUEST

Finding of Facts

Alleged letter dated June 6 (enclosed), supposedly from a person who is supposed to get their dates right according to Texas Supreme court ruling on these type matters. This has caused an unworkable problem which OSSF LIC3522 cannot remedy. After asking 5 local OSSF installers to take the responsibility to inspect 3 jobs outstanding. No one is willing to challenge the opinion of the local Dr that license holder is not worth helping. Therefore 3 jobs with 3 different family's rights plus my own cannot be inspected without LETTER OF EXCEPTION DIRECTED TO Montgomery County Attorney office. As they are ready to receive this letter as of personal meetings 6-20, 6-21, 6-24-2019.

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& Permit #156905-18 (initially inspected 2018 required more dirt because of an unusual flood line on maps showing high ground water- this OSSF #3522 has seen people lose land because MONTGOMERY County Environmental has refused to accept the fact this area is on a hill with all land going down from it and is still classified as flood on maps. This OSSF #3522 has even completed many jobs; several {7' or more} feet lower than the elevation of this mistaken line.) OSSF #3522 placed more soil for the drip lines and reinstalled the required footage of dripline. Regardless of the fact that the original inspector signed off on inspection report writing on the bottom of PRE- FINAL inspection that more dirt must be brought in and lines brought up. Second inspector showed up at 2:40 for inspection scheduled for 3pm. Turned on system, saw that everything works and texted me 6:46 pm that I was to be charged reinspect fees of \$135 because he didn't bring paperwork for an initial inspection. This inspector left before OSSF #3522 got there at the scheduled 3pm. OSSF #3522 even called with DR Scott Nichols to explain before 3 pm. Even though OSSF #3522 cancel an inspection with this same inspector by phone 5-30-19 because of heavy rain night before causes rain in ditches. {now it's rained several more times making the nit-picking inspector not abiding by the idea of public safety.} {{ also some inspectors inspect with rain in ditches and some only sometime do; as if to create an opportunity to FINE \$135 }}[OSSF #3522 has called the local sheriff deputy because an inspector whom would later ticket for the 40 tickets that was the impetus for TCEQ to deny OSSF #3522 license created official

06/24/2019
5:55 PM

**REQUEST TO CEASE AND DESIST
ALL DEFAMATION, SLANDER AND/OR LIBEL
OF CHARACTER AND REPUTATION**

Mr. James Trimble

06/22/2019

CERTIFIED MAIL #: _____

Ms. Alicia Ramirez
PO Box 13087
Austin, Texas 78711-3087

Dear Ms. Alicia Ramirez:

You are hereby notified to cease and desist any and all further unlawful defamation, slander and/or libel with regards to your actions and/or statements relating to the incident or event which occurred on 06/10/2019 in which the following defamation, slander and/or libel occurred:

Letter signed by Alicia Ramirez⁶⁻⁶⁻¹⁹ to Montgomery county environmental health stating "The Texas Government Code " disallowed use of OSSF 3522&MP1064 license because of TCEQ Chairman signature on An Order by the TCEQ dated 5-22-19. Never quoting book, chapter , verse of Texas Government Code omission and NOT abiding by TCEQ An Order dated 5-22-19 ; whereby the Chairman Jon Niermann stated OSSF3522&MP1064 was given Code 30 Texas administrative code 80.273 and Texas government code 2001.144 . Because the 80.273 wasn't followed by Ms. Ramirez or Commission chief clerk or any other TCEQ employee; does not mean Ms. Ramirez can send a letter defaming/slandering OSSF3522&MP1064 holder . June 10 was to be the last pre-final inspection by license holder scheduled on June 3rd 2019 . No more work was understood by license holder . Therefore complainant ; not requesting monitory damages, sincerely requests Ms. Ramirez or any TCEQ employee or Montgomery County environmental health employee or Montgomery County attorney employee TO CEASE AND DICIEST.

In accordance with Texas law, it is illegal to provide a false statement, whether written or oral, of an individual's character and/or reputation, which:

1. Consists of any false statement, pictures or video intended to cause harm or damage another's character and/or reputation;
2. is communicated to another either in writing or verbally; and
3. the offending party is aware or should have been aware that such statement, pictures or video was false.

THEREFORE, you are hereby requested to immediately CEASE and DESIST the illegal defamation, slander and/or libel and within 10 business days, return the signed written assurance below affirming that you will refrain from any further acts of said defamation, slander and/or libel with regards to my character and/or reputation.

Failure to comply with this cease and desist request, and/or return the signed assurance within the stipulated time, will leave me no other alternative but to pursue all available legal remedies, including, but not limited to, filing a motion for injunctive relief, monetary damages, filing fees, court costs and/or attorney fees.

Sincerely,



(Mr. James Trimble)

cc: Recipient - Regular Mail
Recipient - Certified Mail
File Copy

ASSURANCE TO CEASE AND DESIST FURTHER ACTS OF DEFAMATION, SLANDER AND/OR LIBEL

In accordance with the above request and stipulation, I, Alicia Ramirez, do hereby agree to immediately cease and desist the defamation of Mr. James Trimble's character and/or reputation. And in turn, Mr. James Trimble will release me from all acts of defamation, slander and/or libel relating to this incident.

HOWEVER, should I act or behave in such a manner that would result in a breach of this agreement, Mr. James Trimble shall be entitled to filing fees, courts costs and attorney fees in any action which may be filed in an effort to enforce this agreement, in addition to any injunctive relief and/or monetary damages that Mr. James Trimble may have been entitled to had this assurance never been signed.

(Ms. Alicia Ramirez)

Date Signed: _____

6/14/19

4:16 PM

SOAH DOCKET NOS. 582-17-5381, 582-17-5382, & 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026, & 2018-0546-LIC

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
Petitioner

BEFORE THE STATE OFFICE
OF

v.
JAMES TRIMBLE

ADMINISTRATIVE HEARINGS

APPEAL

I. FINDING OF FACT

- a. **PAGE 5 OF AN ORDER DATED 5.23.19 SIGNED BY Texas Commission On Environmental Quality Jon Niermann, Chairman.**
Stated order effective date is final as provided by 30 texas Administrative code 80.273 and Texas Government code 2001.144.
(2001.144) Appeal Motion before 25 days after 5.23.19
- b. **(2001.142 (d) (i))** To establish a revised period under Subsection (c), "If an adversely affected party or the party's attorney of record does not receive the notice required by Subsection (a) and (b) or acquire actual knowledge of a signed decision or order before the 15th day after the date the decision or order is signed, a period specified by or agreed to under **Section 2001.144(a), 2001.146, 2001.147, or 2011.176(a)**, relating to a decision or order or motion for rehearing begins, with respect to that party, on the date the party or the party's attorney of record receives the notice or acquires actual knowledge of the signed decision or order, whichever occurs first. The period may not begin earlier than the 15th or later 45th day after the date the decision or order was signed.
- c. Letter dated June 6 2019 (ENCLOSED) which is NOT part of the official record alledgedly led DR Scott Nicholes to cancel my inspections scecheduled on June 1st for June 10th.(very unusual long wait time) Has kept me from doing any of the things I'm allowed by **CONCLUSION OF LAW. I hereby swear out COMPLAINT.** The actions of the TCEQ staff attorney Alica Rameriz if sent; giving authority to DR Scott Nichols HAS HARMED ME. Same HARM from TCEQ not forwarding to me as per Director Niermann order

[FILL OUT cause number and heading information EXACTLY as it is written on the Petition]

NO. _____

§
§
§
§
§

AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF

Montgomery

[PRINT the name of the county where this statement is being notarized.]

