

**MINUTES**  
**Public Safety Commission Meeting**  
**October 26, 2023**  
**Austin, TX**

The Public Safety Commission met in Austin, Texas on October 26, 2023, at 10 a.m. for its regular meeting. Attending the meeting were Chairman Steven Mach, Commissioners Nelda Blair, Larry Long, Steve Stodghill, and Dale Wainwright. A quorum was present.

- I. **Call to Order** (0:00:01)  
Chairman Mach called the meeting to order at 10 a.m. Proper notice was posted.
- II. **Invocation** (0:00:35)  
C-2023 Class Chaplain Devante Wright provided the invocation.
- III. **Pledges** (0:01:40)  
Trooper David Gonzales led the pledge of allegiance to the U.S. and Texas flag.
- IV. **Approval of Minutes** (0:02:30)  
The minutes of the last regular meeting held on August 24, 2023, were approved.
- V. **Presentations** (0:03:15)

**30 Year Service Award**

Reymundo Alcantar  
Chief Dale Avant  
Peter Constancio III  
Jacinto Gutierrez, Jr.  
Frank Lopez  
Peggy McKelvy  
Mario Reyes III  
Raymond Whatley

**35 Year Service Award**

Sharon Cervenka

**45 Year Service Award**

Aristeo Elizondo, Jr.

**Medal of Valor Award**

Thomas Arnold

**Purple Heart Award**

Kenneth Pittman

Curtis Putz

**Director's Citation Award**

John Burris

Tierra Caradine

Steven Hill

John Lockhart

Frank Pritchett

**Lifesaving Award and Director's Award**

Bandon Aquino

Cole Duvall

Elizabeth Aguirre, Kinney County Sheriff's Department

Crystal Hall

Ashely Doran, Llano Police Department

Dr. Richard Debehnke

Tristan Monks, Lake Travis Fire Department

**Lifesaving Award**

Troy Bridier

Justin Craig

Toby Clifton

Stephen Cantu

Sandra Mendoza

Ramon Martinez (not in attendance)

Jesse Perez

**Unit Citation**

Sergeant Area 5A11, Texas Highway Patrol, Northwest Texas Region

Criminal Investigations Division and Texas Ranger Division, North Texas Region

**VI. Public Comment (1:02:10)**

None.

## **VII. Director's Report**

### **A. Operation Lone Star Update (1:02:20)**

Director Steven C. McCraw provided an update on Operation Lone Star and Homeland Security Operations Deputy Director Freeman F. Martin discussed other operations.

Chairman Mach acknowledged attendance of legislative staff. (1:37:50)

## **VIII. New Business**

### **A. Discussion and possible action on the re-appointment of members to the Vehicle Inspection Advisory Committee (1:38:20)**

Regulatory Services Division Chief Wayne Mueller requested the re-appointment of David Lewis for the emissions testing equipment manufacturer position on the Vehicle Inspection Advisory Committee. Chief Mueller also requested the re-appointment of David Campbell for the inspection station owner position on the Vehicle Inspection Advisory Committee. A motion was made by Commissioner Blair, seconded by Commissioner Long, to re-appoint David Lewis to the Vehicle Inspection Advisory Committee for a term to expire on August 1, 2026, and to re-appoint David Campbell to the Vehicle Inspection Advisory Committee for a term to expire on January 1, 2025. Motion passed unanimously.

### **B. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision: (1:41:00)**

1. SOAH Docket No. 405-23-08472.MVI – Jose Jaime Ferniza
2. SOAH Docket No. 405-23-18962.MVI – Guadalupe Rios
3. SOAH Docket No. 405-23-18366.MVI – Aqeel Al Sbihawi
4. SOAH Docket No. 405-23-18350.MVI – Hala Kar Inspection Station
5. SOAH Docket No. 405-23-18365.MVI – Homestead Auto Inspection Station

General Counsel Phillip Adkins presented the proposal for decision for items (1)-(5). A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to adopt the proposal for decision issued by the administrative law judge of the State Office of Administrative Hearings for items VIII(B)(1)-(5) as the final determination of the Public Safety Commission. Motion passed unanimously.

