

authorized by Career Schools and Colleges Act, TEX. EDUC. CODE ANN. § 132.001 *et seq.* (hereinafter “CSCA”), and in the public interest under the authority granted to the Attorney General by § 17.47 of the Deceptive Trade Practices-Consumer Protection Act, TEX. BUS. & COM. CODE ANN. §17.41 *et seq.* (hereinafter “DTPA”). The DTPA grants authority to the Attorney General to seek injunctive relief and civil penalties for violations of its provisions. TEX. BUS. & COM CODE ANN. § 17.47. The CSCA grants authority to the Attorney General to seek injunctive relief and civil penalties for violations of its provisions. TEX. EDUC. CODE ANN. §§ 132.155 and 132.304.

DEFENDANT

3. Defendant IFTECH MEDICAL INSTITUTE, L.L.C. (“defendant IFTECH”) is a Texas corporation and may be served with process by serving registered agent for service, Robert Jean-Marie, at 3094 West Highway 83, Rio Grande City, Texas 78582.

4. Defendant ROBERT JEAN-MARIE, Individually (“defendant JEAN-MARIE”), is an owner of defendant IF TECH, as defined in the CSCA, and may be served with process at his place of business at 3094 West Highway 83, Rio Grande City, Texas 78582, or residence at 2201 Flores Drive, Mission, Texas 78572.

5. Defendant CLAUDE WILDER, Individually (“defendant WILDER”), is an owner of defendant IF TECH, as defined in the CSCA, and may be served with process at his place of business at 3094 West Highway 83, Rio Grande City, Texas 78582, or residence at 2201 Flores Drive, Mission, Texas 78572.

JURISDICTION

6. This Court has jurisdiction over this action pursuant to § 17.47(b) of the DTPA and §132.155

of the CSCA.

VENUE

7. Venue of this suit lies in Hidalgo County, Texas, under DTPA § 17.47(b) because defendants have done business in the county of suit.

PUBLIC INTEREST

8. Plaintiff, STATE OF TEXAS, has reason to believe that defendants are engaging in, have engaged in, or are about to engage in, the unlawful acts or practices set forth below, that defendants have, by means of these unlawful acts and practices, caused damage to and/or acquired money or property from persons, and that defendants adversely affected the lawful conduct of trade and commerce, thereby directly or indirectly affecting the people of this State. Therefore, the Consumer Protection and Public Health Division of the Office of the Attorney General of the State of Texas believes and is of the opinion that these proceedings are in the public interest.

TRADE AND COMMERCE

9. Defendants have, at all times described below, engaged in conduct which constitutes “trade” and “commerce,” as those terms are defined by § 17.45(6) of the DTPA.

PURPOSE OF SUIT

10. The purpose of this suit is to obtain a temporary restraining order, temporary injunction, and permanent injunction and to collect civil penalties from defendants because defendants have operated a career school without a certificate of approval from the Texas Workforce Commission as required under Section 132.151 of the CSCA.

11. Plaintiff is seeking a temporary restraining order along with a temporary injunction and a

permanent injunction to enjoin defendants from operating their career school, from soliciting and accepting students, maintaining courses of study, providing classroom instruction, and collecting tuition for its career school programs. Plaintiff is also seeking to enjoin the defendants from the future operation of IFTECH or any other career school program in the State of Texas without approval from the Texas Workforce Commission.

12. A Temporary Restraining Order is necessary in this case because, in response to a received complaint, an investigation was conducted by TWC, which determined that defendants were operating a career school in violation of the CSCA. The TWC held a hearing, and defendants failed to appear or offer testimony. The hearing officer issued a Cease and Desist Order under Section 132.303 of the CSCA. In spite of that order, TWC continued to receive information that defendants continued to operate a career school. This led to a referral to the Texas Attorney General's office.

ACTS OF AGENTS

13. Whenever in this petition it is alleged that defendants did any act, it is meant that defendants performed or participated in the act, or that the officers, agents or employees of defendants performed or participated in the act on behalf of and under the authority of defendants.

NOTICE BEFORE SUIT NOT GIVEN

14. There is good cause to believe that defendants would evade service of process if prior contact was made. As such, the Consumer Protection and Public Health Division filed this lawsuit without notice to defendants, as authorized by § 17.47(a) of the DTPA.

