

**MINUTES
PUBLIC SAFETY COMMISSION
February 14, 2007
Austin, Texas**

The Public Safety Commission met in Austin, Texas on February 14, 2007. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioner Louis E. Sturns.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra & Tom Haas, Accounting & Budget Control
Randy Elliston & Lamar Beckworth, Texas Highway Patrol
Kent Mawyer, Criminal Law Enforcement
Burt Christian, Administration
Judy Brown & Greg Gloria, Driver License
Jim Miller, Texas Rangers
Farrell Walker, Office of Audit & Inspection
Mary Ann Courter, General Counsel
Ed Kelly, Information Management Service
Jack Reichert & Bill Nabors, Aircraft
Michael Kelley, Legislative Liaison Office
Dorothy Wright, Secretary

The meeting was called to order by Chairman Angelo. Proper notice had been posted.

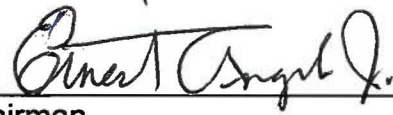
- I. **Minutes.** Upon motion by Commissioner Sturns and seconded by Commissioner Angelo, the minutes of the January 10, 2007 meeting were approved.
- II. **Public comment.** There was no public comment.
- III. **Discharge appeal hearing of DPS employee Debra Arntfield.** Debra Arntfield appeared before the Commission to appeal her discharge. She was not represented by Counsel. DPS was represented by Phil Adkins of the Office of General Counsel. Court reporter was Rhonda Howard of Esquire Deposition Services. Opening statements were made by Phil Adkins and Debra Arntfield. All witnesses were sworn. Witnesses appearing for DPS were Kathy Bergman and Wanda Hatton, Vehicle Inspection Service. DPS Exhibits #1 and 2 were submitted and accepted by the Commission. Witnesses appearing for appellant were Debra Arntfield and Carl Fitzhugh. Appellant Exhibits #1, 2, 3, 4, 7 & 8 were submitted and accepted by the Commission. Appellant Exhibit #5 was submitted and accepted by the Commission with a stipulation by DPS Counsel that the Commission not consider it in their deliberation. Appellant Exhibit #6 was submitted and accepted by the Commission noting an objection by DPS Counsel to the notes added by the appellant. Closing statements were made by Phil Adkins and Debra Arntfield.

- IV. 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; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner Angelo announced that the Commission had discussed personnel matters, including the discharge of DPS employee Debra Arntfield and consent to discharge probationary employee John Roberts; pending litigation and ongoing criminal investigations. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo consenting to the discharge of probationary employee John Roberts. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo delaying the ruling of the Commission in the Debra Arntfield hearing to the next meeting. Special Texas Ranger commissions had been considered for DPS retirees David Eldridge, Pedro Masiel and Rodolfo Rosas and a Special Texas Ranger commission was considered for Tommy Charbula of the Texas and Southwestern Cattle Raisers Association. Upon motion by Commissioner Sturns and seconded by Commissioner Angelo, Special Ranger and Special Texas Ranger commissions were approved respectively for David Eldridge, Pedro Masiel and Tommy Charbula.
- V. Budget matters.** Oscar Ybarra updated the Commission on the ongoing DPS budget process and the FTE cap.
- VI. Audit & Inspection report.** Farrell Walker gave the audit & inspection report.
- A. Approval of updated Internal Audit Charter.** A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the attached updated Internal Audit Charter.
- VII. Division reports.** Burt Christian gave the Administration Division report, including an update on recruit schools. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on a recent trooper shooting, commercial vehicle enforcement efforts and THP drug and criminal interdiction efforts. Judy Brown gave the Driver License Division report, including an update on Real ID implementation. The Driver Responsibility Program update was given by Judy Brown. The Criminal Law Enforcement Division report, including ongoing activities of the various services, was given by Kent Mawyer. Jim Miller gave the Ranger Division report. The Information Management Service report was given by Ed Kelly. There was no oral Emergency Management Division report as Chief Colley was at a legislative meeting.
- VIII. For publication for public comment.**
- A. Proposed amendment to Rule 15.92, 37 TAC Sec. 15.92, relating to updating the list of NATO member countries for Reciprocity in Driver Licensing.** Judy Brown briefed the Commission on the proposed amendment. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the attached amendment for publication for public comment.

- IX. Discussion and possible action on changes to the Policies and Procedures for the Appeal of an Employment Discharge to the Public Safety Commission.** Mary Ann Courter briefed the Commission on the proposed change that would add "Hearings are generally scheduled in order of appeal date. Postponement of a discharge hearing at the request of the employee may cause that employee's hearing to be moved to the end of the list." The proposed change was approved upon motion by Commissioner Sturns and seconded by Commissioner Angelo. (see attached)

There being no further business, the meeting was adjourned.

Read and approved this 14th day of March, 2007.


Chairman


Member

