TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PERFORMANCE MEASURES)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING

TUESDAY, OCTOBER 26, 2010

BE IT REMEMBERED THAT at 1:32 p.m., Tuesday, the 26th day of September, 2010, the above-entitled matters came on for hearing at the Texas Workforce Commission, TWC Building, 101 East 15th Street, Room 244, Austin, Texas, before TOM PAUKEN, RONALD G. CONGLETON, and ANDRES ALCANTAR, COMMISSIONERS, and LARRY TEMPLE, EXECUTIVE DIRECTOR, of the Texas Workforce Commission; and the following proceedings were reported by Lydia L. Edwards, a Certified Shorthand Reporter of:

APPEARANCES

TEXAS WORKFORCE COMMISSIONERS:
Tom Pauken, Chairman
Andres Alcantar
Ronald G. Congleton

TEXAS WORKFORCE COMMISSION STAFF:
Larry E. Temple, Executive Director
H. E. (Gene) Crump, Jr., Deputy Executive Director
LaSha Lenzy, Director of UI and Regulation
Tom McCarty, Director of External Relations
Robert Gomez, Director of Civil Rights
Richard C. Froeschle, Deputy Director of LMCI
Randy Townsend, Chief Financial Officer
Reagan Miller, Workforce Development Division
Adam Leonard, Performance Analysis and Reporting

P R O C E E D I N G S

TUESDAY, SEPTEMBER 28, 2010

(1:32 p.m.)

CHAIRMAN PAUKEN: Larry, you want to begin?

MR. TEMPLE: Yes, sir, Mr. Chairman, Commissioners. We have the quarterly performance for August, and as always we'll start with our new director of Labor Market Information, Mr. Rich Froeschle, no stranger, though.

MR. FROESCHLE: No stranger here. Thank you, Larry. Rich Froeschle with the Labor Market Information Department to talk a little bit about the Texas economy over the last month and actually the last 90 days. And I think the best way for me to start this, I've given you a couple of handouts. One is our October Texas monthly labor review newsletter. And I've also given you a set of bullets from my briefing today which is titled "PAR Briefing September 2010 Narrative," and it's from that document that I'll conduct this presentation.

Actually as I thought about what we were going to talk about a little today, I went back to the Federal Reserve's beige book which is published on a -- actually on a six-week basis, and I looked at what they had reported for what they call the 11th District, or the Dallas district. And I want to start with their comments because I think they're fairly exemplary of what we've seen here in Texas, and that is that the 11th District has expanded at a more subdued pace over the past six weeks than during the previous reporting period. The energy, transportation services and staffing industries which have been a source of the strength of recovery in the District and in Texas have seen positive gains this last month, but a little slower than what we've seen earlier in the summer.

Business activity was essentially unchanged in most other industries; although, retailers and -- said -- well, the retailers said that sales had improved and that financial firms did see that lending activity was starting to pick up a little bit. Demand continued to be strong for petrochemical products, and agricultural conditions remained favorable. Businesses' outlooks are positive, but most of the contacts for the Federal Reserve survey said there's some uncertainty about future economic growth, especially into the fourth quarter, and concerns about regulatory reform and public policy has introduced other continued cautions about job growth into the fourth quarter. So I think that sort of summarizes my interpretation of what we've essentially seen in the Texas economy over the last month or two.

As you know, we released our new monthly unemployment rates for September on Friday. The unemployment rate did decline from 8.3, seasonally adjusted, to 8.1, which is a good piece of news for us. The labor force did expand by 10,400 persons, but that rate of labor force growth actually slowed slightly from what we'd seen earlier in the year. The big decline in the unemployment rate was -- essentially was due to the -- due to fewer unemployed persons, declined by 17,100. Obviously when you start looking at the unemployment rate and you start decomposing it into its components, the one thing we want to see is fewer unemployed people on the books. And so that's what we've seen here.

Total nonagricultural employment in the month actually gained 3,700 jobs, a little below where we'd like to see our target, but positive growth nonetheless. September to -- September -- in other words, September, '09 to September, '10, we've added 133,100 jobs -- payroll jobs in Texas. Over -- during the month of September, the vast majority of the increase was seen in leisure and hospitality services at 10,300 jobs, followed by increases of about 4,000 jobs in trade, transportation and utilities. Offsetting some of those losses -- some of those gains were losses in construction jobs and in government positions.

