

*Title 7. Banking and Securities*  
*Part 5. Office of Consumer Credit Commissioner*  
*Chapter 82. Administration*  
§82.1 - §82.4

The Finance Commission of Texas (commission) adopts amendments to 7 TAC, Chapter 82, concerning Administration. The commission adopts amendments to all four rules contained in Chapter 82: §82.1, concerning Custody of Criminal History Record Information; §82.2, concerning Public Information Requests; Charges; §82.3, concerning request for Criminal History Evaluation Letter; and §82.4, concerning Consumer Complaint Process.

The commission adopts the amendments without changes to the proposed text as published in the April 29, 2016, issue of the *Texas Register* (41 TexReg 3042).

The commission received no written comments on the proposal.

In general, the purpose of the amendments to Chapter 82 is to implement changes resulting from the commission's review of this chapter under Texas Government Code, §2001.039. The notice of intention to review 7 TAC, Chapter 82 was published in the *Texas Register* on March 11, 2016 (41 TexReg 1979). The agency did not receive any comments on the notice of intention to review.

Overall, the adopted amendments update authorized viewers of criminal history information, update public information procedures, clarify the requirements to request a criminal history evaluation letter, clarify the recipients of consumer complaint procedures, and make technical corrections. The individual purposes of the amendments

to each rule are provided in the following paragraphs.

The purpose of the amendments to §82.1 is to update the list of agency employees who have access to criminal history record information, and to make technical corrections that improve readability. The adopted amendments to §82.1 implement Texas Government Code, §411.095, as amended by Senate Bill (SB) 1075 (effective September 1, 2015), relating to criminal history record information obtained by the Office of Consumer Credit Commissioner (OCCC). SB 1075 amended Texas Government Code, §411.095 by adding the following to the list of persons about whom the OCCC can obtain criminal history record information: (1) an employee or volunteer with the OCCC, (2) an applicant for employment with the OCCC, and (3) a contractor or subcontractor of the OCCC.

In §82.1(a), definitions of "commissioner," "criminal history record information," and "OCCC" have been added. In §82.1(b) (former subsection (a)), the provisions referring to the OCCC's use of criminal history record information have been updated to cite Texas Government Code, §411.095. In §82.1(c) (former subsection (b)), the list of agency employees with access to criminal history record information has been updated to include the following employees: the director of strategic communications, administration and planning; and the human resources specialist. These changes reflect the agency's practice. The commissioner has authorized the human resources specialist to

review criminal history record information in evaluating applicants for employment. In addition, the director of strategic communications, administration and planning may review criminal history record information in evaluating employees, applicants for employment, contractors, and subcontractors. Subsection (c) also includes changes to improve readability and conform to the definition of "commissioner."

The purpose of the amendments to §82.2 is to conform the rule to the agency's current public information process, remove obsolete language, and add clarification.

The OCCC has recently transferred its public information duties to the legal department and along with that reorganization, has reviewed and updated its public information procedures.

In subsection (a) of §82.2 concerning definitions, the term defined in paragraph (5) has been updated to match the one used by the Office of the Attorney General (OAG) in 1 TAC §70.2. Accordingly, the OAG term "Standard paper copy" has replaced the term "Standard-size copy" in §82.2(a)(5).

Subsection (b) of §82.2 includes several amendments to provide clarification regarding the initial receipt of public information requests by the OCCC. Subsection (b) has been divided into five paragraphs in order to provide better readability. The former language in §82.2(b) through the phrase "normal business activities" has been retained under new paragraph (1) with the tagline "Generally." The following new closing sentence has been added to adopted §82.2(1) for clarity: "All requests will be processed in accordance with the Texas Public

Information Act, and all requests will be treated equally." The remaining language from former subsection (b) has been relocated into new paragraph (4) "Confidential information," and new paragraph (5) "Fee waiver or reduction."