BEFORE ME, the undersigned authority, on this day personally appeared

James Trimble

, who

[PRINT the first and last names of the person who will sign this statement.]

swore or affirmed to tell truth, and stated as follows:

"My name is

James Trimble

[PRINT the first and last names of the person who will sign this statement.]

I am of sound mind and capable of making this sworn statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement I may be held criminally responsible. This statement is true.

- #1 James Trimble recieved order signed by Jon Nierman only by his own research. Same was never delivered by TCEQ.
- #2 Harm was done by Allegaded letter from TCEQ stating James Trimble was from June 6th 2019 forward, ineligible to continue the occupation which has been livelihood 30 years, the only means of sustanise for James Trimble family.

[Signature]

[The person who has personal knowledge of this statement must sign it.
DO NOT SIGN this statement until you are in front of a notary.]

State of Texas

County of

Montgomery

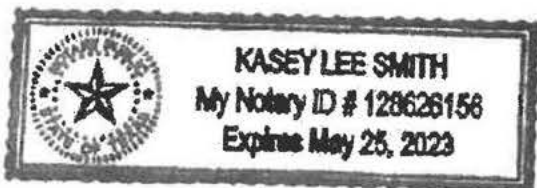
[name of county where statement is notarized.]

SWORN to and SUBSCRIBED before me, the undersigned authority, on

the 14th day of June, 2019 year, by

James Joseph Trumble

[PRINT the first and last names of the person who is signing this affidavit.]



[Signature]
Notary Public, State of Texas [Notary's signature.]

[Notary's seal must be included.]



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 6, 2019

Mr. Michael A. McDougal
McDougal Law
417 West Lewis Street
Conroe, Texas 77301
936-756-1960 (Telephone)
936-756-1998 (Facsimile)
mmcdougal@mcdougallaw.com

RE: Mr. James Trimble's Continued use of OS0003522 and MP0001064

Dear Mr. McDougal,

The purpose of this letter is to remind you and your client that Mr. Trimble may no longer use his OSSF maintenance provider or OSSF installer licenses. The Texas Government Code allowed Mr. Trimble to use his licenses until there was a final determination by the Texas Commission on Environmental Quality (TCEQ or commission). On May 23, 2019, the TCEQ issued an order denying all of Mr. Trimble's applications. Now that the TCEQ has made a final determination to deny Mr. Trimble's applications, Mr. Trimble's licenses have expired, and he may not operate as a licensed OSSF maintenance provider or OSSF installer.

If Mr. Trimble performs work that must be done by a licensed individual, he will be subject to enforcement action, which may include the assessment of fees and/or penalties.

If you have any questions in this regard, please contact Alicia Ramirez at 512-239-0133.

Sincerely,

Alicia Ramirez
Staff Attorney
Environmental Law Division

cc: Mr. James Trimble,
Street, Willis, TX 77
Mr. Scott Nichols, Environmental Director, Montgomery County Environmental
Health, 501 N Thompson Ste 101, Conroe, TX 77301
Ms. Jaya Zyman, P.E., Director, Permitting and Registration Support Division,
TCEQ MC 223, PO Box 13087, Austin, TX 78711-3087

3/18/2019
01:59 PM

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 18, 2019

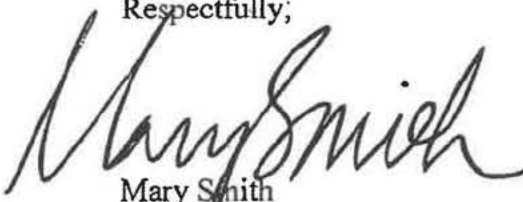
To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: Applications of James Trimble for a new On-Site Sewage Facility Site Evaluator license and renewal of his On-Site Sewage Facility Installer and Maintenance Provider licenses; TCEQ Docket Nos. 2017-1024-LIC, 2017-1026-LIC, and 2018-0546-LIC; SOAH Docket Nos. 582-17-5381, 582-17-5382, and 582-18-3569

This letter is regarding the deadline for filing exceptions to the Administrative Law Judge's (ALJ) Proposal for Decision (PFD) in the above-referenced matter. According to the ALJ's letter attached to his PFD, the deadline for filing exceptions to the PFD was February 25, 2019. TCEQ rule 30 Texas Administrative Code (TAC) § 1.10(e) provides that "the time for filing is upon receipt by the chief clerk as evidenced by the date stamp affixed to the document by the chief clerk, or as evidence by the date stamp affixed to the document or envelope by the commission mail room, whichever is earlier." The exceptions filed by the Applicant were received by the TCEQ on February 28, 2019. Although the Applicant's filing is considered untimely under TCEQ rule 30 TAC § 1.10(e), it appears that the Applicant made a good faith attempt to timely file his response with the State Office of Administrative Hearings by the February 25, 2019 deadline. Accordingly, pursuant to 30 TAC § 1.10(h), the General Counsel extends the filing deadline for the Applicant's exceptions until February 28, 2019. This letter does not extend any other deadlines in this matter.

If you have any questions concerning this matter, please contact Ron M. Olson, Assistant General Counsel, at (512) 239-0608.

Respectfully;


Mary Smith
General Counsel

Mailing List

Mailing List
James Trimble

TCEQ Docket Nos. 2017-1024-LIC, 2017-1026-LIC, and 2018-0546-LIC
SOAH Docket Nos. 582-17-5381, 582-17-5382, and 582-18-3569

James Trimble
Texas Dozer/Septico

Michael A. McDougal
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Casey Bell
Administrative Law Judge
State Office of Administrative Hearings
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Austin, Texas 78711-3025
512/475-4993 FAX 512/322-2061

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512/239-6363 FAX 512/239-6377

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311

Ryan Vise
TCEQ External Relations Division MC 118
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0010 FAX 512/239-5000

02/28/2019
02:28 pm

**SOAH DOCKET NOS. 582-17-5381, 582-17-5382, & 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026, & 2018-0546-LIC**

**EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
Petitioner**

**BEFORE THE STATE OFFICE

OF**

**v.
JAMES TRIMBLE**

ADMINISTRATIVE HEARINGS

Respondent

In the course of human events . When humans have egregiously wronged each other to the extent change is the only way up . The man who invented chlorination to drinking water. John Laing Leal was ordered by a judge to not do as he did . He was been told he wasn't aware of the law not to do this even tho he was absolutely aware. Same with me . I never say it is not my responsibility but rather I say there is very little I don't know about the septic business. Therefore the ALJ stated I didn't have a responsibility to understand TCEQ regulations ;egregiously . One fact in TCEQ licensing is I always have the responsibility. Even when ticketed by TCEQ DR and later proven innocent of several tickets by various local JP's.(not clearly mentioned in proposed order) I readily offer my whole hearted assistance to verify water well issues, resign expired Maintenance contracts even ones legally not my responsibility to perpetuate or do any of the things that my local DR desired. As I tell many this fact, never do I say otherwise.

1st POINT OF APPEAL: erroneous reporting Defendant stated not responsible to know TCEQ Rules As I've hired the most respected attorneys in Montgomery county ; my associates/friends for many years. They also state they do not know how to appease TCEQ, hence I'm filing pro-se even tho I've paid \$6500, hard earned \$; even as I qualify to be disabled.