I've gone through and itemized some observations by each of the individual major sectors in the Texas economy. I don't want to spend a lot of time on all of these, but I think it is important to note that employment in the mining industry, which is largely oil and gas extraction, did add jobs in September and over the past year added 28,000 jobs. And you've seen that rebound in all of the goods-producing sectors actually in Texas over the last several months.

Construction did lose 7,000 jobs in September, but it was after five consecutive months of job gains, so slightly cooling again in the fourth quarterly. Manufacturing has continued to -- continued to expand, adding 2,000 jobs, a total of 24,500 jobs added over the last year. I think this is largely responsible of continued inventory replacement cycle that usually happens as you get recovery underway. Trade and transportation added 4,000 jobs. The information sector lost a few jobs, and the industries responsible for that, newspaper, publishers, radio stations, television broadcasting and mostly wired telecommunications, were the industries that are responsible for most of that loss.

Financial activities has picked up. You've seen a little bit more credit intermediation services. You've seen a little bit more in terms of refinancing and the like. Professional and business services actually had the largest gain. That is largely temporary personnel supply services. It also includes offices of lawyers, tax preparation, janitorial, some other things, but the vast majority of that is actually temp help which, as you know, is the leading economic indicator for the recovery.

Employment in health and -- education and health services has been our biggest gain over the last year, and that has consistently happened; although, we saw a decrease of 900 jobs in this sector. Most of that was in the education sector. The health sector continues to expand. I mentioned leisure and hospitality and talked a little bit about government.

I think as we start thinking about the positive activities I want to go into a series that I'm sure my predecessor, Mr. Hughes, talked a little bit about, and that was the Conference Board's Help Wanted Online Series. And we spent a lot of time looking at that because it's an indicator of real economic activity, online job postings, and I think there's some very positive news in those data. In the last month, which actually October 25th through -- back through the last 30 days of -- which would be August 25th -- I'm sorry -- September 25th, we saw 182,000, almost 183,000 new job postings in Texas, and that brought the total by -- as of October 25th, 2010 to about 308,000 online job postings that are available. Over the past 90 days in Texas, you've seen over 750,000 unduplicated job postings in Texas.

So there's an awful lot of economic activity going on. There's an awful lot of job postings. If you look at Page 3 of the handout I provided, it shows a little labor supply and demand sort of balance for the State of Texas in which you can see the dots on that graph showed the large run-up before the recession, the significant drop during the recession in job -- online job postings. And then you've seen some fairly robust job posting -- increases in job postings while the number of unemployed individuals has leveled off. So I think this is a pretty good harbinger of a recovery underway, just not particularly robust.

Among the regions that have been most affected -- the regions with the most economic activity, I think we've seen the Dallas-Fort Worth area with the most postings over the last 90 days with almost 230,000. The vast majority of these showed up in Collin County, about 134,000, almost 61,000 in Fort Worth, another 17,000, 18,000 in Plano, and another 16,000, 17,000 in the Irving area. The next largest area was in the Houston/Sugar Town -- Sugar Land/Baytown area with 173,000 online postings, the vast majority of which were in the City of Houston proper; the third largest region for job posting, Austin-Round Rock at 75,000, followed by San Antonio with 74,000, almost 75,000. The location of those areas in the state is fairly nomadic of what we keep calling the Texas Triangle or The Boot in Texas where you've seen the vast majority of not only job creation but population growth in the -- in the state.

From an occupational perspective, the job postings that we see online, the greatest number have fallen in the area of health care, sales management and marketing occupations and information technology. The top five occupations on that list were registered nurse; although what we've seen interesting in the last three months, the number of registered job postings for registered nurses is the highest occupation that's on the list, but it's actually decreased slightly over the last three months. So you don't see that rising as it has in the last year, still the No. 1 occupation on the list, however, followed by physical therapist, occupational therapist, retail sales and retail sales supervisor.

On that same handout in the -- on the very back two pages, I provided a couple of summary charts. The one I think is most interesting is on the very last page of your handout which has the top 30 job posting -- online job postings that we've seen over the last 90 days through October 25th as of last Friday. And, again, what you can see on that list is, it's heavily dominated by health care occupations, by IT-related occupations, and now as you start the recovery, one of the first things businesses start looking at are sales-related occupations which you start seeing here as well.

