

**MINUTES**  
**Public Safety Commission Meeting**  
**February 10, 2022**  
**Austin, TX**

The Public Safety Commission met in Austin, Texas on February 10, 2022, at 10 a.m. for its regular meeting. Attending the meeting were Chairman Steven Mach, Commissioners Nelda Blair, 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.

Chairman Mach asked for a moment of silence in memory of Special Agent Anthony Salas.

**II. Invocation (0:00:50)**

Chaplain Ferman Carpenter provided the invocation.

**III. Pledges (0:02:25)**

Trooper Victoria Escalon led the pledge of allegiance to the U.S. and Texas flag.

**IV. Approval of Minutes (0:03:05)**

The minutes of the last regular meeting held on December 9, 2021, and the minutes of the discharge hearing held on December 10, 2021, were approved.

**V. Presentations (0:03:55)**

**35 Year Service Award**

Captain Chad Grange  
Clarence Magee

**40 Year Service Award**

Trooper Victor Gails  
Dorothy Hart

**William P. Clements Excellence Award**

TJ Olivarez  
Sergeant Tactical Flight Officer James Morris

**Life Saving Award**

Texas Ranger Pete Luna, Jr.  
Trooper Ryan Halfmann  
Trooper Chad Overton  
Trooper David Patch  
Trooper Garrett Sturgill  
Trooper Bradley Fein  
Trooper Alan Owens  
Corporal Earnest Parker  
Trooper Michael West  
Trooper Ricardo Vergara

**Director's Award**

Agent Arnold Cantu, United States Customs and Border Protection  
Captain Oscar Garcia, Brookshire Police Department

**Unit Citation Award**

Sergeant Jerrod Burtnett  
Lieutenant Aaron Fritch  
Sergeant Chris Germany  
Sergeant Scott Hewitt  
Sergeant Hope Hohertz  
Sergeant James Jones  
Sergeant Rae Lee  
Sergeant Kenneth Morgan  
Sergeant Jason Rolison  
Sergeant Allen Stanton  
Sergeant C.J. Villarreal

**Director's Award**

Chief Thomas G. Ruocco

**VI. Public Comment (0:59:20)**

None.

**VII. Director's Report**

Deputy Director Freeman Martin provided an update on the status of the current recruit classes. (1:00:05)

**A. Case Update: Operation "G.P." (1:02:00)**

Deputy Director Freeman Martin introduced Criminal Investigations Division Lieutenant Chris Armstrong and Special Agent Tania Pagan to provide a case update on Operation "G.P.," related to synthetic opioids such as fentanyl.

## **VIII. New Business**

### **A. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision: (1:10:00)**

1. SOAH Docket No. 405-20-4149.MVI – Muthanna Al Sabahi and Quick Car Service

General Counsel Phillip Adkins presented the proposal for decision. 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 item VIII(A)(1) as the final determination of the Public Safety Commission. Motion passed unanimously.

Chairman Mach acknowledged in-person and virtual attendance of the following: (1:12:00)

Michael Hull – Governor's Office

Suzanne Mackowiak – Lieutenant Governor's Office

Nicole Ascano – Legislative Budget Board

Aaron Moncibaiz – Lieutenant Governor's Office

Sean Opperman – Senator Joan Huffman's Office

John Vick, Kathi Seay, Austin Lyttle - Senator Bob Hall's Office

Labrigni Rodgers - Representative Diego M. Bernal's Office

### **B. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:12:50)**

1. Proposed new 37 TAC Section 15.149, concerning Deleting Personal Information When Not An Authorized Recipient
2. Proposed repeal of 37 TAC Section 16.22, concerning Substitute Experience for Commercial Driver License (CDL) Driving Skills Exam
3. Proposed amendments to 37 TAC Section 16.26, concerning Written Exams Required
4. Proposed amendments to 37 TAC Section 16.29, concerning Waivers From Skills Exam

Driver License Division Chief Sheri Gipson presented the rule proposals for items (1)-(4). A motion was made by Commissioner Blair, seconded by

Commissioner Stodghill, to approve for publication in the Texas Register all items under VIII(B)(1)-(4). Motion passed unanimously.

