

## **MINUTES**

### **Public Safety Commission Meeting**

**August 12, 2021**

**Austin, TX**

The Public Safety Commission met in Austin, Texas on August 12, 2021, 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 10:00 a.m. Proper notice was posted.

**II. Invocation (0:00:30)**

Chaplain Ferman Carpenter provided the invocation.

**III. Pledges (0:02:40)**

Trooper Danny Vasquez led the pledge of allegiance to the U.S. and Texas flag.

**IV. Approval of Minutes (0:03:20)**

The minutes of the Discharge Hearing held on June 9, 2021, and the last regular meeting held on June 10, 2021, were approved.

**V. Presentations (0:04:00)**

**35 Year Service Award**

Agent Allen Navarro

Assistant Chief William "Ben" Urbanczyk

**Medal of Honor**

Trooper Drew Stoner

**Life Saving Award**

Sergeant Kyle McCarty

Trooper Curtis "Drew" Woodard

**2020 Outstanding Women in State Government Award**

Sergeant Rae Lee

**Director's Award**

Assistant Chief Todd Michael Early

**Director's Award, Proclamation from Lieutenant Governor Dan Patrick, and Proclamation from Governor Greg Abbott**  
Lieutenant Colonel Randall B. Prince

**VI. Public Comment (0:33:05)**  
None.

**VII. Director's Report**

**A. Operation Lone Star – Border Security Update (0:33:25)**

Director Steven C. McCraw introduced Texas Highway Patrol Lieutenant Christopher Olivarez to provide an update on Operation Lone Star. Lieutenant Olivarez highlighted the work the divisions are doing for Operation Lone Star.

Director McCraw discussed the Driver License Division survey conducted by Dr. Noel Landuyt. (1:16:40)

Chairman Mach acknowledged in-person and virtual attendance of the following:  
(1:20:30)

Katy Fallon-Brown – Legislative Budget Board

Nicole Ascano – Legislative Budget Board

Michael Hull – Governor's Office

Suzanne Mackowiack – Lieutenant Governor's Office

**VIII. New Business**

**A. Report, discussion, and possible action on the Hiring Age and Mandatory Retirement Analysis (1:21:00)**

Training Operations Division Captain Greg Davis and Michael Harper provided information from law enforcement and military agencies across the United States on maximum age entry and mandatory retirement age requirements. Chairman Mach requested data on large county sheriff's offices within Texas for the next meeting. No action was requested or taken. Discussions and deliberation expected to continue at future meetings.

**B. Report, discussion, and possible action on the Fiscal Year 2022 Operating Budget (1:37:10)**

Chief Financial Officer Suzy Whittenton presented the internal operating budget for fiscal year 2022. A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to approve the fiscal year 2022 operating budget as presented. Motion passed unanimously.

**C. Report, discussion, and possible action regarding the proposed FY 2022 CAO Internal Audit Strategy (1:49:05)**

Chief Auditor Catherine Melvin presented the proposed fiscal year 2022 internal audit strategy. Commissioner Wainwright requested a mid-year status update to be provided by CAO at the February 2022 regular meeting. A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to approve FY 2022 Chief Auditor's Internal Audit Strategy. Motion passed unanimously.

**D. Report, discussion, and possible action regarding salary structure of senior management team (1:59:10)**

Director McCraw presented a proposal for a salary increase of 16.7299% for assistant chief, regional director, division chief, and deputy director positions to maintain parity with the legislative salary increase provided for major positions under Schedule C. A motion was made by Commissioner Stodghill, seconded by Commissioner Wainwright, to adopt the Director's proposal regarding the salary structure of senior management. Motion passed unanimously.

**E. Discussion and possible action to approve increase of Director's salary to amount authorized by the 87<sup>th</sup> Legislature (2:06:35)**

General Counsel Phillip Adkins presented a proposal for a salary increase for the Director's salary as authorized under the General Appropriations Act for Group 8 under the Scheduled Exempt Positions Salary Rates at an amount not to exceed \$299,813 annually. A motion was made by Commissioner Stodghill, seconded by Commissioner Blair, to approve the Director's salary to the amount of \$299,813 annually. Motion passed unanimously.

**F. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision: (2:10:05)**

1. SOAH Docket No. 405-21-0977.MVI – Keny Vidal
2. SOAH Docket No. 405-21-1111.PSB – Ashutosh Patel

General Counsel Adkins presented the proposals for decision. In response to a question from Commissioner Blair, General Counsel Adkins explained conditions under which discretion may be considered in denying a non-commissioned security officer license due to criminal history. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the proposal for decision as the final determination of the Public Safety Commission in each case under VIII(F)(1)-(2). Motion passed unanimously.