Two new paragraphs in §82.2(b) relate to requests received via email, and those received by other methods. Adopted new §82.2(b)(2) requires that public information requests submitted via email must be sent to the OCCC's designated public information officer, as authorized by Texas Government Code, §552.301(c). Directing requests for public information submitted via email to the public information officer or designee serves to streamline the agency's public information process, and will ensure that all email requests are handled timely and consistently.

Adopted new §82.2(b)(3) provides the agency's address for requests delivered by mail or hand delivery, and the fax number for requests sent by facsimile. This provision reflects the agency's existing policy for requests received by these methods, providing more clarification in the rule.

Subsection (c) of §82.2 concerning copy and service charges has experienced several revisions to better reflect current agency practice and provide clarity for requestors of public information. Introductory language has been added to subsection (c) citing use of the applicable charges established by the OAG. The adopted amendments to §82.2(c) clarify that the charges outlined are the most common charges the OCCC collects to produce copies of public information, but that they may be supplemented or modified as authorized by the OAG cost rules.

In §82.2(c)(1) and (2), references relating to number of pages have been removed, as the OCCC's updated public information procedures will generally not involve a copy charge per page (unless paper copies are requested). Additionally, the amendments throughout §82.2(c)(1)-(2) better align with the agency's use and requestors' receipt of electronic records.

The adopted amendments to §82.2(c)(1) clarify that no fees will be collected for requests resulting in charges of \$5 or less. This provision is similar to the former language, which states that no fee will be charged for 50 or fewer pages (\$0.10 per page x 50 pages = \$5). However, the new language also reflects that labor time of \$5 or less will also not be collected. It is the OCCC's understanding that most Texas agencies do not collect fees for requests under a certain minimal dollar amount.

The adopted amendments to §82.2(c)(2) outline the application of charges to requests for public information received by the OCCC. In subparagraph (A), the clarifying phrases "copy charge" and "if paper copies are requested" clarify when \$0.10 per page will be charged. In subparagraph (B) regarding the existing \$15 per hour of personnel time, the amendments specify in more detail that the agency may charge requestors to "locate (including pulling documentation from archives), compile, manipulate (including redacting mandated confidential information), reproduce, and prepare." All of these actions are currently authorized by the OAG and used by OCCC personnel to prepare public information. The adopted language reflects this policy and provides better clarity to requestors. In addition, the phrase "labor or" has been

added before "personnel time," as these two terms are often used interchangeably.

Adopted new subparagraph (C) in §82.2(c)(2) provides for a 20% overhead charge, calculated by multiplying the total personnel cost by 0.20. This 20% overhead charge is authorized by OAG cost rule 1 TAC §70.3(e). The OCCC has decided to begin charging requestors of public information an overhead charge, as the agency and requestors have shifted more to electronic records. An increasing number of the agency's requests involve manipulation of data into electronic spreadsheets, and the labor involved to compile information from the OCCC's databases can result in significant personnel time. Therefore, the controlling cost factor to produce public information is personnel time, and the resulting 20% overhead charge reflects that time.

Section 82.2(c)(3) related to requests for not readily available information has been deleted. While the cited OAG regulation is still valid and available should the agency need it, the OCCC believes it is no longer necessary to include in the agency's rule.

Since the adoption of this provision, the OCCC no longer maintains information at a remote storage location (aside from records stored at the Texas State Library and Archives Commission). In addition to increased digital storage of agency records, the OCCC has implemented an online license application system, where applicants upload documents directly to web-based cloud storage. The OCCC is currently working on a new IT project to include other agency functions, which will result in cloud storage of more types of agency records. Thus, subsection (c)(3) has been deleted as access to remote storage will become less

relevant to OCCC records. As a result of this deletion, the remaining paragraphs have been renumbered accordingly.

Amendments have been adopted in §82.2(c)(4) concerning certification to clarify that in addition to certifying copies, the OCCC also provides certified statements that verify information compiled from the OCCC's records. In addition to the commissioner, the adopted amendments include the option for a designated custodian of records to sign the certification.