NATURE OF DEFENDANTS' BUSINESS

15. Defendants JEAN-MARIE and WILDER operate IFTECH MEDICAL INSTITUTE, L.L.C.

as a “career school” as defined in the CSCA § 132.001(1). As such, defendants JEAN-MARIE and WILDER are controlling persons and have the responsibility for the overall management and oversight of the company, including compliance with all state statutes regulating career schools and trade and commerce practices. They also have the responsibility of supervising the employees of the corporation. As a result, defendants JEAN-MARIE and WILDER direct and have personal knowledge of the day-to-day activities of IFTECH.

FACTUAL ALLEGATIONS

16. Defendants operate IFTECH a career school by offering courses for training as a licensed vocation nurse or a registered nurse. Defendants accepted students for the study of nursing, conducted courses, and solicited business at IFTECH within the State of Texas.

17. A potential student notified the TWC regarding the accreditation of IFTECH. As a result, on December 18, 2007, and on January 7, 2008, the TWC notified defendants that they were required to obtain a certificate of approval from the TWC prior to operating, but failed to comply. By operating as a career school without a certificate of approval, defendants have made the implicit misrepresentation that it is operating in accordance with the laws of the State of Texas.

18. On or about February 14, 2008, a Statement of Charges and Notice of Hearing was sent to defendants. On March 5, 2008, the TWC held a hearing before Thomas Mann, Jr., the administrative hearing officer designated to conduct the hearing and render a decision on the request of the TWC to issue a Cease and Desist Order. Defendants did not attend the hearing, and on March 6, 2008, the hearing officer found that defendants: 1) were operating IFTECH as a career school, 2) had not applied for an exemption from the requirement of the CSCA, 3) had not applied for a certificate of

approval, and 4) had not been granted a certificate of approval from the TWC. As a result of the findings, the hearing officer granted the TWC request to issue a Cease and Desist Order.

19. On May 22, 2008, the hearing officer issued a Cease and Desist Order to defendants. A true and correct copy of the Cease and Desist Order is attached as State's Exhibit 1 and incorporated herein for all purposes. The Cease and Desist Order ordered defendants to immediately cease and desist from operating IFTECH and any acts in violation of the CSCA.

20. Since the issuance of the Cease and Desist Order, defendants have not applied for an exemption from the requirement of the CSCA, have not applied for a certificate of approval, and have not been granted a certificate of approval from the TWC. However, defendants continued to operate IFTECH. Furthermore, IFTECH's nursing programs have not been approved by the Texas Board of Nursing.

21. Defendants solicit, charge, or receive compensation of approximately \$10,000.00 for the nursing programs offered at IFTECH.

22. Defendant JEAN-MARIE holds himself out to the public as a medical doctor and is not presently or has ever been duly licensed by the State of Texas as a physician.

DTPA VIOLATIONS

23. Defendants, as alleged above, have in the course of trade and commerce engaged in false, misleading and deceptive acts and practices declared unlawful in §§ 17.46(a) and (b) of the DTPA as follows:

- a. By advertising, offering for sale, selling, or operating a career school without holding a certificate of approval from the Texas Workforce Commission, defendants are engaging

in or have engaged in an act or practice that is false, misleading, or deceptive, in violation of §17.46(a) of the DTPA;

b. By causing confusion as to the approval or certification of IFTECH, in violation of § 17.46(b)(2) of the DTPA;

c. By operating a career school, defendants are representing, by implication, that IFTECH has the status of a career school approved by the Texas Workforce Commission, which it does not, in violation of §17.46(b)(5) of the DTPA;

d. By representing that the course work at IF TECH could be used to prepare the students for nursing board exams, in violation of § 17.46(b)(5) of the DTPA;

e. By failing to disclose that IFTECH's nursing programs were not approved by the Texas Board of Nursing, in violation of § 17.46(b)(24) of the DTPA;

f. By failing to disclose that IFTECH was not approved by the Texas Workforce Commission as a career school, in violation of § 17.46(b)(24) of the DTPA; and

g. By failing to disclose that defendants had been issued a Cease and Desist Order by the Texas Workforce Commission, in violation of § 17.46(b)(24) of the DTPA.

TEXAS EDUCATION CODE VIOLATIONS

24. Defendants have engaged in conduct, as alleged above, in violation of the CSCA, as follows:

a. By operating IFTECH without a certificate of approval from the Texas Workforce Commission, in violation of § 132.051(a) of the CSCA; and

b. By operating IFTECH after the issuance of a Cease and Desist Order, in violation of § 132.303 of the CSCA.

INJURY TO CONSUMERS

25. Defendants have, by means of the unlawful act(s) or practice(s) alleged, caused actual damages to identifiable persons who should be compensated for such damages, or in the alternative, acquired money or property from persons to whom such money or property should be restored.

