

**MINUTES  
PUBLIC SAFETY COMMISSION  
DECEMBER 10, 2020  
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on December 10, 2020. Attending the meeting were Chairman Steven Mach, Commissioners Nelda Blair, Steve Stodghill and Dale Wainwright (attended remotely via audio/visual). Limited DPS staff members were also present.

**CALL TO ORDER** (0:00:01)

The meeting was called to order by Chairman Mach at 9:02 a.m. Proper notice had been posted.

**INVOCATION** (0:00:55)

Invocation was given by Chaplain Ferman Carpenter.

**PLEDGES** (0:02:36)

Pledge of Allegiance to the US Flag and Pledge of Allegiance to the Texas Flag were led by Trooper Cesar "Gus" Nunez.

**APPROVAL OF MINUTES** (0:03:26)

**A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, approving the minutes from Presentations held October 14, 2020; discharge hearing held October 15, 2020; and the Public Commission meeting held October 15, 2020. Motion passed unanimously.**

Chairman Mach changed the agenda order and Adjourn Into Executive Session will be moved following Item 14 (Date For Future Meetings). Public Comment will remain open until the Commission reconvenes from Executive Session.

**PRESENTATIONS** (0:05:02)

**30 Year Service Award**

Severo Lopez, Jr.  
Kristina Mauldin

**40 Year Service Award**

Rene Garza  
Jimmy Holmes  
Raymond Munsell  
Renee Weise

**Adolph Thomas Award**

Adolph Thomas' daughter, Dawn and husband, Aaron, were in attendance.  
Rebecca Butler – Non-Commissioned  
Stephen Bynum – Commissioned

**Medal of Valor**

Trooper Mauro Arce  
Sergeant Earl Vicknair  
Trooper Steven Yaden

**Director's Citation**

Trooper Brian Barnes  
Special Agent Josh Roraback

**Director's Award**

Darrell Lunsford, Jr.  
FBI Agent Josh Mathews  
FBI Agent Joseph Valero  
US Attorney Nathaniel Kummerfeld  
John May  
Game Warden Tyler Stoikes

**Lifesaving Award**

Trooper Steven Creader  
Trooper Jordan Pulliam  
Trooper Micah Goodrich  
Major Jim Rohrman  
Lieutenant Cody Klaehn  
Trooper Osvaldo Anzaldua  
Trooper Alejandra Salinas  
Trooper Ramiro Brito, Jr.  
Trooper Kenneth Pittman  
Trooper Christopher Hill  
Trooper Allen Licon

Trooper Joseph Osborne  
Trooper Benjamin Stopyra

Mike Lesko and Beth Hibbs were presented with Director's Awards, in recognition of their exemplary leadership and dedication to the department, along with their retirement certificates. Mike and Beth are retiring effective December 31, 2020.

(0:46:31) Break 9:49 – 9:57 a.m.

**PUBLIC COMMENT** (0:48:09)

To remain open until Commission reconvenes.

**DIRECTORS REPORT**

**A. Updated Program Responsibilities of the Special Operations Group (SOG)** (0:48:29)

Update provided by Major Scotty Shiver:

Timeline:

- 1984 SWAT formed
- 2009 Ranger Recon activated to lead Border Mission
- 2010 SWAT placed under the Texas Rangers, given full-time status
- 2011 Special Response Team (SRT) and Crisis Negotiation Unit (CNU) activated under Ranger Special Operations Group (RSOG)
- 2014 RSOG Explosive Ordinance Disposal (EOD) Program activated
- 2016 RSOG South activated
- 2017 Rural Operations Program begins/Hurricane Harvey Disaster Relief Mission
- 2018 Precision Rifle Program brought under RSOG, updated weapons platform purchased
- 2019 Small UAS (Drone) Program under the Texas Rangers integrated into RSOG/Progressive Hostage Rescue Tactics Standard Program implemented
- 2020 Capitol Response/Fort Davis Warrant Service/Refugio Hostage Rescue/Intelligence, Tactics, Breach, Precision Rifle Program, implemented RSOG-wide

Phases of Operations:

- Enduring
- Planned
- Emergency Call-Out

Brief overview provided by Director McCraw:

- Under Governor Abbott's direction, increased patrol presence in Houston, Dallas, UT West Campus, and San Antonio.

