#### 7772 Process of Providing an Administrative Review of the Designation as a Controlling Person

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Policy

The controlling person must be informed of the right to request an administrative review due to the designation (see [7710](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7710) Administrative Reviews).

The administrative review of the appropriateness of the designation for each controlling person may be:

• combined with the operation’s administrative review regarding the intent to revoke its permit; or

• held separately for each designated controlling person.

When held separately, the administrative review to revoke the operation's permit must be completed first, and the decision to revoke the operation's permit upheld before conducting the administrative review of the designation as controlling person for each person named.

DFPS Rules, 40 TAC [§745.909](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=909)

##### 7772.4 Decision to Designate a Controlling Person Is Upheld

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Procedure

If the person conducting the administrative review upholds the decision to designate the controlling person, he or she sends CLASS Form 2763 Controlling Person Administrative Review Decision Letter to the individual by both certified and regular mail within 15 days of the administrative review.

If the administrative review for the revocation of the operation’s permit is overturned or stopped, the inspector follows the procedures explained in [7772.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7772_1) Adverse Action Is Overturned, Stopped, or Results in a Settlement.

Also see [7772.5](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7772_5) Notifying Persons About Licensing’s Decision to Designate a Controlling Person.