In adopted §82.2(c)(4) (former (c)(5)), the term has been updated to match the one used by the OAG in 1 TAC §70.3. Accordingly, the OAG term "Nonstandard copy" has replaced the term "Non-standard-size copy" in §82.2(c)(4).

In §82.2(d)(2) regarding expedited delivery, the adopted amendments clarify that a requestor must ask and the agency must agree to provide public information by overnight delivery service or other expedited delivery. A sentence has been added at the end of the provision to further clarify that the requestor must pay for this service.

Section 82.2(d)(3) has been deleted, as the OCCC will no longer charge for electronic copies of pages that had to be scanned or copied in order to redact confidential information.

In §82.2(e)(2) regarding redaction of confidential information prepared for inspection, references relating to number of pages have been removed and replaced with references to "paper records." The adopted amendments state that if confidential information must be redacted prior to requestor's inspection of paper records, the

agency may charge \$0.10 per page to prepare the redacted pages.

Two new paragraphs in §82.2(e) relate to inspection of records. Adopted new §82.2(e)(3) provides that labor charges may be assessed if production of electronic information requires programming or manipulation of data prior to inspection. Adopted new §82.2(e)(4) states that the OCCC will send a cost estimate should a request for inspection result in charges over \$40. Adopted new §82.2(e)(3) and (4) reflect the agency's existing policy for requests to inspect records, providing more clarification in the rule. As a result of the two new paragraphs, the remaining paragraph has been renumbered accordingly.

Additional changes throughout §82.2 improve readability and clarity, and provide technical corrections.

The purpose of the amendments to §82.3 is to clarify the requirements for requesting a criminal history evaluation letter. The adopted amendments to §82.3 implement Texas Occupations Code, §53.102, which allows a person to request that a licensing authority issue a criminal history evaluation letter regarding the person's eligibility for a license issued by that authority if the person: (1) is enrolled or planning to enroll in an educational program that prepares a person for an initial license or is planning to take an examination for an initial license, and (2) has reason to believe that the person is ineligible for the license due to a conviction or deferred adjudication for a felony or misdemeanor offense.

In §82.3(a), definitions of "agency or OCCC," "commissioner," and "principal party" have been added. In §82.3(b) (former subsection (a)), the provisions relating to the

rule's purpose have been updated for readability and clarity. In §82.3(c) (former subsection (b)), the provisions relating to the rule's applicability have been updated to specify the individuals and business entities that may request the criminal history evaluation letter. The adopted amendments include references to the enrollment and examination requirement in Texas Occupations Code, §53.102(a)(1). In §82.3(d) (former subsection (c)), the provisions regarding required information have been updated to require a description of any educational program that the requestor is planning to enroll in, as well as a description of any examination that the requestor is planning to take. In §82.3(f) (former subsection (e)), the fee provisions have been amended to specify that the requestor must pay a fingerprint-processing fee to a party designated by the Texas Department of Public Safety (DPS), rather than a \$40 fingerprint-processing fee to the OCCC. This amendment conforms the rule to the method by which applicants currently provide fingerprint information through DPS's Fingerprint Applicant Services of Texas (FAST) program. Additional changes throughout §82.3 improve readability and clarity.

The purpose of the amendments to §82.4 is to clarify the requirements for consumer complaints under Texas Finance Code, §14.062. In §82.4(b), a definition of "OCCC" has been added. Adopted new subsection (c) explains that as provided by Texas Finance Code, §14.062(b), the OCCC will provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the OCCC's policies and procedures relating to complaint investigation and resolution. In §82.4(d) (former subsection (c)), the text of the rule has been updated to specify that if

the OCCC receives a complaint from a source other than a person filing the complaint (e.g., another state agency), then the OCCC is not required to send the policies and procedures to the subject of the complaint or the source of the complaint. Additional changes throughout §82.4 improve readability and clarity.