### **C. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:44:30)**

1. Proposed amendments to 37 TAC Section 15.29, concerning Alternative Methods for Driver License Transactions



Driver License Division Chief Sheri Gipson presented the rule proposal for item (1). A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to approve for publication in the Texas Register item VIII(C)(1). Motion passed unanimously.

2. Proposed amendments to 37 TAC Section 35.7, concerning Firearms Standards
3. Proposed amendments to 37 TAC Section 35.143, concerning Training Instructor Approval

Regulatory Services Division Chief Wayne Mueller presented the rule proposals for items (2)-(3). A motion was made by Commissioner Blair, seconded by Commissioner Long, to approve for publication in the Texas Register items VIII(C)(2)-(3). Motion passed unanimously.

**D. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)**

**IX. Ongoing Business**

**A. Report, discussion and possible adoption of the following previously published rules: (1:49:40)**

1. Proposed amendments to 37 TAC Section 23.25, concerning Vehicle Inspection Fees
2. Proposed amendments to 37 TAC Sections 35.5, 35.9, and 35.13, concerning General Provisions
3. Proposed amendments to 37 TAC Section 35.52, concerning Administrative Penalties
4. Proposed amendments to 37 TAC Section 35.81, concerning Application for a Security Officer Commission
5. Proposed amendments to 37 TAC Section 35.91, concerning Requirements for Personal Protection License
6. Proposed new 37 TAC Section 35.124, concerning Alarm Company and Alarm Training School Licenses
7. Proposed amendments to 37 TAC Section 36.1, concerning Definitions
8. Proposed repeal of 37 TAC Section 36.5, concerning Sellers of Catalytic Converters in the Ordinary Course of Business
9. Proposed amendment to 37 TAC Section 36.11, concerning Application for Certificate of Registration

**10. Proposed amendments to 37 TAC Section 36.60, concerning Administrative Penalties**

Regulatory Services Division Chief Wayne Mueller presented the rule adoptions for items (1) and (4)-(9), while item (2), (3) and (10) were withdrawn by Chief Mueller. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the rules in VIII(A)(1) and (4)-(9). Motion passed unanimously.

**B. Report, discussion, and possible action regarding the modification of the DPS organizational structure and the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team. (1:58:40)**

Director McCraw made a recommendation to appoint Texas Highway Patrol Major Bryan Rippee as Chief of the Texas Highway Patrol. A motion was made by Commissioner Blair, seconded by Commissioner Long, to appoint Bryan Rippee as the Chief of the Texas Highway Patrol effective December 1, 2023. Motion passed unanimously.

Director McCraw made a recommendation to appoint Alice Amilhat as Assistant Chief of the Crime Laboratory Division. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to appoint Alice Amilhat as the Assistant Chief of the Crime Laboratory Division effective November 1, 2023. Motion passed unanimously.

**C. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)**

To be discussed during Executive Session.

**X. Reports**

**A. Commission member reports and discussion (2:06:40)**

Chairman Mach designated Commissioner Long as the Public Safety Commission liaison to the Williamson County training facility construction project.

**B. Finance Report (2:03:50)**

None.

**C. Chief Auditor's Office (2:03:55)**

Chief Auditor Catherine Melvin provided comments on CAO activities.



Chairman Mach recognized attendance by State Representative Tony Tinderholt. (2:08:45)

**D. Division status reports on activities and action (2:08:55)**

None.