**G. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (2:13:50)**

1. Amendments to 37 TAC Section 6.14 and new Section 6.17, concerning Eligibility and Application Procedures for a License to Carry a Handgun
2. New 37 TAC Section 36.38, concerning Marking of Catalytic Converters
3. Repeal of 37 TAC Section 36.52, concerning Advisory Letters, Reprimands and Suspensions of a Certificate of Registration
4. Amendments to 37 TAC Section 36.55 and Section 36.60, concerning Disciplinary Procedures and Administrative Procedures

Regulatory Services Division Chief Wayne Mueller presented the rule proposals for items (1)-(4). A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, to approve for publication in the Texas Register all items under VIII(G)(1)-(4). Motion passed unanimously.

5. Repeal of 37 TAC Sections 7.1 - 7.3, concerning Emergency Management Program Requirements
6. Repeal of 37 TAC Sections 7.11 - 7.13, concerning Emergency Management Planning and Preplanning Requirements
7. Repeal of 37 TAC Sections 7.21 – 7.27, concerning Emergency Management Operations
8. Repeal of 37 TAC Sections 7.41 – 7.45, concerning Recovery and Rehabilitation Requirements

General Counsel Adkins presented the rule proposals for items (5)-(8). A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to approve for publication in the Texas Register all items under VIII(G)(5)-(8). Motion passed unanimously.

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

**IX. Ongoing Business**

**A. 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 (2:22:20)**

Director McCraw made a recommendation to appoint Texas Highway Patrol Chief Dwight Mathis as the Deputy Director of Law Enforcement Operations. A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, to

appoint Chief Mathis as the Deputy Director for Law Enforcement Operations. Motion passed unanimously.

Director McCraw made a recommendation to appoint West Texas Regional Director Orlando Alanis as Chief of Texas Highway Patrol. A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to appoint Regional Director Alanis as the Chief of Texas Highway Patrol. Motion passed unanimously.

Director McCraw made a recommendation to appoint Criminal Investigations Division Major Jose "Joe" Sanchez as the Regional Director for the West Texas Region. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to appoint Major Sanchez as the Regional Director for the West Texas Region. Motion passed unanimously.

Director McCraw made a recommendation to create a new Major position within the Director's office and to appoint Texas Ranger Captain James Thomas in that position. A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to create a new Major position within the Director's office and to appoint Captain Thomas as that Major. Motion passed unanimously.

**B. 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 (2:33:15)**

None.

**B. Finance Report (2:33:25)**

None.

**C. Chief Auditors Office (2:33:35)**

None.

**D. Division status reports on activities and action (2:33:40)**

None.

**XI. Consent Items (2:33:50)**

**A. Advice and consent regarding director's determination that certain**

probationary employees were found unsuitable for work during July 2021

**B. 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: Jason E. Brewer, Jimmy D. Chesnut, Carl R. Clary, Kent A. Coleman, Barry P. Evans, John A. Hallenbeck, Jon T. Janica, Mark A. Koenig, Jesus F. Pena, Stacy W. Schwab, Ethan C. Upshaw, and Charles G. Wheeler; Special Texas Rangers: Brad A. Oliver and Kenneth R. Parks**

**C. Donations:**

1. Texas Highway Patrol – donation by Reaud Charitable Foundation for awning construction at the Beaumont District Office
2. Additional donation items, as needed

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

**XII. Items for Future Agenda (2:34:30)**

None at this time.

**XIII. Date for Future Meeting (2:34:40)**

Discharge hearings will be scheduled for October 13, 2021. The regular Public Safety Commission meeting is scheduled for October 14, 2021.

After reconvening from executive session, the Public Safety Commission changed the discharge hearing date from October 13, 2021 to October 15, 2021. (2:35:25)

**XIV. Adjourn into Executive Session (2:34:50)**

Executive Session began at 12:42 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 2:30 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Steve Stodghill, and Dale Wainwright were present. (2:35:20)

The Public Safety Commissioned changed the next discharge hearing date from October 13, 2021 to October 15, 2021. (2:35:25)

**XV. ADJOURN**

The meeting was adjourned at 2:31 p.m.

Read and approved this 14<sup>th</sup> day of October, 2021.