The amendments are adopted under Texas Finance Code, §11.304, which authorizes the commission to adopt rules to enforce Chapter 14 and Title 4 of the Texas Finance Code. Additionally, Texas Finance Code, §14.157 authorizes the commission to adopt rules governing the custody and use of criminal history record information obtained under Texas Finance Code, Chapter 14, Subchapter D. The adopted amendments to §82.2 are authorized under Texas Finance Code, §14.107(a), which authorizes the commission to establish reasonable and necessary fees for carrying out the commissioner's powers under Chapter 14. Additionally, Texas Government Code, §552.230 authorizes governmental bodies to adopt reasonable rules of procedure under which public information may be inspected and copied.

The adopted amendments to §82.3 are authorized by Texas Occupations Code, §53.105, which authorizes a licensing authority to charge a fee for a criminal history evaluation letter, in an amount necessary to cover the cost of administering Texas Occupations Code, Chapter 53, Subchapter D.

The statutory provisions affected by the adopted amendments are contained in Texas Finance Code, Chapter 14 and Title 4.

*§82.1. Custody of Criminal History Record Information.*

(a) Definitions. The following terms, when used in this section, have the following meanings:

(1) Commissioner--The Consumer Credit Commissioner of the State of Texas.

(2) Criminal history record information--Has the meaning provided by Texas Government Code, §411.082(2).

(3) OCCC--The Office of Consumer Credit Commissioner of the State of Texas.

(b) Use of criminal history record information. The OCCC may obtain criminal history record information under Texas Government Code, §411.095 and Texas Finance Code, Chapter 14, Subchapter D. The OCCC's use of criminal history information is limited to evaluating a person described by Texas Government Code, §411.095(a). All criminal history record information received by the OCCC is confidential and is for the exclusive use of the OCCC. The OCCC may not disclose criminal history record information except as provided by Texas Government Code, §411.095(b).

~~[(a) The use of "criminal history record information," as defined by Texas Government Code, §411.082, obtained or maintained by the Office of Consumer Credit Commissioner (OCCC) pursuant to Texas Finance Code, Chapter 14, Subchapter D, will be limited to assisting the commissioner in determining the character and fitness of an applicant for a license issued by the OCCC or in determining the character and fitness of a current license holder of the OCCC. All criminal history~~

~~record information received by the OCCC is confidential information and is for the exclusive use of the OCCC. Except on court order or as otherwise provided by Texas Finance Code, §14.155, such information may not be disclosed to any person or agency.]~~

(c) Employee access. [(b)] Access to criminal history record information maintained by the OCCC will be limited to the following persons:

(1) the commissioner [Consumer Credit Commissioner];

(2) - (6) (No change.)

(7) the director of strategic communications, administration and planning;

(8) the human resources specialist;

(9) [(7)] any person appointed to act on behalf of or in the stead of any of the above; and

(10) [(8)] any employee of the OCCC who:

(A) [that] requires access to criminal history record information in order to fulfill the employee's duties; and

(B) is [as designated and] approved by the commissioner or the director of consumer protection to view criminal history record information [a party provided in paragraph (1) or (5) of this subsection].

§82.2. *Public Information Requests; Charges.*

(a) Definitions. The following words and terms, when used in this section, will have the following meanings, unless the context clearly indicates otherwise.

(1) Agency or OCCC--The Office of Consumer Credit Commissioner of the State of Texas.

(2) Commissioner--The Consumer Credit Commissioner of the State of Texas.

(3) Public information request--A written request made for public information pursuant to Texas Government Code, Chapter 552 (the Texas Public Information Act). Another name for a "public information request" is an "open records request," and these terms may be used synonymously.

(4) Readily available information--Public information that already exists in printed form, or information that is stored electronically, and is ready to be printed or copied without requiring any programming, but not information that is located in two or more separate buildings that are not physically connected with each other or information that is located in a remote storage facility as per Texas Government Code, §552.261.

(5) Standard paper [~~Standard size~~] copy--A printed impression on one side of a piece of paper that measures up to 8 1/2 inches by 14 inches. A piece of paper that is printed on both sides will be counted as two copies.

(b) Receipt of public information request.