**XI. Consent Items (2:09:05)**

**A. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Eliseo Lee Coronado, Damon Claude Dublin, Victoria Mae Edinger, Richard Fernandez, James Milton Fortenberry, Rebecca Lynne Gentry, Valerie Michele Glasco, Casey Galen Goetz, Kevin Wayne Gray, Charles Michael Havard, Jr., Roy Clay Henry, Shannon Dewayne Jones, Angela Dee Kerr, Michael Jeffrey Knight, Jorge Lopez, Ryan Gabriel Maza, Patrick Kelly McElroy, Christopher Scott McGuairt, Michael Anthony Moore, Timothy T. Ochsner, Mark Hunter Parks, Rene Ramirez, John Weldon Ramsey, Billy Jack Reese, James Earl Rohrman, Vester O'Neil Roney, Cody Christopher Sanders, Henry Arthur Sibley III, Rebecca Lynne Uresti, Jose Valdez, Jr., Randel Martin Wilson, Robert James Wilson, Gerardo Javier De Los Santos, Raul Garza, Pete Guadalupe Luna, Robert Lynn Smith, and Joel DeWayne Timms**

**B. Donations:**

1. South Texas Region – Needmore Ranch, lodging and training facilities for Regional Directors
2. Additional donation items, as needed

A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, to approve all consent items under XI(A)-(B). Motion passed unanimously.

**XII. Items for Future Agenda (2:09:40)**

None at this time.

**XIII. Date for Future Meeting (2:09:50)**

The regular Public Safety Commission meeting is scheduled for December 7, 2023. Discharge hearings will be scheduled for December 6, 2023.

**XIV. Adjourn into Executive Session (2:09:55)**

Executive Session began at 12:19 p.m. The Commission adjourned into executive session to discuss security issues; to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; to deliberate regarding real estate matters; to consider any other

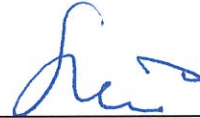
items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; and to discuss ongoing criminal investigations.

The Public Safety Commission reconvened in open session at 2:28 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Larry Long, Steve Stodghill, and Dale Wainwright were present. A quorum was present. (2:10:20)

**XV. ADJOURN**

The meeting was adjourned at 2:28 p.m.

Read and approved this 7<sup>th</sup> day of December, 2023.



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Steven P. Mach, Chairman  
Public Safety Commission

**DOCKET NO. 405-23-08472.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
JOSE JAIME FERNIZA, VEHICLE INSPECTOR	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On October 26, 2023, the Public Safety Commission held a public meeting and considered the Proposal for Decision issued in the above referenced case by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings. For purposes of this Order, the Commission adopts the findings of fact and conclusions of law reflected in the Proposal for Decision.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Jose Jaime Ferniza’s vehicle inspection certification should be revoked.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Jose Jaime Ferniza is revoked.

SIGNED this 26<sup>th</sup> day of October, 2023.



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Steven P. Mach, Chairman  
Public Safety Commission



**DOCKET NO. 405-23-18962.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
GUADALUPE RIOS, VEHICLE INSPECTOR	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On October 26, 2023, the Public Safety Commission held a public meeting and considered the Proposal for Decision issued in the above referenced case by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings. For purposes of this Order, the Commission adopts the findings of fact and conclusions of law reflected in the Proposal for Decision.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Guadalupe Rios' vehicle inspection certification should be suspended for 12 months and a \$500 administrative penalty be assessed.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Guadalupe Rios is suspended for 12 months and a \$500 administrative penalty is assessed.

SIGNED this 26<sup>th</sup> day of October, 2023.

  
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Steven P. Mach, Chairman  
Public Safety Commission

**DOCKET NO. 405-23-18366.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
AQEEL AL SBIHAWI, VEHICLE INSPECTOR	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On October 26, 2023, the Public Safety Commission held a public meeting and considered the Proposal for Decision issued in the above referenced case by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings. For purposes of this Order, the Commission adopts the findings of fact and conclusions of law reflected in the Proposal for Decision.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Aqeel Al Sbihawi’s vehicle inspection certification should be suspended for 12 months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Aqeel Al Sbihawi is suspended for 12 months.

SIGNED this 26<sup>th</sup> day of October, 2023.

