

MINUTES
PUBLIC SAFETY COMMISSION
March 30, 2004
Austin, Texas

The Public Safety Commission met in Austin, Texas on March 30, 2004. Attending the meeting were Chairman Colleen McHugh and Commissioners Robert Holt and Carlos Cascos.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Tom Haas, Tom Meredith & Laura Font, Accounting & Budget Control
Randy Elliston, Lamar Beckworth, Bob Burroughs & Mark Rogers, Highway Patrol Division
C. J. Havrda & Earl Pearson, Rangers
Marshall Caskey & Kent Mawyer, Criminal Law Enforcement
Burton Christian, Lester Mills, Valerie Fulmer, Jack Colley, David Gavin & Mike Lesko, Administration
Judy Brown, Greg Gloria, Frank Elder & Angie Parker, Driver License
Farrell Walker & Jude Schnexyder, Audit & Inspection
Mary Ann Courter, General Counsel
Mary Lauderdale & Ed Kelly, Information Management Service
Tela Mange, Public Information
David Outon, Internal Affairs
Jack Reichert & Steve Powell, Aircraft
Michael Kelley, Legislative Liaison
Dorothy Wright, Secretary

Guests present:

Alfonso Royal, Legislative Budget Board
Stacey Nicchio, Speaker Craddick's office
Stacy Gunket & Colby Beuck, Lieutenant Governor Dewhurst's office
Janna Burleson & Mary Anne Wiley, Governor's Office
Jeremiah Knutz, Senate Infrastructure Development & Security Committee
James Wilson, former DPS Director
Dennis James, ACA of Texas
Kammi Contreras and Ken Pon, THECB

The meeting was called to order by Chairman McHugh. Proper notice had been posted. Commissioner McHugh welcomed Carlos Cascos as a new member of the Public Safety Commission.

- I. **Minutes.** Upon motion by Commissioner Holt and seconded by Commissioner McHugh, the minutes of the February 10, 2004 meeting were approved. Commissioner Cascos abstained from voting since he was not present at that meeting.
- II. **Public comment.** Cammie Contreras addressed the Commission reference the problem of recycled driver license numbers.

- III. **Certification of training of commission members.** Mary Ann Courter stated that newly appointed Commissioner Cascos and reappointed Commissioner McHugh had received the statutorily required training pursuant to Gov. Code, Chapter 411, Section 411.0031.
- IV. **Budget matters.** Tom Haas briefed the Commission on proposed exceptional items for the FY06-07 LAR. There was some discussion on these items.
 - A. **Out of country travel.** Colonel Davis briefed the Commission on the appropriations requirement that foreign travel (except for Mexico and Canada) for DPS personnel be approved by the Commission and annually reported by the agency to the Governor and Legislative Budget Board. A motion was made by Commissioner Cascos and seconded by Commissioner Holt designating the Chairman to approve such foreign travel. Upon motion by Commissioner Holt and seconded by Commissioner Cascos, approval was granted for Henry Brune to travel to Anthwerp, Belgium for an IAATI seminar.
- V. **Audit & Inspection Report.** Farrell Walker gave the Audit & Inspection report.
- VI. **Division reports.** Burt Christian gave the Administration Division report. There was some discussion on fingerprint and arrest disposition reporting, sex offender registration and juvenile sealing backlogs, private security operations and the EMS United Defense 2004 exercise. Randy Elliston gave the Texas Highway Patrol Division report. There was some discussion on security operations for the Super Bowl celebration, traffic enforcement activities, TLE drug and criminal interdictions, and ongoing overtime and STEP projects. The Driver License Division report was given by Judy Brown. There was some discussion on the fraud unit, recycling of driver license numbers, the Houston field compliance, CRIS, DL reengineering and other ongoing projects. Marshall Caskey gave the Criminal Law Enforcement Division report. There was some discussion on the civil commitment program and CODIS and DNA forensic case backlogs. The Ranger report was given by C. J. Havrda. Mary Lauderdale gave the Information Management Service report. Bob Burroughs gave an update on joint efforts between DPS and the Texas Commission on Environmental Quality (TCEQ) for implementation of the State's vehicle emissions inspection/maintenance program. Mark Rogers updated the Commission on the border safety inspection stations.
- VII. **For publication for public comment**
 - A. **Proposed amendment to Rule 15.81, 37 TAC Sec. 15.81; proposed new rule 15.89, 37 TAC Sec. 15.89, relating to the new Driver Responsibility Program and a list of moving violations applicable to this program and administrative actions**
 - B. **Proposed repeal of existing Rules 25.1-25.18, 37 TAC Secs. 25.1-25.18; proposed new rules 25.1-25.8, 37 TAC Secs. 25.1-25.8, relating to criteria used for suspension actions under the Safety Responsibility Act**
Frank Elder briefed the Commission on the above proposed amendment, repeal and new rules. Upon motion by Commissioner Holt and seconded by Commissioner Cascos, the attached amendment, repeal and new rules were unanimously approved for publication for public comment.

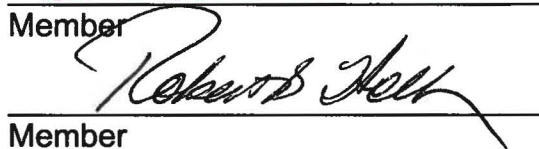
VIII. Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property. The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters, including the Director's intent to discharge probationary employees and Special Ranger and Special Texas Ranger commissions; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner McHugh announced that the Commission had discussed personnel matters, pending and contemplated litigation and ongoing criminal investigations. Special Ranger commissions had been considered for DPS retirees Robert E. Bybee, Clarence E. Drake, James S. Lucas, Nolan Metz, Juan M. Rodriguez, Rodger Mark Sassman and Bruce W Tabor. Upon motion by Commissioner Holt and seconded by Commissioner Cascos, Special Ranger commissions were approved for the above named individuals. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the Commission unanimously consented to the Director's discharge of probationary employee Joey Forister.

A motion was made by Commissioner Cascos and seconded by Commissioner Holt adjourning the meeting.

Read and approved this 23 day of April, 2004.


Chairman


Member


Member

IN THE MATTER OF	§	BEFORE THE
THE DISCHARGE OF	§	PUBLIC SAFETY COMMISSION
JOEY FORISTER, A PROBATIONARY EMPLOYEE	§	IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employee was unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to the discharge of this employee:

Employee Name	Employee Title/Division	Date of Discharge
Joey Forister	Clerk IV/Driver License	02/06/2004

Approved:

Colleen McHugh, Chairman
Public Safety Commission
Date: March 30, 2004