(1) Generally. Upon receipt of a written request from a requesting party which clearly identifies the public records requested to be copied or examined pursuant to Texas Government Code, Chapter 552 (the Texas Public Information Act), the agency will make every reasonable effort to provide the information in the manner requested as quickly as possible without disruption of normal business activities. All requests will be processed in accordance with the Texas Public Information Act, and all requests will be treated equally. [~~on condition that information that is confidential by law will not be provided except under court order, Attorney General directive, or other legal process. All inquiries will be treated equally. Fees imposed by this section may be waived or reduced at the discretion of the commissioner as per Texas Government Code, §552.267.~~]

(2) Requests by email directed to OCCC public information officer or designee. Public information requests submitted via email must be sent to the OCCC's designated public information officer.

(3) Requests sent by other methods. Public information requests, other than email requests, may be submitted to the OCCC as follows:

(A) By mail or hand delivery. Submit the request to Public Information Officer, Office of Consumer Credit Commissioner, 2601 N. Lamar Blvd., Austin, TX 78705; or

(B) By fax. Submit the request to (512) 936-7610.

(4) Confidential information. Information that is confidential by law will not be provided except under court order, attorney general directive, or other legal process.

(5) Fee waiver or reduction. Fees imposed by this section may be waived or reduced at the discretion of the commissioner as per Texas Government Code, §552.267.

(c) Copy and service charges. The cost to any person requesting copies of public information from the OCCC will be the applicable charges established by the Office of the Attorney General under Title 1, Part 3, Chapter 70 (relating to Cost of Copies of Public Information). This subsection outlines the OCCC's most common charges to produce copies of public information. These charges may be supplemented or modified as authorized by 1 TAC Chapter 70.

(1) Fees not collected [50 pages or fewer]. No fee will be collected [charged] for requests [for 50 or fewer standard size copies of public information] resulting in charges of \$5 or less.

(2) Application of charges. The [More than 50 pages. For standard size copies of more than 50 pages of public information, the] following charges may [will] apply to requests for public information:

(A) \$0.10 copy charge per page if paper copies are requested; [and]

(B) \$15 per hour of labor or personnel time spent to locate (including pulling documentation from archives), compile, manipulate (including redacting

mandated confidential information), reproduce, and prepare [locating, copying, and preparing] the information for delivery or inspection; [and.]

(C) 20% overhead charge, calculated by multiplying the total personnel cost under subparagraph (B) by 0.20.

[(3) Not readily available information. For standard size copies of information that is not readily available and that must be retrieved from a separate or remote storage location as per Texas Government Code, §552.261, and regardless of number of pages, a charge of \$15 per hour of personnel time spent driving to and from the storage location or locating, retrieving, and restoring the information may be added to the charges specified by this subsection as per 1 TAC §70.3 (relating to Charges for Providing Copies of Public Information).]

(3) [(4)] Certification. If certification of copies as true and accurate from the OCCC's records, or a certified statement verifying information on record with the OCCC is requested, an additional charge of \$5 per certification will be added to the computed fee. The certification will include [A certified statement copy will bear] the signature of the commissioner, or a designated custodian of records for the information being certified, and the OCCC seal.

(4) [(5)] Nonstandard [Non standard-size] copies. The cost for nonstandard [non-standard-size] copies will be determined by reference to any recommended standards promulgated by the Office of the Attorney General, Title 1, Part 3, Chapter 70 (relating to Cost of Copies of Public Information).

(5) [~~(6)~~] Cost estimates.

(A) Over \$40. If the anticipated charges under this subsection plus anticipated charges under subsection (d) of this section exceed \$40, the agency will send an estimate outlining the estimated cost to fulfill the request as per Texas Government Code, §552.2615.

(B) Over \$100. If the anticipated charges under this subsection plus anticipated charges under subsection (d) of this section exceed \$100, the agency will send a cost estimate as provided in subparagraph (A) of this paragraph. In addition, the agency may require cash prepayment or bond equal to the total anticipated charges prior to providing copies of the requested information, as per Texas Government Code, §552.263.

(d) Delivery charges.