  
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Steven P. Mach, Chairman  
Public Safety Commission

**DOCKET NO. 405-23-18350.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY -	§	BEFORE THE
PUBLIC SAFETY COMMISSION	§	
	§	
VS.	§	STATE OF TEXAS
	§	
HALA KAR,	§	
INSPECTION STATION	§	PUBLIC SAFETY COMMISSION


**FINAL ORDER**

On October 26, 2023, the Public Safety Commission held a public meeting and considered the Proposal for Decision issued in the above referenced case by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings. For purposes of this Order, the Commission adopts the findings of fact and conclusions of law reflected in the Proposal for Decision.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Hala Kar's vehicle inspection station certification be suspended for 12 months and a \$500 administrative penalty be assessed.

IT IS THEREFORE ORDERED that the certification as a vehicle inspection station of Hala Kar is suspended for 12 months and a \$500 administrative penalty assessed.

SIGNED this 26<sup>th</sup> day of October, 2023.



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Steven P. Mach, Chairman  
Public Safety Commission



**DOCKET NO. 405-23-18365.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY - PUBLIC SAFETY COMMISSION	§ § §	BEFORE THE
VS.	§ § §	STATE OF TEXAS
HOMESTEAD AUTO, INSPECTION STATION	§ §	PUBLIC SAFETY COMMISSION


**FINAL ORDER**

On October 26, 2023, the Public Safety Commission held a public meeting and considered the Proposal for Decision issued in the above referenced case by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings. For purposes of this Order, the Commission adopts the findings of fact and conclusions of law reflected in the Proposal for Decision.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Homestead Auto's vehicle inspection station certification be suspended for 12 months and a \$500 administrative penalty be assessed.

IT IS THEREFORE ORDERED that the certification as a vehicle inspection station of Homestead Auto is suspended for 12 months and a \$500 administrative penalty assessed.

SIGNED this 26<sup>th</sup> day of October, 2023.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 26, 2023, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter C  
Section 23.25

The Texas Department of Public Safety (the department) adopts amendments to §23.25, concerning Vehicle Inspection Fees. This rule is adopted without changes to the proposed text as published in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5000) and will not be republished.

The proposed amendment implements Senate Bill 2102, 88th Leg., R.S. (2023), by adopting the initial three-year fee for inspection of rental passenger cars or light trucks meeting the requirements of §548.1025, Transportation Code.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Transportation Code, §548.002, which authorizes the department to adopt rules to enforce Chapter 548; and Texas Transportation Code, §548.5035, which requires the department to establish the fee by rule as proposed, S.B. 2102, 88th Leg., R.S. (2023).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, §2001.033.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 26, 2023, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter F  
Section 35.81

The Texas Department of Public Safety (the department) adopts amendments to §35.81, concerning Application for a Security Officer Commission. This rule is adopted without changes to the proposed text as published in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5004) and will not be republished.

The proposed amendment implements House Bill 3424, 88th Leg., R.S. (2023), which requires applicants for a commissioned security officer license to undergo a psychological test to be eligible for the license.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702; and Texas Occupations Code, §1702.163, which authorizes the commission to adopt a rule requiring an applicant for a security officer commission to complete a psychological test, H.B. 3424, 88th Leg., R.S. (2023).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



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Steven P. Mach, Chairman  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 26, 2023, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter G  
Section 35.91

The Texas Department of Public Safety (the department) adopts amendments to §35.91, concerning Requirements for Personal Protection License. This rule is adopted without changes to the proposed text as published in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5005) and will not be republished.

The proposed amendment ensures consistency with the change proposed to §35.81, concerning Application for a Security Officer Commission, which implements House Bill 3424, 88th Leg., R.S. (2023).

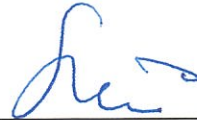
No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 26, 2023, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter J  
Section 35.124

The Texas Department of Public Safety (the department) adopts new §35.124, concerning Alarm Company and Alarm Training School Licenses. This rule is adopted without changes to the proposed text as published in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5006) and will not be republished.