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

**IX. Ongoing Business**

**A. Report, discussion and possible adoption of the following previously published rules: (1:15:15)**

1. New 37 TAC Section 6.2, concerning Approved First Responder Handgun Storage Device
2. Amendments to 37 TAC Section 6.14, concerning Proficiency Requirements and new 37 TAC Section 6.18, concerning First Responder Certification; Renewal of Certification
3. New 37 TAC Section 6.95 and Section 6.96, concerning First Responder Instructor Certification

Regulatory Services Division Chief Wayne Mueller presented the rule adoptions for items (1)-(3). A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to adopt the rules under IX(A)(1)-(3). Motion passed unanimously.

4. Amendment to 37 TAC Section 15.25, concerning Address
5. Amendment to 37 TAC Section 15.171, concerning Identifying Document for Offenders/Memorandum of Understanding

Driver License Division Chief Gipson presented the rule adoptions for items (4)-(5). A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the rules under IX(A)(4)-(5). 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. (1:19:00)**

None.

**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 (1:19:40)**

None.

**B. Finance Report (1:19:50)**

Chief Financial Officer Suzy Whittenton provided an update on the availability of \$8.8 million in bond funds to be used for deferred maintenance projects. Chief Whittenton also provided an update on the status of costs and funding for Operation Lone Star.

**C. Chief Auditor's Office (1:24:00)**

Commissioner Wainwright, as liaison to the Chief Auditor's Office, provided an introduction to Chief Auditor Catherine Melvin for the update. Chief Melvin provided an FY 22 mid-year update and overview of the activities within the Chief Auditor's Office.

**D. Division status reports on activities and action (1:38:10)**

Infrastructure Operations Division Chief Jessica Ballew and Texas Highway Patrol Chief Orlando Alanis provided an update on the ballistic resistant technology upgrade to law enforcement fleet vehicles.

**XI. Consent Items (1:55:45)**

**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: Kristopher Scott Hall; Special Texas Rangers: James Bennett Holland.**

**B. Donations:**

1. North Texas Region Commissioned Personnel – use of Bluebonnet Ranch for lodging and training purposes
2. Additional donation items, as needed

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

**XII. Items for Future Agenda (1:56:25)**

None at this time.

**XIII. Date for Future Meeting (1:56:35)**

The regular Public Safety Commission meeting is scheduled for April 14, 2022.

**XIV. Adjourn into Executive Session (1:56:45)**

Executive Session began at 12:06 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 1:48 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Steve Stodghill, and Dale Wainwright were present. (1:57:30)

**XV. ADJOURN**

The meeting was adjourned at 1:48 p.m.

Read and approved this 14<sup>th</sup> day of April, 2022.

  
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Steven P. Mach, Chairman  
Public Safety Commission

**DOCKET NO. 405-20-4149.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY – VEHICLE INSPECTION PROGRAM	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
MUTHANNA AL SABAHI and QUICK CAR SERVICE, Respondent	§	
	§	
	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On February 10, 2022, 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 Muthanna Al Sabahi’s vehicle inspection certification and Quick Car Service’s inspection station certification should be suspended for one year.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Muthanna Al Sabahi and the inspection station certification of Quick Car Service is suspended for one year.

SIGNED this 10<sup>th</sup> day of February, 2022.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On February 10, 2022, the Public Safety Commission (the commission) by majority vote approved rules concerning:

License to Carry Handguns  
Title 37 T.A.C. Part I, Chapter 6  
Subchapter A  
Section 6.2

The Texas Department of Public Safety (the department) adopts new §6.2, concerning Approved First Responder Handgun Storage Device. This rule is adopted without changes to the proposed text as published in the January 7, 2022 issue of the *Texas Register* (47 TexReg 17) and will not be republished.

New §6.2 is necessary to implement House Bill 1069, 87th Legislative Session. House Bill 1069 requires the department approve by rule the devices a first responder may use to secure and store a handgun while on duty, if the first responder is required to enter a location where carrying a handgun is prohibited by federal law or otherwise. New §6.2 provides the requirements such devices must meet in order to be approved by the department.

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 Government Code §411.184 (added by House Bill 1067, 87th Leg. Sess.) which requires the director to adopt rules establishing minimum standards for an initial training course and an annual continuing education course for first responders who hold licenses to carry.