2nd POINT OF APPEAL: My attorneys strongest statement was not included in the order proposed . His insistence to not care of what secretly may happen instead of real history of what's happening now. Defendant has been doing the best job of his life in the processing the required reporting. Therefore TCEQ DR states positive affirmation of defendants current actions, not included in proposed

order. This omission seriously defames / slanders defendant. This is as real-world as it gets. Tceq as the highest entity should be held to higher standard.

3rd POINT OF APPEAL: As Defendant claimed his rights and demanded these rights not be waived in the aftermath of Harvey which afforded average citizens certain rights. I'm asking all my rights , state , federal , personally apply to strengthen my standing . Not mentioned in the order proposed is the TCEQ DR statement that no harm was done even during Harvey by Defendant ;which federally classified as cause to give average citizens extra measure to clean up and put it all back together , including the wrongly filed or absent reporting on files destroyed by natural disaster

4th POINT OF APPEAL: The DR at this time did state Defendant is doing the best ever on timely filing reports and nothing is stated in the proposed order.

5TH POINT OF APPEAL: should be #1 point of appeal but just as I somehow didn't do something correctly in my initial approach to resolve this through many meetings & ask local commissioners court to pull the chief DR off of me and provide what is suggested by TCEQ of singularly dedicated mediation employee. ch13 of TCEQ CHARTER states my responsibility. Defendant did as required by charter and was given no relief . Legally Voiding all the following events, tickets , slanderous DR actions. Proof again of my taking my responsibility seriously . Ask judge Creig Doyle or Rusty Hardy . They remember me asking to avert the catastrophe fixing to befall my family from the Chief DR (Before he instigated the ticketing)My request for someone else beside the Chief DR or appointment of mediator, review board, ombudsman etc,This voids the charter by chapter 13 in all the legal ways I don't know how to say but I'll expound if given proper RE-dress. As well i saying the short opening prayer. They also remember my well behaved 4y.o. son I've had the privilege to raise as a single dad since the day he was born . This is another point of appeal tied in with my children's rights to not be waived . I keep hearing from everyone involved ; including the commissioners court representatives individually from 5 precincts. They don't know what to do about the secret gov't processes of TCEQ . This point ties in with my point of appeal whereby many beside myself want transparency.

6th POINT OF APPEAL: is how uncharacteristically the point was made of my recommendation letters . The recommendation letters were not stated properly because the whole truth is the recommendations were the 40 ticketed customers. Even the ticketed Permit holders who were dropped by the various courts for NOT being my responsibility altho I accept full responsibility with a little help please. minus 1 whom stated she never gives recommendation letters . Every single customer of ticketed permit holders minus one ;which the TCEQ forgot to correctly point out in all fairness . This point ties in with the last which I'm following the TCEQ charter; responsibility and whole-heartedly. The TCEQ charter spells out letters of recommendation letters from police , which included from the local

lieutenant as well as the man whom the local football field is named after because , just put in that 1 individual (not parole officer. or regular officer as per charter) . Because the TCEQ charter does state viability of recommendation letters and is TCEQ only available recourse; equal to the importance afforded the recommendation letter must be elaborated. Mis-labeling an admittedly key evidence is surmount to say the TCEQ charter is void . Especially as ALJ writes the recommendation letters are inconsequential . They are all the charter afforded defendant.

7th POINT IF APPEAL: In ADMINISTRATIVE HANDBOOK of TEXAS it is stated that where there is a suggested provided liaison , review board ,ombudsman, mediator, counselor available ... and I site Montgomery county DR own statement as fastest growing or largest permit placing county in Texas . If Montgomery county isn't a place where this help to the general public is suggested in ADMIN RULEBOOK . Is there even such a place as to be suggested by the highest rulebook ? Where is the place whom has on the payroll, such a help?? Its not available altho I'm US born and raised and again ask for all my rights and that my rights and heirs rights not be waived . If there are discrimination laws on the books or whistle-blowing rules for gov't not applying this obviously budgeted job title this is my point .

8th POINT OF APPEAL: is by the calling of my customer history and right then and there in the SOAH court. The realization of years of requesting closure on a situation whereby Montgomery Co DR claimed to that moment that this customer septic was not inspected and upon realizing the TCEQ DR or any other Montgomery co representative corrected the error and corrected position as properly inspected . Defendant requested the ALJ to hear about the errors Montgomery Co DR . perpetrated. This individual has rights for fair and nonprejudice reporting . Therefore the error of not previously reporting to me , or my customer the oversight. I've seen many,many individual rites slashed by TCEQ . Even not mentioning this in the proposed order is in error because it goes to the heart of my case and as I held up a letter to show the judge that I'll frame it as evidence that Montgomery co has indeed contacted me on an issue of importance. I've witnessed many points as this , told the judge and offered evidence as to what was the correct procedure was to communicate as I proposed to framed on my wall the one letter I ever received.

9th POINT OF APPEAL: Customer/Individual rights that are somehow kicked to the curb. The error in taking away readily acknowledged and taken seriously the responsibility to provide required Maintenance . What is the alternative, that our secret society of TCEQ/ Representatives will ask another Maintenance provider to do work on my required Maintenance . Does anyone have a plan B if no one is addressing how this will be paid for? This is the most common sense objection of the APPEALS I've announced . Side-note : if I wasn't doing my Maintenance report inspections properly, take this license . I'll still fight the same intensity for RE-claiming my required reporting but just a suggestion : do not burden the taxpayers

to pay for service admittedly performed in error ; yet defendant fighting to avoid other surrogate Maintenance provider when defendant offers free of charge this service.

10th POINT OF APPEAL: Defendants right of mediation was waived by opposing parties.

11th POINT OF APPEAL: is rights to be upheld and not waived of my 7y.o. son and soon to be 4y.o. daughter & wife upon marriage in a couple months scheduled. As I may so boldly point out . A man dethroned of his entire livelihood, for altho technically breaking the law ; the spirit of the law is always been contemplated by the head of this household. Court Denial seriously affects the family as a whole . Having never received gov't benefits; my appeal is to humanity's common sense. I'm asking nothing of my gov't except to shut up and sit down. Throwing the baby out with the bath water is so 18th & 19th century.

12thPOINT OF APPEAL: Proposed order doesn't carry in writing to what was the gyst of TCEQ argument that takes my license for what may go wrong secretly in the future . The transparency laws must be applied to TCEQ so it must defend itself as the law states. Not in its own preferred context as a governing body with a secret knowledge of how something may do wrong in the future.

13th POINT OF APPEAL: As I've stated, I qualify to be declared disabled , employed by a minority and disadvantaged business , disabled so therefore; factually, demand my rights and that these rights not be waved. Especially regarding financial repercussions to defendant & how defendants unelaborated.

14th POINT OF APPEAL: is Mis-representation of oral statements. No casett tape was provided to defendant so therefore the writer of order proposed has unfair participation.

15th POINT OF APPEAL: Page 8 stating defendant did not resolve the issues is omission of the fact that many were resolved at the time and all issues have ultimately all been resolved.

16th POINT OF APPEAL: Mr Nichols never testified if there is not enough square footage in the home , a drip system may not work properly. This statement is absolutely false so the record is in error.

17th POINT OF APPEAL: Defendant did testify that the ratio of sewage on surface irrigation is greatly increased on small type lots defendant predominantly works on ; compared to drip line dispersal area where the effluent is primarily in the ground where for generations mankind has agreed with disposal.