The new rule specifies the experience required for alarm company and alarm training school license applicants.

The department accepted comments on the proposed new rule through October 9, 2023. Written comments relating to §35.124 were submitted by Michael D Barber, a Primary Company Representative. The substantive comment received, and the department's response is summarized below.

COMMENT: There should be a precise definition of what "alarm related experience" means.

RESPONSE: This comment was based on an earlier pre-publication version and is not applicable to the published version of the rule, which includes language indicating that alarm related experience includes installation, monitoring, sales, or related supervision experience. No changes were made to the proposal based on this comment.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 26, 2023, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities  
Title 37 T.A.C. Part I, Chapter 36  
Subchapter A  
Section 36.1

The Texas Department of Public Safety (the department) adopts amendments to §36.1, concerning Definitions. This rule is adopted without changes to the proposed text as published in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5008) and will not be republished.

The proposed amendment removes the definition of "fixed location" relating to the regulation of metal recycling entities because the definition conflicts with the statutory definition adopted in Senate Bill 224, 88th Leg., R.S. (2023), amending the Metals Recycling Entities Act (Occupations Code, Chapter 1956).

The department accepted comments on the proposed amendments through October 9, 2023. Written comments relating to §36.1 were submitted by Carol Alvarado, Texas State Senator, District 6, Jeff Leach, Texas State Representative, District 67, and Steve Bresnen, Attorney at Law in support of the amendments to this rule. No changes were made to the proposal based on these comments.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1956.013, which authorizes the Public Safety Commission to adopt rules to administer Chapter 1956.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



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Steven P. Mach, Chairman  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 26, 2023, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities  
Title 37 T.A.C. Part I, Chapter 36  
Subchapter A  
Section 36.5

The Texas Department of Public Safety (the department) adopts the repeal of §36.5, concerning Sellers of Catalytic Converters in the Ordinary Course of Business. This repeal is adopted without changes to the proposed text as published in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5009) and will not be republished.

The proposed repeal removes the department's clarification of the statutory exemption for businesses engaged in the sale of used catalytic converters in the ordinary course of business because the exempted entities are now expressly listed in statute pursuant to Senate Bill 224, 88th Leg, R.S. (2023), amending the Metals Recycling Entities Act (Occupations Code, Chapter 1956).

The department accepted comments on the proposed repeal through October 9, 2023. Written comments relating to §36.5 were submitted by Carol Alvarado, Texas State Senator, District 6, Jeff Leach, Texas State Representative, District 67, and Steve Bresnen, Attorney at Law in support of the repeal of this rule. No changes were made to the proposal based on these comments.

This repeal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1956.013, which authorizes the Public Safety Commission to adopt rules to administer Chapter 1956.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 26, 2023, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities  
Title 37 T.A.C. Part I, Chapter 36  
Subchapter B  
Section 36.11

The Texas Department of Public Safety (the department) adopts amendments to §36.11, concerning Application for Certificate of Registration. This rule is adopted without changes to the proposed text as published in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5009) and will not be republished.

The proposed amendments are required to conform with statutory changes enacted in Senate Bill 224, 88th Leg., R.S. (2023), amending the Metals Recycling Entities Act (Occupations Code, Chapter 1956). S.B. 224 requires an applicant for a certificate of registration to provide the physical address of the fixed location at which it will conduct all or most of its regulated activity; it requires an applicant to submit a declaration describing the extent to which the applicant intends to engage in transactions involving catalytic converters removed from motor vehicles during the applicant's business activity; and it requires the updating of the declaration to reflect relevant changes to the licensee's activities. The proposed amendment also removes an unnecessary application requirement.