And I think with that if you have any other questions I'd be more than happy to answer them.

CHAIRMAN PAUKEN: Let me ask you, you -- on this professional business services, obviously that growth from the year has been strong. It wasn't too strong in September. Is that -- you said it's a leading indicator for recovery. Is it also potentially that companies are reluctant to put people on full-time? I mean, I'm seeing in various articles that there may be some kind of shift in terms of companies contracting out or putting people on temporary or using temporary firms or staffing services because of a concern with regard to what's going to happen with health care, with regard to is this recovery for real. They don't want to go through a situation in which, you know, they hire a bunch of people and then have to lay them off. So I guess what I'm asking is more of a qualitative question. Is -- you know, is there anything we can tell from what's going on in this sector, I mean, other than the -- conventionally it's been a leading indicator for recovery. But is that necessarily the case here?

MR. FROESCHLE: I think the first part of the question was do we have any qualitative information because we certainly don't have any quantitative information. So what degree -- is there -- are there particular empirical reasons that we know of that we can document as to why that's happening?

CHAIRMAN PAUKEN: Right.

MR. FROESCHLE: Most of the anecdotal evidence that I see really points to two areas and mostly uncertainty about the economy as a whole, which is the number one reason that I have seen, is that if you're really uncertain about long-term economic growth that temporary is the first way that you go. And part of that uncertainty is, of course, the political climate and the like. And then there are structural issues that we see going on, obviously the use of temporary workers, more project orientation of work and some of those kinds of things. The degree to which those two phenomenon, for example, 60/40, 70/20, 80/10, I have no idea how that works out.

CHAIRMAN PAUKEN: Fine. Any questions from either of you?

COMMISSIONER ALCANTAR: Huh-uh.

COMMISSIONER CONGLETON: Huh-uh.

CHAIRMAN PAUKEN: Okay. Good report, Rich.

MR. FROESCHLE: Okay.

MR. TOWNSEND: Good afternoon, Chairman, Commissioners. For the record, Randy Townsend, chief financial officer. Under Tab 2, I'd to briefly go over our monthly legislative report as of August 31st, the fiscal year end, and as a second item, I'd like to also briefly go over our status with regard to our Recovery Act funds as well.

Let me start with the first part being our monthly legislative report. There's a few items in there that were below our -- what we expect to be our roughly 95 percent expended rate at year end. There was a few areas that fell slightly under that. The first couple there under Workforce Investment Act really seemed to have more to do with some of the timing of our contracts, also partly due to some of the Recovery Act being included in there as well. And, again, I'll give you more of a complete status report on that in just a moment. When I look at September, what's occurred, I think we're proceeding in a fashion that we'll be fine in going forward. So I didn't really get too concerned about those numbers there.

Under the employment community services, the 114, that, if you'll recall, is where we include our Texas Back-to-Work and TANF/emergency contingency fund. And, of course, as you know, we had included roughly 100 million dollars in our request for funding. We worked back and forth with the feds on what was allowable and that sort of thing, and, of course, that ended up having a very significant impact on what we'd be able to expend under that grant. At this point, we're still expecting it to be -- some additional expenditures to come in as we wrap up the Texas Back-to-Work, but we're fairly certain at this point we won't be near the 100 million, so as we close that one out here in a few months.

Bust as of -- I will go ahead and just tell you, as of September, we were approaching about 43 million in expenditures, mostly, I think, at that point related to our summer youth program under that program. Larry --

MR. TEMPLE: And, Commissioners, the delay that it took ACF to approve -- we were on target. We had gotten -- we was almost going into almost four months getting it approved. So at the rate we've been putting people to work, we've been really close to expending all that money if they had gotten back to us quicker. So --

MR. TOWNSEND: So I wanted to point that one out for your consideration. Under the SNAP, the Supplemental Nutrition Assistance Program, that was one, if you'll recall, Commissioners, that we had the additional funding from our Able-Bodied without Dependents funding source, ABAWDs. Texas received a disproportionately higher share of funding of this 20 million pot available nationally. That money came in late in the year as we got started, and so part of this spending level is really attributable to the timing of those contracts and when we got the funding from the feds in this case as well. We do think we're going to be successful in getting most of that expended before the contract would expire, but that's an area that -- unfortunately some timing problems with that one as well.