(1) U.S. mail. When public information is [~~copies are~~] required to be mailed, the cost of postage will be added to the computed fee.

(2) Expedited delivery. When a requestor asks and the agency agrees to provide public information [~~copies are required to be sent~~] by overnight delivery service or other expedited delivery, the cost of the service will be added to the computed fee unless the requestor arranges to pay the delivery charges directly. The agency is not required to provide expedited delivery without payment for the service.

~~[(3) Email. When copies of more than 50 pages are sent via email, the \$0.10 per page copying charge will not apply except for pages requiring redaction of confidential information.]~~

(e) Inspection of records.

(1) Generally. Records access for purposes of inspection will be by appointment only and will only be available during regular business hours of the agency. If the safety of any public record or the protection of confidential information is at issue, or when a request for inspection would be unduly disruptive to the ongoing business of the office, physical access may be denied and the option of receiving copies at the usual fees will be provided.

(2) Redaction of confidential information from paper records [~~and more than 50 pages~~]. If confidential information must be redacted prior to a requestor's inspection of paper records [~~and the request totals more than 50 pages~~], \$0.10 per page may be charged to prepare the inspection copies containing the remaining public information.

(3) Inspection of electronic information. Labor charges may be assessed if production of the information requires programming or manipulation of data (including redaction). Overhead is not charged.

(4) Over \$40. If a request for inspection would result in charges under Texas Government Code, §552.271 that exceed \$40, the agency will send an estimate outlining the estimated cost to fulfill the request as per Texas Government Code, §552.2615.

(5) [~~(3)~~] Over \$100. If a request for inspection would result in charges of over \$100, the agency may require a 50% cash prepayment or a bond equal to the total anticipated charges prior to providing access to the requested information, as per Texas

Government Code, §552.263 and 1 TAC §70.7 (relating to Estimates and Waivers of Public Information Charges).

(f) Agency officer for public information. The commissioner or the commissioner's designee is the agency's officer for public information.

*§82.3. Request for Criminal History Evaluation Letter.*

(a) Definitions. The following terms, when used in this section, have the following meanings:

(1) Agency or OCCC--The Office of Consumer Credit Commissioner of the State of Texas.

(2) Commissioner--The Consumer Credit Commissioner of the State of Texas.

(3) Principal party--An individual who would qualify as a principal party as provided by the relevant chapter of this title under which a business entity is considering applying for a license or registration.

~~(b) [(a)] Purpose [and definitions]. The purpose of this section is to provide the procedures for a potential applicant [a person considering applying for a license from the Office of Consumer Credit Commissioner] to request a criminal history evaluation letter from the OCCC [regarding the person's eligibility for a license] under Texas Occupations Code, Chapter 53, Subchapter D. [This section adopts the words and terms as defined in §82.2 of this title (relating to Public Information Requests; Charges).]~~

(c) Applicability.

(1) This section applies to an individual who:

(A) is considering applying for a license or registration for which the OCCC may obtain criminal history record information;

(B) is enrolled or planning to enroll in an educational program that prepares the individual for a license or registration, or is planning to take an examination for a license or registration, as provided by Texas Occupations Code, §53.102(a)(1); and

(C) has reason to believe that the individual is ineligible for the license or registration due to a conviction or deferred adjudication for a felony or misdemeanor offense, as provided by Texas Occupations Code, §53.102(a)(2).

(2) This section applies to a business entity that:

(A) is considering applying for a license or registration for which the OCCC may obtain criminal history record information; and

(B) has at least one principal party who:

(i) is enrolled or planning to enroll in an educational program that prepares the principal party for a license or registration, or is planning to take an examination for a license or registration, as provided by Texas Occupations Code, §53.102(a)(1); and

(ii) has reason to believe that the business entity is ineligible for the license or registration due to a conviction or

deferred adjudication for a felony or misdemeanor offense of the principal party, as provided by Texas Occupations Code, §53.102(a)(2).