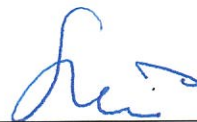
The department accepted comments on the proposed amendments through October 9, 2023. Written comments relating to §36.11 were submitted by Carol Alvarado, Texas State Senator, District 6, Jeff Leach, Texas State Representative, District 67, and Steve Bresnen, Attorney at Law in support of the amendments to this rule. No changes were made to the proposal based on these comments.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1956.013, which authorizes the Public Safety Commission to adopt rules to administer Chapter 1956 and §1956.022, which authorizes the commission to adopt rules to establish qualifications for a metals recycling entity certificate of registration.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



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Steven P. Mach, Chairman  
Public Safety Commission



**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS**  
**October 26, 2023**

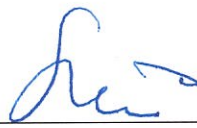
**Special Ranger Applicants:**

Name	Division at Ret.	Svc./Station at Ret.	Retire Date	Yrs. of Svc. at Ret.
Coronado, Eliseo Lee	THP	Garland	08/31/2023	26
Dublin, Damon Claude	CID	Houston	08/31/2023	28
Edinger, Victoria Mae	OIG	Houston	07/31/2023	28
Fernandez, Richard	THP	Del Rio	08/31/2023	35
Fortenberry, James Milton	THP	Greenville	08/31/2023	28
Gentry, Rebecca Lynne	THP	Orange	08/31/2023	28
Glasco, Valerie Michele	TOD	Houston	08/31/2023	28
Goetz, Casey Galen	THP	Austin	08/31/2017	25
Gray, Kevin Wayne	THP	Mt. Pleasant	08/31/2023	28
Havard, Jr., Charles Michael	THP	Beaumont	07/31/2023	24
Henry, Roy Clay	THP	Childress	08/31/2023	22
Jones, Shannon Dewayne	THP	Austin	08/31/2023	24
Kerr, Angela Dee	ICT	Austin-HQ	08/31/2023	29
Knight, Michael Jeffrey	THP	Lampasas	08/31/2023	24
Lopez, Jorge	CID	McAllen	08/31/2023	28
Maza, Ryan Gabriel	CID	McAllen	08/31/2023	28
McElroy, Patrick Kelly	TOD	Florence	08/31/2023	27
McGuairt, Christopher Scott	THP	Jourdanton	08/31/2023	27
Moore, Michael Anthony	CID	Houston	08/31/2023	33
Ochsner, Timothy T.	AOD	Austin	08/31/2023	29
Parks, Mark Hunter	CID	Brenham	03/31/2011	25
Ramirez, Rene	THP	Belton-East	08/31/2023	19
Ramsey, John Weldon	THP	Georgetown	12/31/2010	20
Reese, Billy Jack	THP	Sulphur Springs	07/31/2023	24
Rohrman, James Earl	AOD	San Antonio	08/31/2023	25
Roney, Vester O'Neil	THP	Mt. Pleasant	08/31/2023	35
Sanders, Cody Christopher	THP	Waco	08/31/2023	26
Sibley III, Henry Arthur	Dir Staff	Garland	08/31/2023	38
Uresti, Rebecca Lynne	CID	Texas City	08/31/2023	28
Valdez, Jr., Jose	CID	McAllen	08/31/2023	16
Wilson, Randel Martin	THP	Granbury	08/31/2023	24
Wilson, Robert James	THP	Wichita Falls	08/31/2019	37



**Special Texas Ranger Applicants:**

<b>Name</b>	<b>Division at Ret.</b>	<b>Svc./Station at Ret.</b>	<b>Retire Date</b>	<b>Yrs. of Svc. at Ret.</b>
De Los Santos, Gerardo Javier	TRD	Austin-HQ	12/31/2008	30
Garza, Raul	TRD	Harlingen	08/31/2023	25
Luna, Pete Guadalupe	TRD	Richmond	08/31/2023	26
Smith, Robert Lynn	TRD	Weslaco	08/31/2023	20
Timms, Joel DeWayne	TRD	Brady	08/31/2023	24

Approved by the Public Safety Commission on:  Date: 10/26/23