18th POINT OF APPEAL: page14 the defendant installing drip instead of spray only happened one time and this was the beginning of Montgomery co deference to Defendant . Falsely recording on proposed order of more than one is slanderous. (System was ultimately inspected as drip&maintained ; completely within the rights of property owner and with great appreciation . Same as defamed Defendant)

19th POINT OF APPEAL: Having received all paperwork from attorney on feb 18 and presenting to another attorney feb19 . Receiving back paperwork feb 22 . It occurred to Defendant to open paperwork himself and upon seeing feb24 that feb 25 is deadline to appeal . This timeframe is too small . The two attorneys which been paid collectively \$6500 has defendants best interest at heart as they researched issues inclusive of proposed order . Defendants misunderstanding of attorney instructions should afford slightly more time in which to file paperwork . Defendant may not be able to ascertain on the day the paperwork is due ; what is the best that could be done by defendant . A livelihood dependent on licensing regulations should not be depending on too small of timeframe to file. Page 2 of 2 (Templates/ExternalWebsiteTemplate.dwt) Filings by Self-Represented Litigants. Again I ask for my rights and said rights not be waived .<http://www.soah.state.tx.us/Agency/contactUs.html> or <http://www.soah.texas.gov/soahupload/Login.aspx?ReturnUrl=%2fsoahupload2%2f> or not appear to be a valid email address and is the only address available in written document titled Filings by Self-Represented Litigants. Or State of Texas , State Office of Administrative Hearings; E-filing; not working because Your message couldn't be delivered to WebAdmin@soah.texas.gov because the remote server is misconfigured "550 5.4.1 WebAdmin@soah.Texas.gov: Recipient address rejected : Access denied. [By2NAM01FT016.eop-name01.prod.production.outlook.com]". The SAAfter calling 512-475-4993 , the SOAH employee chief clerk Giselle Quintero gave the fax # 512-322-2061 as only method of recourse or bring physically to : 300 15th Street suite 504, Austin Tx 78701. The hearings referred by the TCEQ, documents must be filed in accordance with: 1 Tex. Admin. 155.101(d) which state after 155.101(A) is strongly recommend to use Electronic CIS system but nothing in written correspondence to defendant or chief clerk can offer email address . In the Texas State Office of Administrative Hearings in the option REPRESENTING YOURSELF it does not give me the option I need for my procedure.

20th POINT OF APPEAL: Especially regarding financial repercussions to defendant & how defendants unelaborated disabilities should carry the same weight as proposed order last page, last sentence (If any provision, sentence, clause etc...)Service list of attorney mmcdougal@macdougallaw.com is erroneous.

21st POINT OF APPEAL: page 4 above CONCLUSIONS OF LAW. The Commissions Office of Public Interest or any party involved has not offered mediation, ombudsman, mediator, arbitrator ,parole(even tho charter clearly identifies parole officer),fines ; any other ways of USA law averting taking defendants livelihood in such a manner as to strip of life , liberty , pursuit of happiness . As happiness , liberty , life is what defendant has built as the company of defendant. Adding such a one whom no one has ever sued or taken to court aside from local gov't to unemployment. This is no way to handle the challenge . As defendant of countless generations of loyal Americans who's persistent desire has been to do right and do no harm; James Joseph Trimble DBA Texas Dozer/Septico 305 N Thomason Willis Tx 77378
936-672-1600.

22nd point of appeal . The general discussions on the floor of the Soah court was where TCEQ was insisting that I be reticketed for asking to Montgomery Co To assess the few remaining out of completion paperwork . Believe me If anyone fills the gap for what defendant is licensed to do and they ask or anyone else asks and is granted permission to review any out of compliance reporting . This will render the prosess as a whole as void. The spirit of this discussion permiates the pages of the written proposed orde3r and if general denial of the TCEQ request to take licenses isnt enough as defendant asks for the rights duly afforded and they not be waived. Defendant hereby asks TCEQ to return a verdict of license renewal ONLY. Even in Modified form. Given the severity of certian unemployment; work together for good.

12/20/18

5:11 pm

SOAH DOCKET NOS. 582-15-5381, 582-17-5382, 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

EXECUTIVE DIRECTOR OF THE	§	BEFORE THE STATE OFFICE
TEXAS COMMISSION ON	§	
ENVIRONMENTAL QUALITY	§	
V.	§	OF
	§	
JAMES TRIMBLE	§	ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S REPLY TO CLOSING ARGUMENT

TO THE HONORABLE JUDGE CASEY BELL:

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this ED's Reply to Closing Argument reaffirming his decision to deny James Trimble's (Respondent) applications for a new On-Site Sewage Facility Site Evaluator license, and for renewal of his On-Site Sewage Facility Installer and Maintenance Provider licenses.

The TCEQ's mission is to "protect our state's public health and natural resources consistent with sustainable economic development... To accomplish our mission, we will: promote and foster voluntary compliance with environmental laws..."¹ The Texas Legislature has given the Commission "general authority over the location, design, construction, installation, and proper functioning of on-site sewage disposal systems."² To that end, the Commission has adopted rules concerning On-Site Sewage Facilities at Title 30 Texas Administrative Code (TAC) Chapter 285.³ However, the law that governs this case is found in Texas Water Code (TWC) Sections

¹ <https://www.tceq.texas.gov/agency/mission.html>

² Texas Health and Safety Code § 366.011(1).

³ See 30 TAC § 285.1(a).

(§§) 37.005(c)(1) and (3). TWC Chapter 37 gives the Commission authority to regulate all occupational licenses issued by the TCEQ.⁴

The issues in this case are whether the applicant has a record in the preceding five years of continuing violations of statutes or rules adopted under those statutes and whether the applicant has demonstrated gross negligence, incompetence, or misconduct in the performance of activities authorized by the license.⁵ It does not matter the county in which the violations occurred, as the statute does not make any distinction.

Respondent argues that Montgomery County was unfair in its treatment of Respondent⁶, but ED witness Scott Nichols testified that Montgomery County did more to help Respondent than it has done for any other installer.⁷ Respondent also argues that the ED is ignoring 24 years of Respondent's job performance,⁸ but the statute does not require the ED to consider the past 24 years.⁹ The statute authorizes the ED to act based only on the past 5 years of an applicant's performance.¹⁰

Respondent submitted into evidence several letters of statements from Respondent's customers. All of these letters are irrelevant. They have no bearing on the issues as stated above. Customers may be happy with Respondent's work even though the work is replete with violations, and even if it was done negligently or incompetently. This is true particularly if Respondent is doing the work at a bargain price to the customer. Respondent also falsely argued that the ED presented no

⁴ See TWC, Chapter 37.

⁵ See ED 3, Section 3.

⁶ See James Trimble's Closing Argument.

⁷ Hearing Recording.

⁸ See James Trimble's Closing Argument.

⁹ See TWC §37.005(c)(1).

¹⁰ Id.

evidence of complaints regarding Respondent¹¹, as Mr. Nichols testified that Montgomery County had received complaints regarding Respondent's work.¹²

It is unclear why Respondent uses the example involving the Waller County Environmental Department inspection at one of his installations.¹³ This example seems to confirm that he does not turn in his paperwork in Waller County, either. The author of the letter states that the Waller County official told him that "[Waller County] had not received any inspections on my system."¹⁴

Respondent asks the Court to "take into account that absolutely zero of Mr. Trimble's jobs has come close to harming the environment or the public health."¹⁵ The fact of the matter is that because Respondent consistently fails to turn in his paperwork as required, we don't know if any systems installed by Respondent are failing or not.