~~[(b) Applicability. This section applies to all persons, including business entities, considering applying for a license with the agency under Title 4 of the Texas Finance Code. This section also applies to any other licensed business, occupation, or profession requiring a criminal history evaluation assigned to the regulatory authority of the agency under other law.]~~

(d) [(e)] Required information. In order to request [A request for] a criminal history evaluation letter, a person must submit the request [must be submitted] in a format prescribed by the commissioner at the date of filing and in accordance with the commissioner's instructions. The commissioner may accept the use of prescribed alternative formats in order to accept approved electronic submissions. The [Appropriate fees must be filed with the request, and the] request must include the following:

(1) a description of any educational program that the requestor is enrolled in or planning to enroll in to prepare for the license or registration;

(2) a description of any examination that the requestor is planning to take for the license or registration;

(3) [(4)] all court documentation relevant to the requestor's criminal history, including:

(A) copies of all court indictments, judgments, and orders against the requestor; and

(B) an explanation of the circumstances and events of the criminal action that led to the arrest, conviction, or sentence;

(4) [(2)] the basis for the requestor's potential ineligibility for a license or registration; and

(5) [(3)] an explanation of [as to] why any potential ineligibility should be disregarded.

(e) [(d)] Business entities. A business entity [Business entities] must provide the information required by subsection (d) [(e) of this section] for the entity and for each principal party. [every individual who would qualify as a principal party if the entity were applying for a license. To determine qualifying principal parties, each business entity requesting a determination under this section should consult the definition of "principal party" located in the respective chapter of this title under which the entity is considering applying for a license.]

(f) [(e)] Processing fees. A requestor must pay a \$75 processing fee to the OCCC for each individual or business entity that is considering applying for a license or registration. The requestor must pay the fee at the time the request is filed. In addition, for each individual potential applicant and each principal party, the requestor must pay a fee to a party designated by the Texas Department of Public Safety for processing fingerprints. The Texas Department of Public Safety and the designated party determine the amount of the fee and whether it is refundable. [The fees to process a request for a criminal history evaluation letter are \$75 for each entity requestor plus \$40 for fingerprint processing for each

~~individual or principal party included in the criminal history evaluation letter request.]~~

(g) [(f)] Notice of agency determination. Upon completion of the agency's investigation, the agency will notify the requestor of the agency's determination within 90 days of the requestor satisfying all of the agency's requests for information to complete the criminal history evaluation letter request. The determination letter will include the agency's determination on each ground of potential ineligibility.

§82.4. *Consumer Complaint Process.*

(a) Purpose. The purpose of this section is to clarify the applicability of Texas Finance Code, §14.062, Consumer Information and Complaints.

(b) Definitions. The following terms, when used in this section, have the following meanings:

(1) OCCC--The Office of Consumer Credit Commissioner of the State of Texas [~~Generally. This section adopts the words and terms as defined in §82.2 of this title (relating to Public Information Requests; Charges).~~].

(2) Person filing the complaint--An [~~complaint. For purposes of Texas Finance Code, §14.062(b) and (c), "person filing the complaint" means an~~] individual who has sought or is seeking to obtain goods, services, or financing from a commercial entity. This definition applies for purposes of Texas Finance Code, §14.062(b) and (c).

(c) Copy of OCCC policies and procedures. As provided by Texas Finance Code, §14.062(b), the OCCC will provide to the person filing the complaint and to each

person who is a subject of the complaint a copy of the OCCC's policies and procedures relating to complaint investigation and resolution.

(d) Copy [(e)—Notice] of [OCCC] policies and procedures not required. If [~~When~~] the OCCC receives a complaint from a source other than a person filing the complaint (e.g., another state agency), then [~~"person filing the complaint" as defined in subsection (b)(2) of this section,~~] the OCCC is not required to send the policies and procedures [~~relating to complaint and investigation and resolution~~] to the subject of the complaint or the source of the complaint.

**Certification**

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas on June 10, 2016.

Laurie B. Hobbs  
Assistant General Counsel  
Office of Consumer Credit Commissioner