26. Because defendants have engaged in the unlawful acts and practices described above, defendants have violated the law as alleged in this petition, or will continue to violate the law, and should be restrained by this Honorable Court.

APPLICATION FOR EX PARTE TRO

27. Plaintiff's application for a temporary restraining order is authorized by Section 17.47 of the DTPA. It is essential that the Court immediately and temporarily restrain defendants from continuing with the conduct described in this petition, namely the unauthorized operation of a career school and the engaging in false, misleading and deceptive acts and practices. It is essential that the Court act immediately, prior to notice on defendants and a hearing on the matter, because defendants will continue to engage in the unauthorized operation of a career school and thereby cause immediate and irreparable injury, loss, or damage to persons who receive their services. Specifically, defendants will continue to mislead, deceive, and solicit customers each day and will continue to operate a nursing school when they are not authorized to offer courses of instruction or study in the State of Texas.

PRAYER

28. WHEREFORE, plaintiff prays that defendants be cited according to law to appear and answer herein; that before notice and hearing a TEMPORARY RESTRAINING ORDER be issued; that

after due notice and hearing a TEMPORARY INJUNCTION be issued; and upon final hearing a PERMANENT INJUNCTION be issued, restraining and enjoining defendants, their officers, agents, servants, employees and attorneys and any other person in active concert or participation with defendants from engaging, directly or indirectly, in the following acts or practices:

- a. Operating IFTECH or any other career school in the State of Texas without a certificate of approval or notice of exemption from the Texas Workforce Commission;
- b. Maintaining, advertising, soliciting for, or conducting any program of instruction regarding IFTECH or any other career school in the State of Texas without a certificate of approval or notice of exemption from the Texas Workforce Commission;
- c. Operating IFTECH or any other career school in the State of Texas without registering all representatives with the Texas Workforce Commission;
- d. Collecting tuition, fees, or any other payment for programs at IFTECH or any other career school in the State of Texas without a certificate of approval or notice of exemption from the Texas Workforce Commission;
- e. Transferring, spending, hypothecating, concealing, encumbering or removing from the jurisdiction of this Court any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, student records, student transcripts, student applications, employee records, or any other property, real, personal or mixed, wherever situated, belonging to or owned by, in possession of, or claimed by defendants, insofar as such property relates to, arises out of or is derived from the business operation of IFTECH; and

f. Representing, directly or by implication, that this Court, or the Office of the Attorney General has approved any good or service sold or offered for sale by defendant, or has approved any business practice of defendant.

29. Plaintiff, STATE OF TEXAS, further prays that this Court order defendants to post conspicuous notice at IFTECH located at 3094 West Highway 83, Rio Grande City, Texas 78582, and at any other place where they may conduct a career school, which notice shall be on the front-side of the front door, in bold-faced type of a minimum size of 32 points, in both English and Spanish, and shall state:

NOTICE

IFTECH HAS BEEN SUED BY THE OFFICE OF THE TEXAS ATTORNEY GENERAL FOR ENGAGING IN THE UNAUTHORIZED OPERATION OF A CAREER SCHOOL.

THE DISTRICT COURT HAS ORDERED IFTECH TO STOP CONDUCTING BUSINESS AS A CAREER SCHOOL. IFTECH IS CLOSED UNTIL FURTHER ORDER OF THE COURT.

IF YOU HAVE ANY QUESTIONS, OR IF YOU BELIEVE YOU WERE A VICTIM, PLEASE CALL (956) 682-4547, EXT. 114.

ADVISO

IFTECH HA SIDO DEMANDADO POR LA PROCURADURIA GENERAL DE TEXAS POR INVOLUCRARSE EN UNA ESCUELA DE CARRERA SIN AUTORIZACION.

LA CORTE DEL DISTRITO LE HA ORDENADO A IFTECH DE DA ALTO A SU NEGOCIOS COMO ESCUELA DE CARRERA . IFTECH SE HA CERRADO HASTA QUE LA CORTE EMITA ORDENES NUEVAS.

SI USTED TIENE CUALQUIER PREGUNTA, O SI USTED PIENSA QUE HABER SIDO UNA VICTIMA, POR FAVOR LLAME AL (956) 682-4547,

EXTENSION 114.

30. Plaintiff, STATE OF TEXAS, further prays that this Court grant leave to conduct telephone, oral, written, and other depositions of witnesses prior to any scheduled temporary injunction hearing and prior to defendants' answer date, with reasonable shortened notice to defendants and their attorney, if known.

