

**From:** [Elizabeth Jones](#)  
**To:** [Trisha Linebarger](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Monday, June 22, 2020 7:14:42 AM

---

From: sunset@sunset.texas.gov On Behalf Of Texas Sunset Commission  
Sent: Sunday, June 21, 2020 9:59:53 AM (UTC-06:00) Central Time (US & Canada)  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT LICENSING AND REGULATION

First Name: John

Last Name: Carbonero

Title: CEO

Organization you are affiliated with:

Email:

City: Dallas

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I am writing to support the sunset commission findings of the Texas Department of Licensing and Regulations listed below.

Issue 6

TDLR Lacks a Data-Driven, Risk-Based Strategy to Guide Key Regulatory Functions and Maximize Efficiency.

Questionable rules that can be considered unfair and discriminatory

The following TDLR adopted rule is an example of the agency lack of data driven inspections, which results in unfair treatment of licensees and compromise consumer protection.

TDLR Adapted Rule

Administrative Rules of the Texas Department of Licensing and Regulation  
16 Texas Administrative Code, Chapter 83 (Effective March 15, 2020)

83.52 (a) Except as provided by subsection (b), each beauty salon, specialty salon, dual shop, mini-salon, or mini-dual shop shall be inspected at least once every four years. Each beauty culture school shall be inspected at least twice per year.

(b) At least once every two years, the department shall inspect specialty shops that hold a license, certificate or permit at which the practice described in Texas Occupations Code, §§1601.002(1)(E) or (F) or 1602.002(a)(8) or (9) are performed.

## Discussion

- The rule above legally allows TDLR to neglect or disregard facility inspections for up to four years in beauty salon, specialty salon, dual shop, mini-salon, or mini-dual shop. Thousands of these licensees provide Manicure and pedicure as part of their services to the public. They also provide shaving, waxing, facials, and other services that could be categorized as high risks.

- It is unfair and discriminatory to the Asian community who owns the majority of specialty shops (manicure and pedicure) to be singled out with mandatory two-year inspections when other licensees providing the same service under different licenses are inspected every four years under the above rule.

## Solution

TDLR should establish factors it will use to assess individual salon risk based on service provided to the public. The risk-based assessment for inspections should include types of services provided to the public, prior health and safety violations, public complaints, whether the salon recently opened or was delinquent in renewing its license.

Inspections should be a proactive approach to identify, analyze, and control risk of the type of service provided to the consumer. The type of service provided should be the main driving factor on identifying the risk exposure to the public.

Any Alternative or New Recommendations on This Agency:  
Questionable and unnecessary licenses

Excessive, duplicative, and obsolete licenses and permits overwhelm TDLR and burden the industry for no public benefit,

## Discussion

Mini salon licenses are issued to beauty salon, specialty salon, dual shop, specialty shops facilities, for cosmetologist or barber that rent space in a separate room or suite inside these license facilities

Cosmetologist or barbers can rent space in a separate room or suite inside these license facilities beauty salon, Dual Salon or Barber Shop as an independent contractor/ booth rental without a mini salon license or any other permit as long as they have a cosmetologist or barber's license.

## Solution

There is no need to have a second facility/establishment licenses or sub license (mini salon licenses) which do not meaningfully protect the public.

Eliminating mini salon licenses which is not necessary to protect the public will allow TDLR to use state resources more efficiently by concentrating efforts on issues that will protect the public.

My Comment Will Be Made Public: I agree