Finally, the statute does not require that the Respondent have 5 contiguous years of violations.¹⁶ The statute requires that within the preceding 5 years, there is a record of continuing violations.¹⁷ It is clear in this case that if the 5 preceding years are considered, the Respondent has a history of continuing violations.

For all of the foregoing reasons, the ED concludes that Respondent's applications for a new On Site Sewage Facility Site Evaluator license, and for renewal of his On Site Sewage Facility Installer and Maintenance Provider licenses should be denied because Respondent has a record in the preceding five years of continuing violations of statutes or rules adopted under those statutes and he has demonstrated

¹¹ See James Trimble's Closing Argument.

¹² Hearing Recording.

¹³ See James Trimble's Closing Argument.

¹⁴ Id.

¹⁵ Id.

¹⁶ See TWC § 37.005(c)(1).

¹⁷ Id.

gross negligence, incompetence, or misconduct in the performance of activities authorized the licenses that he holds.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Toby Baker, Executive Director


Robert Martinez, Director
Environmental Law Division

By: 

Alicia Ramirez, Staff Attorney
Environmental Law Division
State Bar of Texas 24032665
MC-173, P.O. BOX 13087
Austin, TX 78711-3087
Phone: (512) 239-0133
Fax: (512) 239-0606

CERTIFICATE OF SERVICE

I certify that on December 20, 2018, the foregoing "Executive Director's Reply to Closing Argument" was filed with the TCEQ's Office of the Chief Clerk and mailed to the persons on the attached mailing list.


Alicia Ramirez, Staff Attorney
Environmental Law Division
State Bar No. 24032665

CERTIFICATE OF SERVICE

I hereby certify, by my signature below, that a true and correct copy of the above and foregoing was forwarded via electronic filing or electronic mail on the 20th day of December, 2018, to the Service List attached below.

Hollis Henley
Staff Attorney, TCEQ
Environmental Division
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-2253
Fax: (512) 239-0606
Hollis.henley@tceq.texas.gov

Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
Phone: (512) 475-4993
Fax: (512) 322-2061

Pranjal Mehta
Public Interest Counsel, MC 103
P.O. Box 13087
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Phone: (512) 239-6363
Fax: (512) 239-6377

Mr. Michael A. McDougal
417 W. Lewis
Conroe, TX 77301
Phone: (936) 756-1960
Fax: (936) 756-1998
mmcdougal@mcdougallaw.com



Alicia Ramirez

10:05 am

TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

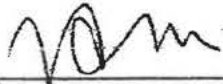
Moreover, the ED's Motion is disingenuous since Judge Bell set December 20, 2018, as the date for any replies from the parties. The ED is not, and cannot be, harmed by the receipt of the Respondent's Closing Argument on December 6, 2018, since he had until December 20, 2018, to file a reply, which would be the same as what he has already submitted and the ED has received it before December 20, 2018.

MAIL ROOMS OFFICE

150000
ON ENVIRONMENTAL
QUALITY

The ED's request to Judge Bell to strike the Respondent's submitted Closing Argument is not founded on any harm, real or imagined, and is not in the interest of justice.

Judge Bell has the ultimate authority to weigh the merits of the arguments made herein and by the ED, and is granted wide discretion in ruling on this matter. Respondent submits that striking his Closing Argument is to severe a punishment for a delay in the ED's receiving his Closing Argument, especially considering that it can be treated as a Reply to the ED's Closing Argument, thereby causing no harm or damage to the ED.



Michael A. McDougal
Lawyer for James Trimble
SBN13570000

MAILING LIST

SOAH DOCKET NOS. 582-17-5381, 582-17-5382, 582-18-3569

TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

The Honorable Casey Bell
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

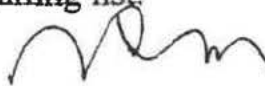
Hollis Henley, Staff Attorney
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Bridget Bohac
TCEQ Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Pranjal M. Mehta
Assistant Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087

CERTIFICATE OF SERVICE

I certify that I have filed with the Docket Clerk of the State Office of Administrative Hearings and the Chief Clerk of the TCEQ the foregoing Closing Argument for James Trimble. I have also mailed by United States Mail a true and correct copy of every one on the above mailing list.

A handwritten signature in black ink, appearing to be 'J. Mehta', is written below the text of the certificate.

12/12/2018
4:07 pm

SOAH DOCKET NOS. 582-15-5381, 582-17-5382, 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

V.

JAMES TRIMBLE

§
§
§
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§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

MOTION FOR SANCTIONS

TO THE HONORABLE JUDGE CASEY BELL:

NOW COMES the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) by and through his attorney, Alicia Ramirez, and files this ED's Motion for Sanctions. In support of this Motion, the ED would show the following:

I. Introduction

On September 11, 2018, an evidentiary hearing was held in this case. At the close of the hearing and on the record, the honorable Judge Casey Bell ordered that closing arguments in the case would be due in writing on November 30, 2018.¹ The ED and Office of Public Interest Counsel (OPIC) filed their closing arguments on November 30, 2018, pursuant to the Judge's order.² James Trimble (Respondent) filed his closing arguments on December 6, 2018.³

¹ Hearing recording

² See Exhibits A and B, the first pages of the Closing Arguments filed by the ED and OPIC respectively, showing SOAH's e-filing receipt, attached to this motion.

³ See Exhibit C, *James Trimble's Closing Argument*, date stamped by SOAH and attached to this motion.

II. Authority

Title 30 (30) Texas Administrative Code (TAC) Section (§) 80.107(a)(3) grants the Judge the authority, after notice and hearing, to impose sanctions against a party for failure to obey an order of the Judge.⁴ A sanction imposed under 30 TAC § 80.107(a)(3) may include striking pleadings or testimony, or both, in whole or part.⁵

III. Conclusion

The ED requests that the Judge strike the pleading “*James Trimble’s Closing Argument*” in its entirety because Respondent failed to obey the Judge’s order to file his closing argument by November 30, 2018. At the hearing, Respondent stated that he wanted to file his closing last, but the Judge said that all closing arguments would be filed on the same day, November 30, 2018, and that any replies would be due on December 20, 2018, the same day the record would close.⁶ Respondent, by filing his closing argument on December 6th, has effectively circumvented the Judge’s order so that he could file his closing argument after the ED and OPIC filed theirs.

Respondent appears to be trying to deceive the Court and the parties with his filing. The certificate of service is not dated.⁷ The cover letter included with the filing is dated November 30, 2018⁸, however the envelope in which the ED received his copy of the filing is not post marked.⁹ There are no postal markings on the envelope whatsoever.¹⁰ The ED believes he received his service copy by hand delivery on

⁴ 30 TAC § 80.107(a)(3).

⁵ 30 TAC § 80.107(b)(6).

⁶ Hearing recording.

⁷ See Exhibit C, *James Trimble’s Closing Argument*, date stamped by SOAH and attached to this motion.

⁸ Id.

⁹ See Exhibit D, copy of the envelope in which *Jim Trimble’s Closing Argument* was received.

¹⁰ Id.