31. In addition, plaintiff, STATE OF TEXAS, respectfully prays that this Court will:

- a. Adjudge against defendants civil penalties in favor of plaintiff, STATE OF TEXAS, in the amount of not more than \$20,000.00 per violation of the DTPA;
- b. Adjudge against defendants civil penalties in favor of plaintiff, STATE OF TEXAS, in the amount of not more than \$1,000.00 a day for each violation of the CSCA;
- c. Order defendants to restore all money or other property acquired by means of unlawful acts or practices, or in the alternative, to compensate identifiable persons for actual damages;
- d. Adjudge against defendants reasonable attorney's fees and court costs pursuant to TEX. GOV'T. CODE ANN. § 402.006;
- e. Adjudge against defendants pre-judgment and post-judgment interest at the highest lawful rate;
- f. Rescind all agreements entered into by and between defendants and consumers;
- g. Appoint a receiver or sequester defendants' assets if defendants have been ordered by this Court to make restitution and defendants have failed to do so within three months after the order to make restitution has become final and nonappealable;

- h. Adjudge that all fines, penalties or forfeitures payable to and for the benefit of the State are not dischargeable under bankruptcy pursuant to 11 U.S.C. §523(a)(7).
32. Further, plaintiff, STATE OF TEXAS, respectfully prays for all other relief to which plaintiff, STATE OF TEXAS, may be justly entitled.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

KENT C. SULLIVAN
First Assistant Attorney General

JEFF L. ROSE
Deputy First Assistant Attorney General

PAUL D. CARMONA
Chief, Consumer Protection and
Public Health Division



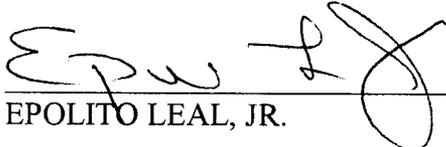
MICHAEL AGUIRRE
Assistant Attorney General
State Bar No. 24038593
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(956) 682-4547; Fax (956) 682-1957
Attorney for Plaintiff

VERIFICATION

STATE OF TEXAS §

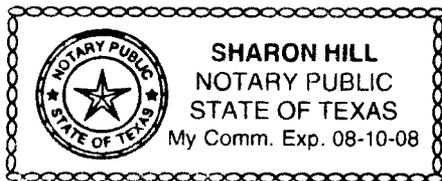
COUNTY OF NUECES §

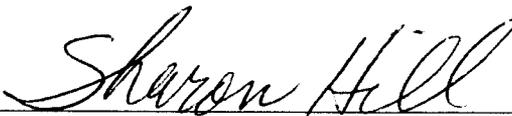
BEFORE ME, the undersigned authority, on this day personally appeared affiant Epolito Leal, Jr. who proved to me through current Texas Driver License to be the person whose name is subscribed to this Verification and who acknowledged to me that he executed the same, and after he was duly sworn, upon his oath, he deposed and said that the affiant is the Integrated Service Area Manager for the South Texas Area with the Texas Workforce Commission, and is authorized to make this affidavit, that the affiant has carefully read the factual allegations in the foregoing PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND INJUNCTION, and has reason to believe that the facts stated in paragraphs 16, 17, 18, 19, 20, and 21, are true and correct; and affiant signs this Verification, pursuant to Rule 682 of the TEXAS RULES OF CIVIL PROCEDURE.



EPOLITO LEAL, JR.

SUBSCRIBED AND SWORN TO before me on the 21 day of July, 2008.





NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS



STATE OF TEXAS §

COUNTY OF TRAVIS §

OFFICIAL CERTIFICATE

RE: Career Schools Cease and Desist Order Against
 IFTECH Medical Institute, LLC,
 Robert Jean-Marie, Manager,
 Claude Wilder, Manager, A/K/A
 IFTECH Medical Institute and Tutorial Center

I, Lona Chastain, Assistant Disclosure Officer for the Texas Workforce Commission, an administrative agency of the State of Texas, hereby certify that annexed hereto are true and correct copies of the existing cease and desist order against the above named entity(ies) and individual(s) on file with this agency, as the same appears in the records of the Texas Workforce Commission.

Witness my hand and the official seal of the Texas Workforce Commission, in Austin, Texas on June 27, 2008.



A handwritten signature in cursive script, reading "Lona Chastain", written over a horizontal line.