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Steven P. Mach, Chairman  
Public Safety Commission

**TEXAS PUBLIC SAFETY COMMISSION**  
**ORDER APPROVING SALARY INCREASE**

1. The Appropriations Act for 2021-2022, Article IX, Part 3, Section 3.04(f), authorizes the Public Safety Commission to increase the salary of the Director of the Department of Public Safety up to an amount not to exceed \$299,813 for each year of the biennium.
2. The Appropriations Act for 2021-2022, Article IX, Section 3.04(d) directs that any salary increase from appropriated funds within the limits provided by Section 3.04 and salary increases within the limit established under an agency's bill pattern must be: (1) in writing; (2) signed by the presiding officer of the governing board; (3) submitted to the Governor, the Legislative Budget Board and the Comptroller; and (4) approved by the governing board in a public meeting.
3. The Public Safety Commission met in public session on August 12, 2021 in a duly noticed public meeting and authorized an increase in salary for the Director from \$247,981 to \$299,813 authorized by the Appropriations Act. The Commission further directed that the increase be reduced to writing as documented in this order, be signed by the presiding officer of the Public Safety Commission and submitted to the Governor, the Legislative Budget Board and the Comptroller as provided by law.

IT IS THEREFORE ORDERED AND APPROVED by the Public Safety Commission that the Director of the Department of Public Safety salary be increased to \$299,813 for each year of the 2021-2022 biennium effective September 1, 2021. The Commission further directs that this document be submitted to the Governor, the Legislative Budget Board and the Comptroller as notification as provided by the Appropriations Act.

ENTERED AND SIGNED on the 12<sup>th</sup> day of August, 2021.



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Steven P. Mach, Chairman  
Public Safety Commission



**DOCKET NO. 405-21-0977.MVI**

TEXAS DEPARTMENT OF PUBLIC  
SAFETY – VEHICLE INSPECTION  
PROGRAM

VS.

KENY VIDAL,  
Respondent

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BEFORE THE

STATE OF TEXAS

PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On August 12, 2021, 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 Keny Vidal's vehicle inspection certification should be suspended for twelve months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Keny Vidal is suspended for twelve months.

SIGNED this 12<sup>th</sup> day of August, 2021.



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Steven P. Mach, Chairman  
Public Safety Commission

**DOCKET NO. 405-21-1111.PSB**

TEXAS DEPARTMENT OF PUBLIC  
SAFETY – PRIVATE SECURITY

VS.

ASHUTOSH PATEL, APPLICANT

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BEFORE THE

STATE OF TEXAS

PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On August 12, 2021, 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 Ashutosh Patel’s application for registration as a noncommissioned security officer be denied.

IT IS THEREFORE ORDERED that the application for registration as a noncommissioned security officer of Ashutosh Patel, is hereby DENIED.

SIGNED this 12<sup>th</sup> day of August, 2021.



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Steven P. Mach, Chairman  
Public Safety Commission

IN THE MATTER OF § BEFORE THE  
THE DISCHARGE OF § PUBLIC SAFETY COMMISSION  
PROBATIONARY EMPLOYEES § 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 employees were unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to discharge this employee:

<b>Employee Name</b>	<b>Employee Title/Division</b>	<b>Date of Discharge</b>
James Drescher	Trooper Trainee/Training Operations Division	07/06/2021
Vanessa Villarreal	Trooper Trainee/Training Operations Division	07/19/2021

Approved:



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Steven P. Mach, Chairman  
Public Safety Commission

Date: August 12, 2021

**SPECIAL RANGER /  
SPECIAL TEXAS RANGER APPLICANTS  
August 12, 2021**

**Special Ranger Applicants:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Brewer, Jason E.	ICT	Austin	05/31/2021	25	
Chesnut, Jimmy D.	THP	Burnet	05/31/2021	28	
Clary, Carl R.	THP	Centerville	05/31/2021	19	
Coleman, Kent A.	THP	San Marcos	05/31/2021	43	
Evans, Barry P.	THP	Tyler	05/31/2021	20	
Hallenbeck, John A.	THP	Pineland	06/30/2021	18	
Janica, Jon T.	THP	Edna	04/30/2008	25	
Koenig, Mark A.	CID	Austin Capitol	05/31/2021	27	
Pena, Jesus F.	SWAT	Edinburg	06/30/2021	25	
Schwab, Stacy W.	CID	San Antonio	05/31/2021	31	
Upshaw, Ethan C.	CID	Conroe	06/30/2021	22	
Wheeler, Charles G.	THP	Abilene	06/30/2021	31	

**Special Texas Ranger Applicants:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Oliver, Brad A.	TRD	Sherman	06/30/2021	27	
Parks, Kenneth R.	TRD	Beaumont	05/31/2014	29	

Approved by the Public Safety Commission on: \_\_\_\_\_



Date: \_\_\_\_\_

8/12/21