December 7, 2018, as indicated by the TCEQ received stamp on the envelope.¹¹ And even though the cover letter is dated November 30, 2018, it is clear Respondent's letter and closing argument were not received by SOAH until December 6, 2018, as indicated by the SOAH received stamp.¹²

For all of the foregoing reasons, the ED respectfully requests that the Judge strike the pleading "*James Trimble's Closing Argument*" in its entirety.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Toby Baker
Executive Director

Robert Martinez, Director
Environmental Law Division

By: 

Alicia Ramirez, Staff Attorney
Environmental Law Division
State Bar of Texas 24032665
MC-173, P.O. BOX 13087
Austin, TX 78711-3087
Phone: (512) 239-0133
Fax: (512) 239-0606

CERTIFICATE OF SERVICE

I certify that on December 12, 2018, the foregoing "Motion for Sanctions" was filed with the TCEQ's Office of the Chief Clerk and emailed and mailed to the persons on the attached mailing list.



Alicia Ramirez, Staff Attorney
Environmental Law Division
State Bar No. 24032665

¹¹ Id.

¹² See Exhibit C, *James Trimble's Closing Argument*, date stamped by SOAH and attached to this motion.

CERTIFICATE OF CONFERENCE

I certify that I conferred with Michael A. McDougal on December 12, 2018. I asked him to withdraw his late filed closing argument and he refused.

I certify that I made a reasonable but unsuccessful attempt to confer with counsel for OPIC, but she is out of the office until December 19, 2018.

A handwritten signature in black ink, appearing to be 'Alicia Ramirez', written over a horizontal line.

Alicia Ramirez

CERTIFICATE OF SERVICE


I hereby certify, by my signature below, that a true and correct copy of the above and foregoing was forwarded via electronic filing or electronic mail on the 30th day of November, 2018, to the Service List attached below.

Hollis Henley
Staff Attorney, TCEQ
Environmental Division
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-2253
Fax: (512) 239-0606
Hollis.henley@tceq.texas.gov

Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
Phone: (512) 475-4993
Fax: (512) 322-2061

Pranjal Mehta
Public Interest Counsel, MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-6363
Fax: (512) 239-6377

Mr. Michael A. McDougal
417 W. Lewis
Conroe, TX 77301
Phone: (936) 756-1960
Fax: (936) 756-1998
mmcdougal@mcdougallaw.com


Alicia Ramirez

SOAH DOCKET NOS. 582-15-5381, 582-17-5382, 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

§
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§

BEFORE THE STATE OFFICE

OF

V.

JAMES TRIMBLE

ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S CLOSING ARGUMENT

TO THE HONORABLE JUDGE CASEY BELL:

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this ED's Closing Argument reaffirming his decision to deny James Trimble's (Respondent) applications for a new On-Site Sewage Facility Site Evaluator license, and for renewal of his On-Site Sewage Facility Installer and Maintenance Provider licenses.

I. Introduction

In December 2016, Respondent applied to the TCEQ for a new On Site Sewage Facility (OSSF) Site Evaluator License.¹ The ED notified Respondent that he intended to deny Respondent's application, after notice and hearing, pursuant to Texas Water Code (TWC) Sections (§§) 37.005(c)(1) and (3) on March 9, 2017.² Respondent requested a hearing on the denial of his Site Evaluator application on April 10, 2017.³ In March 2017, Respondent applied to the TCEQ to renew his OSSF Installer license.⁴ On May 9, 2017, the ED notified Respondent that he intended to deny Respondent's application,

¹ ED 3, Section 3, p. 11.

² Id.

³ ED 3, Section 4, p. 17.

⁴ ED 3, Section 3, p. 13.



Jon Niemann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



Vic McWhorter, *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 30, 2018

Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

RE: **JAMES TRIMBLE**
SOAH DOCKET NOS. 582-17-5381, 582-17-5382, 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC,
2018-0546-LIC

Dear Ms. Bohac:

Enclosed for filing is the Office of Public Interest Counsel's Closing Argument in the above-entitled matter.

Sincerely,


Pranjali M. Mehta, Attorney
Assistant Public Interest Counsel

cc: Mailing List



Michael A. McDougal
LAWYER
Board Certified Criminal Law T.B.L.S.



K. Ryan McDougal
LAWYER

November 30, 2018

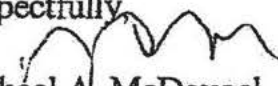
Ms. Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087.

RE: James Trimble
SOAH Docket Nos. 582-17-5381, 582-17-5382, 582-18-3569
TCEQ Docket Nos. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

Dear Ms. Bohac:

Enclosed for filing is James Trimble's Closing Argument in the above designated matters.

Respectfully,


Michael A. McDougal
Lawyer for James Trimble

cc: Mailing List

RECEIVED
STATE OFFICE OF
ADMIN. HEARINGS
2018 DEC -6 PM 2:01



mmcdougal@mcdougallaw.com

rmcdougal@mcdougallaw.com

936-756-1960

www.mcdougallaw.com

417 W. Lewis Conroe, Texas 77301

Fax: 936-756-1998

TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

IN THE MATTERS * BEFORE THE STATE OFFICE
OF * OF
JAMES TRIMBLE * ADMINISTRATIVE HEARINGS

TO THE HONORABLE ADMINISTRATIVE JUDGE CASEY BELL:

MR. TRIMBLE'S BACKGROUND

It was not until he applied for renewal licenses in 2017 and 2018, that he has ever been denied his licenses.

The Public Interest Counsel's Closing Argument stated that Mr. Trimble had 37 convictions out of 87 citations he had received. That means he was not

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ADMIN. HEARINGS

seeking assistance on matters required of him by the County, why shouldn't the County attempt to help him. It is patently unfair for Montgomery County to demand Mr. Trimble follow the rules and regulations, but deny him assistance when he seeks advice on how to remedy the reason for the County's citations.

Mr. Trimble also would highlight the Maintenance Provider Maintenance list submitted by the ED. It is 11 pages in total and lists 75 missing reports out of 345 reports submitted – that does not show Mr. Trimble to be derelict in his duties or performance.

Mr. Trimble also argues that in spite of the "evidence" against him, the ED has totally ignored his job performance for from 1988 until 2014, 24 years of performing his duties under TCEQ's and Montgomery County's rules and regulations without any violations, citations, or complaints.

Mr. Trimble also argues that even though the ED has stated that Mr. Trimble had received complaints against his work, the ED totally failed to submit ANY evidence of such complaints. Mr. Trimble, on the other hand, submitted numerous letters from his clients in support of his work. Mr. Trimble would specifically reference the letter of Mr. Wayne Hall of Hockley, Texas, on March 17, 2018:

"...I called Delta Whitewater Septic Systems for a referral and was given Mr. Trimble as a certified factory repair company. He responded promptly to repair my issue. At that time, I contracted with him to service and maintain my system and provide me with the proper paperwork at the time of each timely inspection to be forwarded to the county, which he did. I met him out here on several occasions when he performed his inspection and my recollection back to 2012 was either given a report or left in the door.

"Fast forward several months, one day the head of the Waller County Environmental Dept. drove up and started looking around and taking pictures. I remember being at the back of my property and went up to see what this was all

about. He told me the county had not received any reports of any inspections on my system. I asked him if he wanted to see my paperwork and he said no. He said Mr. Trimble's wife owned the company and the county was going to take her to court. I thought that was very odd he didn't need to see the copies of what was left with me.

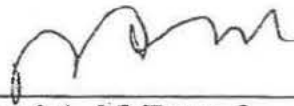
"Now time has gone by and everything related to the subject has been thrown out. If this issue is being held against him for dereliction of his responsibility, it would be wrong as everything he did is exactly the same way the maintenance company I have today."