Lona Chastain
Open Records Coordinator
Texas Workforce Commission

**STATE'S
EXHIBIT**

1

Texas Workforce Commission

A Member of Texas Workforce Solutions

May 22, 2008

CERTIFIED MAIL

IFTECH Medical Institute, L.L.C.
Attn: Robert Jean-Marie
3094 West Highway 83
Rio Grande City, Texas 78582

Re: *Texas Workforce Commission v. IFTECH Medical Institute, L.L.C., Robert Jean-Marie, Manager, Claude Wilder, Manager*
Docket No. 003-CD-0208

Enclosed is a copy of the Cease and Desist Order issued by the hearing officer appointed by the commission pursuant to section 132.303 of the Texas Education Code. Texas law generally provides that "there is no right to judicial review of an administrative order unless a statute provides a right or unless the order adversely affects a vested property right or otherwise violates a constitutional right." *Continental Casualty Insurance Co. v. Functional Restoration Associates.*, 19 S.W.3d 393, 397 (Tex. 2000); *see also General Servs. Comm'n v. Little-Tex Insulation Co.*, 39 S.W.3d 591, 599(Tex. 2001). The statute and the administrative rules of the agency do not provide for the right of judicial review in this instance. This is the final order of the agency in this matter.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Douglas Carnes
Director, Special Hearings Department
Phone: (512) 463-8148
Fax: (512) 472-9578

cc: John Moore, Regulatory Integrity Division
Robert E. Rodman, Regulatory Integrity Division
Career Schools
File

TEXAS WORKFORCE COMMISSION	§	BEFORE THE
	§	
	§	TEXAS WORKFORCE
	§	
v.	§	COMMISSION
	§	
IFTECH MEDICAL INSTITUTE, LLC, ROBERT JEAN-MARIE, MANAGER, CLAUDE WILDER, MANAGER, A/K/A IFTECH MEDICAL INSTITUTE AND TUTORIAL CENTER	§	STATE OF TEXAS
	§	
	§	
	§	

CEASE AND DESIST ORDER

The Texas Workforce Commission set a hearing to determine whether to issue a cease and desist order against the IFTECH Medical Institute, L.L.C. (IFTECH), Robert Jean-Marie, Manager, Claude Wilder, Manager, a/k/a IFTECH Medical Institute And Tutorial Center, pursuant to Subchapter J of the Texas Career Schools and Colleges Act (Tex. Educ. Code §§ 132.301-306). A hearing was held on March 5, 2008, before Thomas Mann, Jr., the administrative hearing officer designated to conduct the hearing and render a decision. The Career Schools and Colleges Department of the Texas Workforce Commission ("Career Schools") was represented by Robert E. Rodman, attorney for the Commission's Regulatory Integrity Division. Appearing as witnesses for Career Schools were J. Michael De Long, Acting Director, Career Schools & Colleges, Polo Leal, Integrated Service Area Manager for the South Texas Area, Texas Workforce Commission (by telephone), and Virginia D. Ayars, Nursing Consultant for the Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701. Also appearing, but not testifying, was Nora Perez, Program Specialist for Career Schools. Participating in the hearing on behalf

of the Texas Board of Nursing was Victoria Cox, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701. IFTECH did not appear and offer any testimony.

On March 6, 2008, a decision was entered by the hearing officer finding that sufficient grounds existed for granting the Commission's request for a cease and desist order. On March 17, 2008, IFTECH submitted a request to reopen the case under Rule 807.393 (40 T.A.C. § 807.393) of the Commission's administrative rules. Pursuant to the request to reopen the case, a hearing was set for April 16, 2008. Appearing at that hearing for the Career Schools and Colleges Department of the Texas Workforce Commission ("Career Schools") was Robert E. Rodman, attorney for the Commission's Regulatory Integrity Division, J. Michael De Long, Acting Director, Career Schools & Colleges, Vangie Sandoval, Program Specialist, Career Schools, Virginia D. Ayars, Nursing Consultant for the Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701 and Victoria Cox, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701. IFTECH did not appear and offer any testimony.

On April 17, 2008, the undersigned hearing officer issued a ruling denying the Motion to Reopen the case and maintaining the ruling of March 6, 2008, in full force and effect.

The ruling of March 6, 2008, found that the evidence presented in this case established that IFTECH had been operating, and was continuing to operate, a career school or college within the definition of section 132.001(1) of the Act. Furthermore, the company had been operating and was continuing to operate its school without a certificate of approval in violation of section 132.151(1) of the Act.

