

## **MINUTES**

### **Public Safety Commission Meeting**

**August 24, 2023**

**Austin, TX**

The Public Safety Commission met in Austin, Texas on August 24, 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 (0:00:30)**

Recruit Chaplain Jonah Kenrick provided the invocation.

**III. Pledges (0:01:55)**

Trooper Danielle Guerra led the pledge of allegiance to the U.S. and Texas flag.

**IV. Approval of Minutes (0:02:45)**

The minutes of the last regular meeting held on June 8, 2023, were approved.

**V. Presentations (0:03:10)**

**30 Year Service Award**

David Crook

**45 Year Service Award**

Kenneth Pittman

**Director's Citation**

James McCoy

**Lifesaving Award**

Charles Combs

Daniel Walker

**Unit Citations**

6C14 Safety Education Service Area

Criminal Investigations Methamphetamine Initiative Group (MIG)

### **Director's Award**

Regional Director Hank Sibley

Chief Tim Ochsner

Deputy Director Jeoff Williams

### **VI. Public Comment (0:28:30)**

Michael R. Levy provided comments on the DPS presence in Austin.

Steve Bresnen provided comments on Item VIII(F)(8)-(12).

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

#### **A. Operation Lone Star Update (0:37:20)**

No update provided.

#### **B. Austin Violent Crime Task Force Update (0:37:30)**

Director Steven C. McCraw introduced Regional Director Vincent Luciano and Dr. Jonathan Kringen, Chief Data Officer with the Austin Police Department, to provide an update on the Austin Violent Crime Task Force.

Chairman Mach acknowledged attendance of legislative staff. (1:12:05)

### **VIII. New Business**

#### **A. Report, discussion, and possible action on the Fiscal Year 2024 Internal Operating Budget (1:12:25)**

Chief Financial Officer Suzy Whittenton provided the proposed fiscal year 2024 internal operating budget. A motion was made by Commissioner Wainwright, seconded by Commissioner Long, to approve the proposed fiscal year 2024 internal operating budget. Motion passed unanimously.

#### **B. Report, discussion, and possible action on Fiscal Year 2024 Internal Audit Strategy and summary of past year (1:21:40)**

Chief Auditor Catherine Melvin provided the proposed fiscal year 2024 internal audit strategy and a summary of the audits accomplished in fiscal year 2023. A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, to approve the proposed fiscal year 2024 internal audit strategy. Motion passed unanimously.

#### **C. Discussion and possible action on the appointment of members to the Private Security Advisory Committee (1:34:10)**

Regulatory Services Division Chief Wayne Mueller requested appointment of Donald Seeger, Jr. to a public member position on the Private Security Advisory Committee. Chief Mueller also requested appointment of Tucker Coleman Witt to the guard company position on the Private Security Advisory Committee. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to appoint Donald Seeger, Jr. as the public member representative and Tucker Coleman Witt as the guard company representative on the Private Security Advisory Committee for a term to expire in January 2029. Motion passed unanimously.

**D. Discussion and possible action to consider increase of Director's salary to amount authorized by the 88<sup>th</sup> Legislature (1:38:20)**

General Counsel Phillip Adkins presented a proposal for a salary increase for the Director's salary as authorized by the legislature under the General Appropriations Act at an amount not to exceed \$345,250 annually. A motion was made by Commissioner Blair, seconded by Commissioner Long, to approve the Director's salary to the amount of \$345,250 annually. Motion passed unanimously.

**E. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision: (1:40:45)**

1. SOAH Docket No. 405-23-08202.MVI – Salvador Becerril
2. SOAH Docket No. 405-22-2661.MVI – Sergio Soto Diaz
3. SOAH Docket No. 405-23-13430.MVI – Alejandro Carrizales Mireles
4. SOAH Docket No. 405-23-07276.MVI – Francisco Villalobos
5. SOAH Docket No. 405-23-17767.PSB – Lizbeth Perez Favela

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

**F. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:45:20)**

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 35.143, concerning Training Instructor Approval
8. Proposed amendments to 37 TAC Section 36.1, concerning Definitions
9. Proposed repeal of 37 TAC Section 36.5, concerning Sellers of Catalytic Converters in the Ordinary Course of Business
10. Proposed amendment to 37 TAC Section 36.11, concerning Application for Certificate of Registration
11. Proposed amendments to 37 TAC Section 36.36, concerning Standards of Conduct
12. Proposed amendments to 37 TAC Section 36.60, concerning Administrative Penalties

Regulatory Services Division Chief Wayne Mueller presented the rule proposals for items (1)-(12), except for item (11) which was withdrawn by Chief Mueller. A motion was made by Commissioner Blair, seconded by Commissioner Long, to approve for publication in the Texas Register all items VIII(F)(1)-(12), except for item (11) which was withdrawn. Motion passed unanimously.