Create effective workers, the 116, this is one, of course, that's dependent on petitions being approved at the federal level and then getting folks into -- mostly into trainings where this -- where expenditures occur here. And we've certainly seen a fairly significant increase in the expenditure levels for this trade program, and I think based on that we -- going forward we'll be able to meet the expectation for the budget there.

Let me see. Under skills and self-sufficiency -- that's 121 and 122 -- those programs, as you know, Commissioners are dependent on the timing of the training that occurs and then, therefore, the performance-based payment schedule. And so I think when you look at that and take that into account, that's not too surprising to see them slightly under the 90 percent level there.

Regarding work opportunity tax credit, that is one where there was some -- work opportunity tax credit is 124. That's an expenditure rate that's due to some -- I guess an increase in the grant that we're putting temporary staff in place to process work opportunity tax credit applications, and it's also impacted to some degree by the Recovery Act. And so getting those additional staff in place, we saw a little lower expenditure for the year.

The foreign labor certification strategy, 125, that is one where the federal -- the feds have taken over a good deal of that program, and the grant funding, I suspect, will be reduced in the future; although, it hasn't been significantly reduced to this point. The staffing level that's there is able to do the work for the most part, and so I think you're going to see that one over time become a smaller strategy in terms of funding for this agency.

The child care administration -- or child care strategies dealing with choices, child care transitional and at risk, collectively I think these strategies are tracking fine. We did notice for this year that what we had estimated for transitional child care was quite a bit lower than we -- than was appropriated for the agency, but when you looked at the correlation for the need for transitional child care and the unemployment rate, there was a high correlation with a higher employment rate resulting in a lower demand for -- need for transitional child care. So when you take that into account, that seemed like that was on track as well.

Child care administration, 134, most of this is attributed to our contract with TEA for -- where we -- the legislature has appropriated funds to be contracted through the Texas Education Agency, and the timing of expenditures with all that that's causing most of the difference in this case. I suspect that those contracts will be fully expended by the time we're finished. But -- and I guess as far as the rest of the page here, unless you have questions, I was going to talk about the Recovery Act next. But I'll see if you have questions on this.

COMMISSIONER ALCANTAR: I have no questions.

CHAIRMAN PAUKEN: Okay. Commissioner Congleton.

COMMISSIONER CONGLETON: No.

CHAIRMAN PAUKEN: All right.

MR. TOWNSEND: To give you a status update for the American Recovery Act expenditures as of September 30th, this is a report we filed as required at the end of September, very good news here. Employment services, this is a grant that we received 27 million. Most of it was spent staffing. We had to spend -- we had to have all those funds obligated by September 30th, which we did. Our expenditures as of September 30th were just right around 92 percent, and, I mean, at this point, we would expect to be fully expended on that grant by the time the grant expires next June. So that was in good position.

We actually fully expended the Senior Grant, the 1.3 million. The Workforce Investment Act Grants, the adult, youth and dislocated worker, if you'll recall is 170 million for the State of Texas. We had expended 140 million at the end of September. That was about 83 percent expended. Most of what remains there is our WIA statewide contracts for the most part, and we will expect those to be on pace before the funds end next June as well. The National Emergency Grant at this point are dependent on the eligibility of the folks that are served with those grants. Those are a little bit lower in expenditures, but not too surprising.

The Child Care Recovery Act, as you recall, the State of Texas received about 215 million. Sixteen of that -- 16 million of that was appropriated directly to the Department of Family and Protective Services by the legislature. So TWC's portion was about 198 million. We had expended by the end of September, TWC, about 90 million of that. So we were just about halfway there at that point. At the spending rate we are seeing currently, we would expect it -- we should be fully expended on the child care in five to six months. I know -- and Reagan will talk a little bit more about this in just a moment. But we do have plans in place with the boards -- or they have plans in place to fully expend those funds and ramp down the child care.

And at this point, if you want to talk a little bit more about that.