In summation, Mr. Trimble reurges the Judge to take into account the fact that absolutely zero of Mr. Trimble's jobs has come close to harming the environment or the public health. Both Frank Nichols and Jaya Zyman testified in response to this defense, that there was "potential adverse impact" and failure to investigate environment harm "does not mean environmental harm did not happen." Such statements are absurd and fail to support the denial of Mr. Trimble's license applications.

CONCLUSION

After evaluating the credible evidence submitted by TCEQ and OPIC, it is readily apparent that Mr. Trimble does not have, and TCEQ and OPIC have failed to submit, any evidence which shows that Mr. Trimble "has a record in the preceding 5 years of continuing violations and misconduct." According to TCEQ's and OPIC's own testimony, Mr. Trimble's woes with Montgomery County did not start until 2014; the ED denied his applications on March 9, 2017, May 9, 2017 and March 28, 2018. That is, at most, 4 years out of the 30 years Mr. Trimble has been performing his work.

Respectfully submitted,



Michael A. McDougal
Lawyer for James Trimble
SBN 13570000

MAILING LIST

SOAH DOCKET NOS. 582-17-5381, 582-17-5382, 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026-LIC, 2018-0546-LIC

The Honorable Casey Bell
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

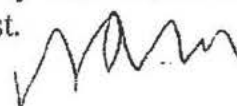
Hollis Henley, Staff Attorney
TCEQ Environmental Law Division
MC-173
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Austin, Texas 78711-3087

Bridget Bohac
TCEQ Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Pranjal M. Mehta
Assistant Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087

CERTIFICATE OF SERVICE

I certify that I have filed with the Docket Clerk of the State Office of Administrative Hearings and the Chief Clerk of the TCEQ the foregoing Closing Argument for James Trimble. I have also mailed by United States Mail a true and correct copy of every one on the above mailing list.





417 W. Lewis
Conroe, Texas 77301

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Hollis Henley, Staff Attorney
TCEQ Environmental Law Division
MC-173
P.O. Box 13087
Austin, Texas 78711-3087

SOAH DOCKET NOS. 582-17-5381, 582-17-5382, & 582-18-3569
TCEQ DOCKET NOS. 2017-1024-LIC, 2017-1026, & 2018-0546-LIC

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
Petitioner

BEFORE THE STATE OFFICE
OF

v.

JAMES TRIMBLE

ADMINISTRATIVE HEARINGS

Respondent

In the course of human events . When humans have egregiously wronged each other to the extent change is the only way up . The man who invented chlorination to drinking water. John Laing Leal was ordered by a judge to not do as he did . He was been told he wasn't aware of the law not to do this even tho he was absolutely aware. Same with me . I never say it is not my responsibility but rather I say there is very little I don't know about the septic business. Therefore the ALJ stated I didn't have a responsibility to understand TCEQ regulations ;egregiously . One fact in TCEQ licensing is I always have the responsibility. Even when ticketed by TCEQ DR and later proven innocent of several tickets by various local JP's.(not clearly mentioned in proposed order) I readily offer my whole hearted assistance to verify water well issues, resign expired Maintenance contracts even ones legally not my responsibility to perpetuate or do any of the things that my local DR desired. As I tell many this fact, never do I say otherwise.

1st POINT OF APPEAL: erroneous reporting Defendant stated not responsible to know TCEQ Rules As I've hired the most respected attorneys in Montgomery county ; my associates/friends for many years. They also state they do not know how to appease TCEQ, hence I'm filing pro-se even tho I've paid \$6500, hard earned \$; even as I qualify to be disabled.

2nd POINT OF APPEAL: My attorneys strongest statement was not included in the order proposed . His insistence to not care of what secretly may happen instead of real history of what's happening now. Defendant has been doing the best job of his life in the processing the required reporting. Therefore TCEQ DR states positive affirmation of defendants current actions, not included in proposed

order. This omission seriously defames / slanders defendant. This is as real-world as it gets. Tceq as the highest entity should be held to higher standard.

3rd POINT OF APPEAL: As Defendant claimed his rights and demanded these rights not be waived in the aftermath of Harvey which afforded average citizens certain rights. I'm asking all my rights , state , federal , personally apply to strengthen my standing . Not mentioned in the order proposed is the TCEQ DR statement that no harm was done even during Harvey by Defendant ;which federally classified as cause to give average citizens extra measure to clean up and put it all back together , including the wrongly filed or absent reporting on files destroyed by natural disaster

4th POINT OF APPEAL: The DR at this time did state Defendant is doing the best ever on timely filing reports and nothing is stated in the proposed order.

5TH POINT OF APPEAL: shoul be #1 point of appeal but just as I somehow didn't do something correctly in my initial approach to resolve this through many meetings & ask local commissioners court to pull the chief DR off of me and provide what is suggested by TCEQ of singularly dedicated mediation employee. ch13 of TCEQ CHARTER states my responsibility. Defendant did as required by charter and was given no relief . Legally Voiding all the following events, tickets , slanderous DR actions. Proof again of my taking my responsibility seriously . Ask judge Creig Doyle or Rusty Hardy . They remember me asking to avert the catastrophe fixing to befall my family from the Chief DR (Before he instigated the ticketing)My request for someone else beside the Chief DR or appointment of mediator, review board, ombudsman etc,This voids the charter by chapter 13 in all the legal ways I don't know how to say but I'll expound if given proper RE-dress. As well i saying the short opening prayer. They also remember my well behaved 4y.o. son I've had the privilege to raise as a single dad since the day he was born . This is another point of appeal tied in with my children's rights to not be waived . I keep hearing from everyone involved ; including the commissioners court representatives individually from 5 precincts. They don't know what to do about the secret gov't processes of TCEQ . This point ties in with my point of appeal whereby many beside myself want transparency.

6th POINT OF APPEAL: is how uncharacteristically the point was made of my recommendation letters . The recommendation letters were not stated properly because the whole truth is the recommendations were the 40ticketed customers. Even the ticketed Permit holders who were dropped by the various courts for NOT being my responsibility altho I accept full responsibility with a little help please. minus 1 whom stated she never gives recommendation letters . Every single customer of ticketed permit holders minus one ;which the TCEQ forgot to correctly point out in all fairness . This point ties in with the last which I'm following the TCEQ charter; responsibility and whole-heartedly. The TCEQ charter spells out letters of recommendation letters from police , which included from the local

lieutenant as well as the man whom the local football field is named after because , just put in that 1 individual (not parole officer or regular officer as per charter) . Because the TCEQ charter does state viability of recommendation letters and is TCEQ only available recourse; equal to the importance afforded the recommendation letter must be elaborated. Mis-labeling an admittedly key evidence is surmount to say the TCEQ charter is void . Especially as ALJ writes the recommendation letters are inconsequential . They are all the charter afforded defendant.

7th POINT IF APPEAL: In ADMINISTRATIVE HANDBOOK of TEXAS it is stated that where there is a suggested provided liaison , review board ,ombudsman, mediator, counselor available ... and I site Montgomery county DR own statement as fastest growing or largest permit placing county in Texas . If Montgomery county isn't a place where this help to the general public is suggested in ADMIN RULEBOOK . Is there even such a place as to be suggested by the highest rulebook ? Where is the place whom has on the payroll, such a help?? Its not available altho I'm US born and raised and again ask for all my rights and that my rights and heirs rights not be waived . If there are discrimination laws on the books or whistle-blowing rules for gov't not applying this obviously budgeted job title this is my point .