The ruling found that the training offered by IFTECH is intended to train individuals to work as licensed vocational nurses and registered nurses. The evidence showed that IFTECH had accepted students for

this field of study, conducted courses, and solicited business within Texas. The evidence showed that IFTECH offered its training and solicited business under its assumed named, IFTECH Medical Institute And Tutorial Center. Therefore, IFTECH meets the statutory elements to be found to be a "career school or college" as set forth in Section 132.001(1) of the Texas Education Code.

The ruling found that the evidence further showed that IFTECH operates programs that are required to be approved by the Texas Board of Nursing. IFTECH's programs of training have not been approved by the Board of Nursing.

The ruling found that the evidence showed that IFTECH had not applied for an exemption from the requirements of the statute, had not applied for a certificate of approval, and had not been granted a certificate of approval by Career Schools.

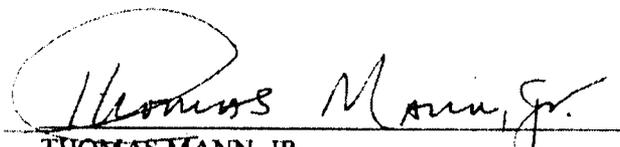
The ruling found that the evidence showed that IFTECH had been contacted on at least two occasions by the Commission, but that those contacts had not led to IFTECH seeking licensure by Career Schools. Section 132.301(a) permits the Commission to issue a cease and desist order where evidence establishes that a person is operating a school without a certificate of approval issued by the Commission.

Accordingly, the requirements for the issuance of a cease and desist order, as set forth in Sections 132.301 and 132.303 of the Act, have been met. The evidence supports the conclusion that IFTECH is a career school. The evidence supports the conclusion that IFTECH operates in Texas without a certificate of approval or an exemption. The evidence supports the conclusion that IFTECH operates in Texas in violation of the Act.

Accordingly, IFTECH Medical Institute, L.L.C., Robert Jean-Marie, Manager, Claude Wilder, Manager, a/k/a IFTECH Medical Institute And Tutorial Center, have been operating and continues to operate a career school without a certificate of approval and without an exemption under the Act, and the request of Career Schools for the issuance of an order requiring the IFTECH Medical Institute, L.L.C., Robert Jean-Marie, Manager, Claude Wilder, Manager, a/k/a IFTECH Medical Institute And Tutorial Center, to immediately cease and desist the operation of a career school in violation of the Act should be granted.

After due consideration of the record, matters officially noticed, and the Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that the Commission's request be GRANTED, and that IFTECH Medical Institute, L.L.C., Robert Jean-Marie, Manager, Claude Wilder, Manager, a/k/a IFTECH Medical Institute And Tutorial Center, IMMEDIATELY CEASE AND DESIST from violating the Texas Career Schools and Colleges Act.

SIGNED AND ISSUED this 22nd day of May, 2008.


THOMAS MANN, JR.
ADMINISTRATIVE HEARING OFFICER

Appeal of Career Schools Decision

If you disagree with this Commission decision issued under the Texas Career Schools Act, you have three methods of appeal available.

Commission Rule 823.44 provides that the decision shall become the final decision of the Commission after the expiration of thirty days from the date of mailing unless a timely request for reopening or rehearing is filed with the Commission or the Commission assumes continuing jurisdiction to modify, correct, or reform the decision.

(1) Request for Reopening.

If you did not appear at the hearing, Commission Rule 823.42 states that a party has the right to request a reopening within thirty days from the date the decision is mailed if good cause exists for the non-appearance at the hearing. The request must be in writing and detail the grounds for reopening. The Commission will determine whether the allegations establish that good cause exists to warrant reopening and will schedule a hearing, if deemed necessary, and render a decision.

A request for reopening may be filed by writing directly to Special Hearings Department, Texas Workforce Commission, 101 E. 15th Street, Austin, Texas 78778. A request for reopening may only be made when a party has failed to appear at the scheduled hearing.

(2) Motion for Rehearing.

If you appeared at the hearing, you may file a motion for rehearing. Commission Rule 823.43 provides, in part, that a party has thirty days from the date the decision was mailed to file a motion for rehearing for the presentation of new evidence. The motion must be in writing and allege the new evidence to be considered. If the motion is timely and the hearing officer determines that the allegations justify a rehearing, another hearing will be scheduled.

A request for reopening may be filed by writing directly to Special Hearings Department, Texas Workforce Commission, 101 E. 15th Street, Austin, Texas 78778.

(3) Judicial Review.

The Commission's decision to deny or revoke a certificate of approval may be appealed to a district court in Travis County, Texas, pursuant to the provisions of §§ 132.102 and 132.103 of the Texas Education Code.