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

**IX. Ongoing Business**

**A. Discussion and possible action regarding Compassionate Use Program (1:53:50)**

Regulatory Services Division Chief Wayne Mueller and Deputy Director of Law Enforcement Operations Jeoff Williams provided an update on progress of the Compassionate Use Program. No action was requested or taken.

**B. Report, discussion and possible adoption of the following previously published rules: (2:00:15)**

2. Proposed amendments to 37 TAC Section 23.62, concerning Violations and Penalty Schedule

Regulatory Services Division Chief Mueller presented the rule adoption for item (2). A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to adopt the rule under IX(B)(2). Motion passed unanimously.

1. Proposed amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Tests

Driver License Division Chief Sheri Gipson presented the rule adoption for item (1). A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the rule under IX(B)(1). Motion passed unanimously.

**C. 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. (2:03:55)**

Director McCraw made a recommendation to appoint Training Operations Division Chief Walt Goodson as Deputy Director/Lt. Colonel of Law Enforcement Services. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to appoint Walt Goodson as the Deputy Director/Lt. Colonel of Law Enforcement Services effective September 1, 2023. Motion passed unanimously.

Director McCraw made a recommendation to appoint Texas Ranger Major James Thomas as Chief of the Training Operations Division. A motion was made by Commissioner Wainwright, seconded by Commissioner Long, to appoint James Thomas as the Chief of the Training Operations Division effective September 1, 2023. Motion passed unanimously.

Director McCraw made a recommendation to appoint Aircraft Operations Division Assistant Chief Stacy Holland as Chief of the Aircraft Operations Division. A motion was made by Commissioner Long, seconded by Commissioner Blair, to appoint Stacy Holland as the Chief of the Aircraft Operations Division effective September 1, 2023. Motion passed unanimously.

Director McCraw made a recommendation to appoint Aircraft Operations Division Major Marcus Tomerlin as Assistant Chief of the Aircraft Operations Division. A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, to appoint Marcus Tomerlin as the Assistant Chief of the Aircraft Operations Division effective September 1, 2023. Motion passed unanimously.

Director McCraw made a recommendation to appoint Texas Highway Patrol Major Jeremy M. Sherrod as Regional Director of the North Texas Region. A motion was made by Commissioner Long, seconded by Commissioner Stodghill, to appoint Jeremy M. Sherrod as the Regional Director of the North Texas Region effective September 1, 2023. Motion passed unanimously.

Director McCraw provided information on the temporary reassignment of Infrastructure Operations Division Chief Jessica Ballew to the new position of Chief Innovation Officer. While on this temporary assignment, Regulatory Services Division Assistant Chief Jason Hester will fill in on a temporary basis as Chief of the Infrastructure Operations Division. No action was requested or taken.

**D. 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 (2:13:35)**

None.

**B. Finance Report (2:13:40)**

None.

**C. Chief Auditor's Office (2:13:45)**

None.

**D. Division status reports on activities and action (2:13:50)**

None.

**XI. Consent Items (2:13:55)**

**A. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during July 2023**

**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: Brian Douglas Baxter, Robert Gregory Davis, Kirby Ray Lambert, Richard Medina, Gina Gail Stone, and Clemmie Tierra Terry, Jr.**

**C. Donations:**

1. South Texas Region – Needmore Ranch, lodging and training facilities for Texas Rangers
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 (2:14:30)**

None at this time.

**XIII. Date for Future Meeting (2:14:35)**

The regular Public Safety Commission meeting is scheduled for October 26, 2023. Discharge hearings will be scheduled for October 27, 2023.

**XIV. Adjourn into Executive Session (2:14:45)**

Executive Session began at 12:25 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 2:25 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Larry Long, Steve Stodghill, and Dale Wainwright were present. A quorum was present. (2:15:10)

**XV. ADJOURN**

The meeting was adjourned at 2:25 p.m.

Read and approved this 26<sup>th</sup> day of October, 2023.

  
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Steven P. Mach, Chairman  
Public Safety Commission

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

1. The Appropriations Act for 2024-2025, 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 \$345,250 for each year of the biennium.
2. The Appropriations Act for 2024-2025, 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 24, 2023 in a duly noticed public meeting and authorized an increase in salary for the Director from \$299,813 to \$345,250 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 \$345,250 for each year of the 2024-2025 biennium effective September 1, 2023. 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 24<sup>th</sup> day of August, 2023.