8th POINT OF APPEAL: is by the calling of my customer history and right then and there in the SOAH court. The realization of years of requesting closure on a situation whereby Montgomery Co DR claimed to that moment that this customer septic was not inspected and upon realizing the TCEQ DR or any other Montgomery co representative corrected the error and corrected position as properly inspected . Defendant requested the ALJ to hear about the errors Montgomery Co DR , perpetrated. This individual has rights for fair and nonprejudice reporting . Therefore the error of not previously reporting to me , or my customer the oversight. I've seen many,many individual rites slashed by TCEQ . Even not mentioning this in the proposed order is in error because it goes to the heart of my case and as I held up a letter to show the judge that I'll frame it as evidence that Montgomery co has indeed contacted me on an issue of importance. I've witnessed many points as this , told the judge and offered evidence as to what was the correct procedure was to communicate as I proposed to framed on my wall the one letter I ever received.

9th POINT OF APPEAL: Customer/Individual rights that are somehow kicked to the curb. The error in taking away readily acknowledged and taken seriously the responsibility to provide required Maintenance . What is the alternative, that our secret society of TCEQ/ Representatives will ask another Maintenance provider to do work on my required Maintenance . Does anyone have a plan B if no one is addressing how this will be paid for? This is the most common sense objection of the APPEALS I've announced . Side-note : if I wasn't doing my Maintenance report inspections properly, take this license . I'll still fight the same intensity for RE-claiming my required reporting but just a suggestion : do not burden the taxpayers

to pay for service admittedly performed in error ; yet defendant fighting to avoid other surragate Maintenance provider when defendant offers free of charge this service.

10th POINT OF APPEAL: Defendants right of mediation was waived by opposing parties.

11th POINT OF APPEAL: is rights to be upheld and not waived of my 7y.o. son and soon to be 4y.o. daughter & wife upon marriage in a couple months scheduled. As I may so boldly point out . A man dethroned of his entire livelihood, for altho technically breaking the law ; the spirit of the law is always been contemplated by the head of this household. Court Denial seriously affects the family as a whole . Having never received gov't benefits; my appeal is to humanity's common sense. I'm asking nothing of my gov't except to shut up and sit down. Throwing the baby out with the bath water is so 18th & 19th century.

12thPOINT OF APPEAL: Proposed order doesn't carry in writing to what was the gyst of TCEQ argument that takes my license for what may go wrong secretly in the future . The transparency laws must be applied to TCEQ so it must defend itself as the law states. Not in its own preferred context as a governing body with a secret knowledge of how something may do wrong in the future.

13th POINT OF APPEAL: As I've stated, I qualify to be declared disabled , employed by a minority and disadvantaged business , disabled so therefore; factually, demand my rights and that these rights not be waved. Especially regarding financial repercussions to defendant & how defendants unelaborated.

14th POINT OF APPEAL: is Mis-representation of oral statements. No casett tape was provided to defendant so therefore the writer of order proposed has unfair participation.

15th POINT OF APPEAL: Page 8 stating defendant did not resolve the issues is omission of the fact that many were resolved at the time and all issues have ultimately all been resolved.

16th POINT OF APPEAL: Mr Nichols never testified if there is not enough square footage in the home , a drip system may not work properly. This statement is absolutely false so the record is in error.

17th POINT OF APPEAL: Defendant did testify that the ratio of sewage on surface irrigation is greatly increased on small type lots defendant predominantly works on ; compared to drip line dispersal area where the effluent is primarily in the ground where for generations mankind has agreed with disposal.

18th POINT OF APPEAL: page14 the defendant installing drip instead of spray only happened one time and this was the beginning of Montgomery co deference to Defendant . Falsely recording on proposed order of more than one is slanderous. (System was ultimately inspected as drip&maintained ; completely within the rights of property owner and with great appreciation . Same as defamed Defendant)

19th POINT OF APPEAL: Having received all paperwork from attorney on feb 18 and presenting to another attorney feb19 . Receiving back paperwork feb 22 . It occurred to Defendant to open paperwork hisself and upon seeing feb24 that feb 25 is deadline to appeal . This timeframe is too small . The two attorneys which been paid collectively \$6500 has defendants best interest at heart as they researched issues inclusive of proposed order . Defendants misunderstanding of attorney instructions should afford slightly more time in which to file paperwork . Defendant may not be able to ascertain on the day the paperwork is due ; what is the best that could be done by defendant . A livelihood dependent on licensing regulations should not be depending on too small of timeframe to file. Page 2 of 2 (Templates/ExternalWebsiteTemplate.dwt) Filings by Self-Represented Litigants. Again I ask for my rights and said rights not be waived .
<http://www.soah.state.tx.us/Agency/contactUs.html> or <http://www.soah.texas.gov/soahupload/Login.aspx?ReturnUrl=%2fsoahupload2%2f> or not appear to be a valid email address and is the only address available in written document titled Filings by Self-Represented Litigants. Or State of Texas , State Office of Administrative Hearings; E-filing; not working because Your message couldn't be delivered to WebAdmin@soah.texas.gov because the remote server is misconfigured "550 5.4.1 WebAdmin@soah.Texas.gov: Recipient address rejected : Access denied. [By2NAM01FT016.eop-name01.prod.production.outlook.com]". The SAAfter calling 512-475-4993 , the SOAH employee chief clerk Giselle Quintero gave the fax # 512-322-2061 as only method of recourse or bring physically to : 300 15th Street suite 504, Austin Tx 78701. The hearings referred by the TCEQ, documents must be filed in accordance with: 1 Tex. Admin. 155.101(d) which state after 155.101(A) Is strongly recommend to use Electronic CIS system but nothing in written correspondence to defendant or chief clerk can offer email address . In the Texas State Office of Administrative Hearings in the option REPRESENTING YOURSELF it does not give me the option I need for my procedure.

20th POINT OF APPEAL: Especially regarding financial repercussions to defendant & how defendants unelaborated disabilities should carry the same weight as proposed order last page, last sentence (If any provision, sentence, clause etc...)Service list of attorney mmcdougal@macdougallaw.com is erroneous.

21st POINT OF APPEAL: page 4 above CONCLUSIONS OF LAW. The Commissions Office of Public Interest or any party involved has not offered mediation, ombudsman, mediator, arbitrator ,parole(even tho charter clearly identifies parole officer),fines ; any other ways of USA law averting taking defendants livelihood in such a manner as to strip of life , liberty , pursuit of happiness . As happiness , liberty , life is what defendant has built as the company of defendant. Adding such a one whom no one has ever sued or taken to court aside from local gov't to unemployment. This is no way to handle the challenge . As defendant of countless generations of loyal Americans who's persistent desire has been to do right and do no harm; James Joseph Trimble DBA Texas Dozer/Septico 305 N Thomason Willis Tx 77378
936-672-1600.

22nd point of appeal . The general discussions on the floor of the Soah court was where TCEQ was insisting that I be reticketed for asking to Montgomery Co To assess the few remaining out of completion paperwork . Believe me If anyone fills the gap for what defendant is licensed to do and they ask or anyone else asks and is granted permission to review any out of compliance reporting . This will render the prosess as a whole as void. The spirit of this discussion permiates the pages of the written proposed orde3r and if general denial of the TCEQ request to take licenses isnt enough as defendant askes for the rights duly afforded and they not be waived. Defendant hereby asks TCEQ to return a verdict of license renewal ONLY. Even in Modified form. Given the severity of certian unemployment; work together for good.