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 February 10, 2022, the Public Safety Commission (the commission) by majority vote approved rules concerning:

License to Carry Handguns  
Title 37 T.A.C. Part I, Chapter 6  
Subchapter B  
Section 6.14 and Section 6.18

The Texas Department of Public Safety (the department) adopts amendments to §6.14, concerning Proficiency Requirements and proposed new §6.18, concerning First Responder Certification; Renewal of Certification. These rules are adopted without changes to the proposed text as published in the January 7, 2022 issue of the *Texas Register* (47 TexReg 18) and will not be republished.

Proposed amendments to §6.14 extend the time period during which applicants for a license to carry can submit their certificates of training from one year to two. Proposed new §6.18 implements House Bill 1069, 87th Legislative Session. House Bill 1069 requires the department to establish by rule minimum standards for a training course to be completed by first responders who also hold a license to carry, the successful completion of which authorizes certain first responders under certain conditions to carry a handgun while on duty. New §6.18 provides the procedures for the issuance and renewal of the first responder certification.

No comments were received regarding the adoption of these rules.

These rules are 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 Government Code §411.184 (added by House Bill 1067, 87th Leg. Sess.) which requires the director to adopt rules establishing minimum standards for an initial training course and an annual continuing education course for first responders who hold licenses to carry.

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 February 10, 2022, the Public Safety Commission (the commission) by majority vote approved rules concerning:

License to Carry Handguns  
Title 37 T.A.C. Part I, Chapter 6  
Subchapter F  
Section 6.95 and Section 6.96

The Texas Department of Public Safety (the department) adopts new §6.95 and §6.96, concerning First Responder Instructor Certification. These rules are adopted without changes to the proposed text as published in the January 7, 2022 issue of the *Texas Register* (47 TexReg 19) and will not be republished.

These new rules are necessary to implement House Bill 1069, 87th Legislative Session. House Bill 1069 requires the department establish by rule minimum standards for a training course to be completed by first responders who also hold a license to carry, the successful completion of which authorizes certain first responders under certain conditions to carry a handgun while on duty. New §6.95 and §6.96 provide the application procedures and training requirements to enable qualified license to carry handgun instructors to obtain the training and certification required to offer the first responder training course to first responders who hold a license to carry.

No comments were received regarding the adoption of these rules.

These rules are 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 Government Code §411.184 (added by House Bill 1067, 87th Leg. Sess.) which requires the director to adopt rules establishing minimum standards for an initial training course and an annual continuing education course for first responders who hold licenses to carry.

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 February 10, 2022, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules  
Title 37 T.A.C. Part I, Chapter 15  
Subchapter B  
Section 15.25

The Texas Department of Public Safety (the department) adopts amendments to §15.25, concerning Address. This rule is adopted without changes to the proposed text as published in the January 7, 2022 issue of the *Texas Register* (47 TexReg 20) and will not be republished.

The Eighty-seventh Texas Legislature enacted House Bill 368, which amended Texas Transportation Code, §521.1211 and Senate Bill 1134, which amended Texas Transportation Code, §521.054, requiring the department to provide eligible applicants (prosecutors, federal bankruptcy judges, U.S. Marshals, U.S. Attorneys, and family members) with the option of providing an alternate address for display on their driver license or identification card. The amendments to §15.25 detail the process to be followed for an eligible applicant interested in providing an alternate address.

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 Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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 February 10, 2022, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules  
Title 37 T.A.C. Part I, Chapter 15  
Subchapter K  
Section 15.171

The Texas Department of Public Safety (the department) adopts amendments to §15.171, concerning Identifying Document for Offenders/Memorandum of Understanding. This rule is adopted without changes to the proposed text as published in the January 7, 2022 issue of the *Texas Register* (47 TexReg 22) and will not be republished.

The Eighty-seventh Texas Legislature enacted House Bill 4544, which amended Texas Human Resources Code, §245.0536, requiring the department, the Texas Juvenile Justice Department (TJJD), and the Department of State Health Services (DSHS) by rule, to adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of state identification to a minor offender, prior to release, including responsibilities related to the verification of the person's identity.

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 Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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

**SPECIAL RANGER /  
SPECIAL TEXAS RANGER APPLICANTS  
February 10, 2022**

**Special Ranger Applicant:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Hall, Kristopher Scott	THP	Granbury	11/30/2021	20	

**Special Texas Ranger Applicant:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Holland, James Bennett	TRD	Decatur	12/31/2021	25	

Approved by the Public Safety Commission on:



Date:

2/10/22