- Gangs
- Rise in violence crime
- Methamphetamine
- Recidivism

(1:10:23) Chairman Mach acknowledged the following attending online:  
Michael Hull – Office of the Governor  
Suzanne Mackowiak and Aaron Moncibaiz – Lieutenant Governor's Office  
Nicole Ascano, Daniel Knapp and Katy Fallon-Brown – Legislative Budget Board

### **NEW BUSINESS**

A. Report regarding Cyber Security Operations – Executive Session anticipated under Government Code 551.089 (1:10:53)

B. Final Determination in Contested Cases – consideration and possible action on Proposal for Decision: (1:11:09)

1. SOAH Docket No. 405-20-4000.MVI – Antonio Bennett;
2. SOAH Docket No. 405-20-4027.MVI – James Dwayne Davis;
3. SOAH Docket No. 405-20-3768.MVI – Johnson Dedeigbo;
4. SOAH Docket No. 405-20-4064.MVI – Sahid Massaquoi;
5. SOAH Docket No. 405-20-3692.MVI – Christopher Neal

**A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the Proposals for Decision issued in New Business, Items B1 – B5. Motion passed unanimously.**

C. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:14:42)

1. Proposed new 37 TAC Section 15.29, concerning Alternative Methods for Driver License Transactions
2. Proposed amendments to 37 TAC Section 15.34, concerning Renewal Period Prior to Expiration
3. Proposed repeal of 37 TAC Section 15.59, concerning Alternative Methods for Driver License Transactions
4. Proposed amendments to 37 TAC Section 15.62, concerning Additional Requirements

**A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, approving New Business, Items C1 – C4, for publication to receive public comment. Motion passed unanimously.**

5. Proposed new 37 TAC Section 1.92, concerning Reimbursement of Witnesses at Public Safety Commission Hearings (1:17:40)
6. Proposed amendments to 37 TAC Sections 29.1 – 29.3, 29.5, 29.21, 29.24, 29.27, 29.29, 29.30, 29.32, and 29.33, concerning Practice and Procedure
7. Proposed repeal of 37 TAC Sections 29.4, 29.6 – 29.10, 29.12 – 29.19, 29.22, 29.23, 29.25, 29.26, 29.28, 29.34, and 29.201, concerning Practice and Procedure

**A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, approving New Business, Items C5 – C7, for publication to receive public comment. Motion passed unanimously.**

8. New 37 TAC Sections 38.1 – 38.3, concerning Fusion Center Operations (1:22:02)
- A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, approving New Business, Item C8, for publication to receive public comment. Motion passed unanimously.**

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

**ONGOING BUSINESS**

A. Report, discussion, and possible adoption of the following previously published rules:

1. Repeal of 37 TAC Section 21.7, concerning Certification of Certain Vehicles (1:24:30)

No comments.

**A motion was made by Commissioner Stodghill, seconded by Commissioner Blair, adopting Ongoing Business, Item A1. 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 (1:26:16)

With the upcoming retirement of Mike Lesko, Chief, Law Enforcement Support; Director McCraw sought advice and consent to divide Law Enforcement Support into two divisions: Crime Laboratory Division and Crime Records Division. Brady Mills, Assistant Chief, Law Enforcement Support – promote to Chief, Crime Laboratory Division. Michelle Farris, Assistant Chief, Law Enforcement Support – promote to Chief, Crime Records Division. Neither division will have an assistant chief position.

**A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, approving the creation of Crime Laboratory Division and Crime Records Division and eliminating Law Enforcement Support; the promotion of Brady Mills**

**to Chief, Crime Laboratory Division; and the promotion of Michelle Farris to Chief, Crime Records Division. Motion passed unanimously.**

(1:30:05) Break 10:40 – 10:45 a.m.

(1:35:59) Director McCraw sought advice and consent to promote Ron Zilkha to Assistant Chief, Information Technology Division (Innovation and Applications Services). Shannon Wallace previously held this position prior to her departure. **A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, approving Ron Zilkha as Assistant Chief, Information Technology Division (Innovation and Applications Services). Motion passed unanimously.**

(1:37:33) Director McCraw sought advice and consent to name Travis Considine as the new Office Chief, Media and Communications. Katherine Cesinger previously held this position.

**A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, approving Travis Considine as the new Office Chief, Media and Communications. Motion passed unanimously.**

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

To be discussed during Executive Session.

**REPORTS** (1:39:27)

None

**CONSENT ITEMS** (1:40:20)

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: Texas and Southwestern Cattle Raisers Association Special Rangers: Robert Evans Fields and David Allen Marcaurele

B. Donations:

1. Texas Rangers “Company D” – use of Needmore Ranch for lodging and training purposes

2. Texas Rangers “Company B” – use of Black Diamond Ranch for lodging and training purposes

3. Additional donation items, as needed

**A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, approving Consent Items, Items A – B3. Motion passed unanimously.**

**ITEMS FOR FUTURE AGENDA** (1:40:54)

None at this time.