  
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Steven P. Mach, Chairman  
Public Safety Commission



**DOCKET NO. 405-23-08202.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
SALVADOR BECERRIL	§	
Respondent	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On August 24, 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 Salvador Becerril’s vehicle inspection certification should be suspended for 12 months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Salvador Becerril is suspended for 12 months.

SIGNED this 24<sup>th</sup> day of August, 2023.

  
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Steven P. Mach, Chairman  
Public Safety Commission

**DOCKET NO. 405-22-2661.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
SERGIO SOTO DIAZ	§	
Respondent	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On August 24, 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 Sergio Soto Diaz’s vehicle inspection certification should be revoked.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Sergio Soto Diaz is revoked.

SIGNED this 24<sup>th</sup> day of August, 2023.

  
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Steven P. Mach, Chairman  
Public Safety Commission

**DOCKET NO. 405-23-13430.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
ALEJANDRO CARRIZALES MIRELES	§	
Respondent	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On August 24, 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 Alejandro Carrizales Mireles be assessed a \$500 administrative penalty.

IT IS THEREFORE ORDERED that Alejandro Carrizales Mireles is assessed a \$500 administrative penalty.

SIGNED this 24<sup>th</sup> day of August, 2023.



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Steven P. Mach, Chairman  
Public Safety Commission

**DOCKET NO. 405-23-07276.MVI**

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
FRANCISCO VILLALOBOS	§	
Vehicle Inspector	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On August 24, 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 Francisco Villalobos’ vehicle inspection certification should be suspended for 24 months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Francisco Villalobos is suspended for 24 months.

SIGNED this 24<sup>th</sup> day of August, 2023.



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Steven P. Mach, Chairman  
Public Safety Commission

**DOCKET NO. 405-23-17767.PSB**

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
LIZBETH FAVELA, Applicant	§	
	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On August 24, 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 Lizbeth Favela’s noncommissioned security officer license be denied.

IT IS THEREFORE ORDERED that the application for noncommissioned security officer license of Lizbeth Favela be denied.

SIGNED this 24<sup>th</sup> day of August, 2023.

  
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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 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 F  
Section 23.62

The Texas Department of Public Safety (the department) adopts amendments to §23.62, concerning Violations and Penalty Schedule. This rule is adopted without changes to the proposed text as published in the June 23, 2023 issue of the *Texas Register* (48 TexReg 3399) and will not be republished.

The proposed rule amendments make various changes to the requirements relating to emissions inspections and the related conduct of inspectors and station owners and clarifies the department's authority to immediately suspend or revoke the certificate of an inspector or inspection station if the action is found to be necessary to prevent or remedy a threat to public health, safety, or welfare.

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, §548.002, which authorizes the Department of Public Safety to adopt rules to enforce Chapter 548.

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 August 24, 2023, 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 C  
Section 15.55

The Texas Department of Public Safety (the department) adopts amendments to §15.55, concerning Waiver of Knowledge and/or Skills Tests. This rule is adopted without changes to the proposed text as published in the June 23, 2023 issue of the *Texas Register* (48 TexReg 3398) and will not be republished.

The proposed rule amendment waives the knowledge and skills exams for an applicant that presents a non-commercial driver license that is valid or not expired over two years from another U.S. state, U.S. territory or province of Canada and reorganizes the rule for better readability.


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; and §521.1426.

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

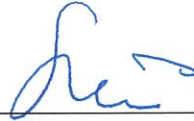
IN THE MATTER OF § BEFORE THE  
THE DISCHARGE OF § PUBLIC SAFETY COMMISSION  
PROBATIONARY EMPLOYEE § IN AUSTIN, TRAVIS COUNTY, TX

**Advice and Consent**

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employee was 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>
Leslie Portillo	Accounting Technician II, Finance Division	07/18/2023

Approved:



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Steven P. Mach, Chairman  
Public Safety Commission

Date: August 24, 2023



**SPECIAL RANGER APPLICANTS**  
**August 24, 2023**

**Special 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>
Baxter, Brian Douglas	TOD	Austin-HQ	06/30/23	29
Davis, Robert Gregory	TOD	Austin-HQ	05/31/23	20
Lambert, Kirby Ray	THP	Canyon	06/30/23	28
Medina, Richard	THP	Gatesville	06/30/23	23
Stone, Gina Gail	THP	Rockwall	06/30/23	21
Terry, Jr., Clemmie Tierra	THP	Katy	06/30/23	29

Approved by the Public Safety Commission on: \_\_\_\_\_  Date: August 24, 2023