MS. MILLER: For the record, Reagan Miller. I did want to let you know that we are meeting monthly to look at our expenditures for child care for WIA and for all of our statewide initiatives. With child care, I think you're aware through some recent action that you've taken that we're keeping a close eye on that to make sure that the balance that we have between direct care and quality is in line with the need that we're seeing -- the demonstrated need we're seeing out in the field. So we'll continue to keep a close eye on that to make sure that the funds are fully expended. And then as we ramp down the boards are prepared to transition those kids out of care and we don't see a lot of kids having to be dropped from care.

We're also keeping a very close eye on our WIA statewide money. We have a lot of special initiatives that are contracted directly. Each of those grantees have an on-site visit from one of our staff when the grants were awarded to explain the importance of these -- of these contracts and the reporting requirements behind them. We followed up with letters to all of them reminding them of the criticality of getting services up and running and fully spending the money, and if needed we're doing some targeted on-site visits when we observe that there are problems with any of these grants. So we'll continue to work on these throughout the availability of the -- our funds periods.

MR. TOWNSEND: That concludes the Recovery Act status as well, if you have questions about that.

CHAIRMAN PAUKEN: No questions. Okay. Next.

MR. LEONARD: Commissioners, for the record, Adam Leonard, Performance Analysis and Reporting. I'm going to be talking about the performance data primarily that's in Tab 3 of your notebook, and I also put down a single, two-sided page handout with a color graph on the front entitled "Performance Observations for the State Fiscal Year 2010, 4th Quarter Performance Briefing."

The material I'm covering here is basically end-of-year performance for State Fiscal Year 2010. And starting at the beginning from just looking at the number of measures that we're meeting or exceeding performance and not meeting compared to last year, the numbers improved, that we have six fewer measures at a -P status than we had last year. Some of that has to do with the fact that we have fewer measures because in 2010 the total number of measures that we had at the legislature changed. But I think the more important thing here is that of the 10 measures that we were missing, 7 of them are related to general labor market conditions, which you're all aware of the increased number of claimants, increased hold time and things like that that's related to that, the reduction in underemployment and things. So those are tied to that. And even another one, the ES average cost, had more to do with the Recovery Act, and, again, that's the economy than any major issues with performance in general.

When we look at how the system has been functioning, the number of customers we've been serving over the last couple of years, for the employers we served about the same number in 2010 as we did in 2009, but those numbers are up considerably from 2008. And I think that's kind of important to think about because, of course, the economy in 2008 was still relatively good up until right at the end of the year. So the fact that we served more people in '9 and '10 than we did '8 shows that even though the economy was certainly weakening the boards were still engaged with employers to try to provide them service and try and help our job seekers get jobs, which leads into the total number of job seekers we were serving were up slightly from 2009 at 2.3 percent, but it's up almost 30 percent from State Fiscal Year '08.

So '9 and '10 look very similar. These numbers -- they were very similar to each other. We're certainly hoping that at this point we're kind of in a peak mode and that in the next year or so those numbers will start to come down as some of the improvements that Rich was talking about that we're starting to see in the data lead to more people getting employed, thus fewer people needing our services.

The -- those receiving staff-assisted services, again, we've kept up fairly well with that. We were at 78, just about 79 percent, before the recession hit. Now it's about 74 percent. So that's down. But in terms of the total number of people, we're talking about an extra 253,000 people getting staff-assisted services in 2010 compared to 2008.

And I wanted to take a moment to talk a little bit about the claimant reemployment within 10-week measure, which is the chart at the bottom of Page 1. The data that are in there are by calendar year. So the -- there's a thick blue line that shows the big drop which was in 2008 when we saw a big reduction in performance as the economy dropped. Then in 2009 the numbers basically stabilized. That's the dashed line at the bottom of the page. Now what you're seeing for the four black -- or the five black dots in a -- in the next line up, that's Calendar Year 2009 claimants, and so what that line is showing is that month over -- year over year when you compare the month to the one month earlier, the numbers are improving. So we're seeing a positive trend there that reemployment of claimants in this short time frame, in the 10-week standard, has been improving for the last five months in a row. I've looked ahead at the six-month. That is also improving year over year.

And one of the things I'm starting to see in this data is that because it doesn't rely on wage records and the inherent lag we see there is that this measure seems to have some use as a kind of early indicator for underemployment and other things, and so I've started doing some analysis on that to see how we can use this data to forecast what we're going to see in the future. At the moment, it certainly would suggest that we'll see some improved entered employment in the new year compared to where we were in the last year, and that's certainly good news.