**DATE FOR FUTURE MEETING** (1:41:14)

Discharge hearings will be scheduled on February 10, 2021, and the regular Public Safety Commission meeting is scheduled for February 11, 2021.

**ADJOURN INTO EXECUTIVE SESSION**

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; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations. Executive Session began at 10:51 a.m.

(1:42:11) The Public Safety Commission reconvened in open session at 1:10 p.m. Commissioners present were Chairman Steven Mach, Commissioners Nelda Blair, and Steve Stodghill. Dale Wainwright is off the call.

**PUBLIC COMMENT** (1:42:33)

None

**ADJOURN**

**A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to adjourn the meeting. Motion passed unanimously.**

The meeting was adjourned at 1:11 p.m.

Read and approved this 11<sup>th</sup> day of February, 2021.

Steven P. Mack  
Chairman



DOCKET NO. 405-20-4000.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
VS.	§	STATE OF TEXAS
	§	
ANTONIO BENNETT, RESPONDENT	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On December 10, 2020, 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 Antonio Bennett’s certification as a vehicle inspector should be suspended for one year.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Antonio Bennett, is suspended for one year.

SIGNED this 10<sup>th</sup> day of December, 2020.

Steven P. Mach  
Steven P. Mach, Chairman  
Public Safety Commission

DOCKET NO. 405-20-4027.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
VS.	§	STATE OF TEXAS
	§	
JAMES D. DAVIS, APPLICANT	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On December 10, 2020, 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 James D. Davis’s certification as a vehicle inspector should be suspended for twelve months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of James D. Davis, is suspended for twelve months.

SIGNED this 10<sup>th</sup> day of December, 2020.

Steven P. Mach  
Steven P. Mach, Chairman  
Public Safety Commission

DOCKET NO. 405-20-3768.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
VS.	§	STATE OF TEXAS
	§	
JOHNSON DEDEIGBO, RESPONDENT	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On December 10, 2020, 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 Johnson Dedeigbo’s certification as a vehicle inspector should be suspended for twelve months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Johnson Dedeigbo, is suspended for twelve months.

SIGNED this 10<sup>th</sup> day of December, 2020.

Steven P. Mach  
Steven P. Mach, Chairman  
Public Safety Commission

DOCKET NO. 405-20-4064.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
VS.	§	STATE OF TEXAS
	§	
SAHID MASSAQUOI, RESPONDENT	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On December 10, 2020, 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 Sahid Massaquoi, a certified vehicle inspector, should be assessed an administrative penalty of \$500.

IT IS THEREFORE ORDERED that certified vehicle inspector Sahid Massaquoi is assessed an administrative penalty of \$500.

SIGNED this 10<sup>th</sup> day of December, 2020.

Steven P. Mach  
Steven P. Mach, Chairman  
Public Safety Commission

DOCKET NO. 405-20-3692.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	STATE OF TEXAS
VS.	§	
	§	
CHRISTOPHER NEAL, APPLICANT	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On December 10, 2020, 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 Christopher Neal’s certification as a vehicle inspector should be denied.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Christopher Neal, is denied.

SIGNED this 10<sup>th</sup> day of December, 2020.

Steven P. Mach  
Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 10, 2020, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Equipment and Vehicle Safety Standards  
Title 37 T.A.C. Part I, Chapter 21  
Section 21.7

The Texas Department of Public Safety (the department) adopts the repeal of §21.7, concerning Certification of Certain Vehicles. This repeal is adopted without changes to the proposed text as published in the October 30, 2020 issue of the *Texas Register* (45 TexReg 7689) and will not be republished.

House Bill 3171 passed by the 86th Texas Legislature repealed §521.225 of the Texas Transportation Code which required the department to establish a procedure by rule for determining whether a vehicle was a moped and to compile a list of mopeds certified by the department. The repeal of §521.225 of the Texas Transportation Code has made §21.7 obsolete.


No comments were received regarding the adoption of this repeal.

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 Transportation Code, §662.009, which authorizes the designated state agency to adopt rules to administer Chapter 662.

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 APPLICANTS**

**December 10, 2020**

**Texas and Southwestern Cattle Raisers Association Special Ranger Applicants:**

Name	Approved
Fields, Robert Evans	
Marcaurele, David Allen	

Approved by the Public Safety Commission: Steven P. Maca **Date:** 12/10/20.