Turning the page there, there's another graph I wanted to talk a little about, and this has to do with job openings that are available in work in Texas. And we made a little bit of change. This is a chart that you've seen before. The blue line is openings that are in Work in Texas that basically the employer created or the staff created the opening in Work in Texas. The red line is job central openings that are available to job seekers through Work in Texas, that they can see these openings in there. And so although the line does not show in blue a huge improvement there, there is improvement if you look at the last three quarters of data, that that is better than the three quarters before that, and the red line shows a stronger improvement there. So, again, we're seeing more openings in the system for job seekers in Texas to find -- and that seems to match again what we're seeing in the reemployment measures, so, again, hopefully an early indicator that things are turning around and that we're seeing that in the results. Of course, when we do look at entered employment retention and things like that, the numbers are down for '10 compared to '9 and '8 because of the reduction in the economy and the labor force.

Another thing that was a little bit unusual this last year is that for the first time in probably six years, might have only been five but five or six years, we saw an increase in the amount of choices child care, and this has to do with the fact that we finally saw an increase in the case load. Before that we had been seeing year after year reductions in TANF case loads as a result of House Bill 2292 and continued efforts to help get transitioned these folks off, and with the worsening of the economy, fewer people seem to be coming off; and we're seeing some increase in their case load. This isn't surprising, but it does represent kind of a first time in a number of years that we've seen some increase in the amount of choices child care, and that has some implications in terms of child care rates because since choices child care has no copay associated with it, when we have -- need less choices child care than what was projected, it means that that's a little extra money that can be used by the boards for rate increases or adjustments there in quality areas and things like that. But this year we didn't have as much flexibility there simply because we had the increase.

Lastly, in Tab 4, we've got some board performance. We have 11 boards that are meeting or exceeding at least 75 percent of their measures. But when we look at -- when we look at the overall numbers, there are 476 instances here where boards could meet or not meet, and that's basically the number of measures times the number of boards. There are 143 instances where they did not meet their targets, so 143 out of 476. However, 55 are related to reemployment of claimants. 35 are related to entered employment/retention. So basically you're looking at 90 out of 143 that were -- really related more to the economy. And we're thinking that in the new year, given some of the improvement we're forecasting in that performance and also some of the target adjustments that we've made, these numbers will probably look considerably better for the boards going forward.

And so I'm happy to answer any questions you may have about board performance or state performance going forward.

CHAIRMAN PAUKEN: Commissioner Congleton.

COMMISSIONER CONGLETON: No questions.

CHAIRMAN PAUKEN: Commissioner Alcantar.

COMMISSIONER ALCANTAR: I have no questions.

CHAIRMAN PAUKEN: Okay. Thank you, Adam.

MR. LEONARD: Thank you.

MR. TEMPLE: Reagan, do you have anything?

MS. MILLER: No.

MR. TEMPLE: LaSha.

MS. LENZY: Any questions?

CHAIRMAN PAUKEN: No. Is that it?

MR. TEMPLE: Robert.

MR. GOMEZ: No, sir.

MR. TEMPLE: No? Any questions?

MR. CRUMP: No. Commissioners, there's more tabs in the back of the notebook. If you have any questions, please pass those to staff, and we'll get an answer for you.

CHAIRMAN PAUKEN: Okay. Thank you much; appreciate it. Good job, Ladies and Gentlemen.

(At this time, the proceedings were adjourned at 2:02 o'clock p.m., Tuesday, October 26, 2010.)

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, LYDIA L. EDWARDS, certified shorthand reporter for the State of Texas, do hereby certify that the above-captioned matter came on for hearing before the TEXAS WORKFORCE COMMISSION as hereinafter set out.

I FURTHER CERTIFY that the proceedings of said hearing were reported by me, accurately reduced to typewriting under my supervision and control, and, after being so reduced, were filed with the TEXAS WORKFORCE COMMISSION.

GIVEN UNDER MY OFFICIAL hand of office at Austin, Texas, the _____ day of November, 2010.

____
Lydia L. Edwards
Certification No. 2567
My Commission Expires 12/31/10

Certified Shorthand Reporter
State of Texas

THE EDWARDS FIRM
PMB 306
6800 Westgate Blvd., #132
Austin, Texas 78745
(512) 288-2600

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