

MINUTES
PUBLIC SAFETY COMMISSION
June 12, 2007
Austin, Texas

The Public Safety Commission met in Austin, Texas on June 12, 2007. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioners Louis Sturns and Allan Polunsky.

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 & Gary Stone, Criminal Law Enforcement
Burt Christian, Lester Mills, Valerie Fulmer, Louis Beaty & Randy Batten, Administration
Larry Cuny & Rebekah Lammey, Driver License
Ray Coffman & Jim Miller, Texas Rangers
Farrell Walker, Office of Audit & Inspection
Jack Colley, Emergency Management Division
Mary Ann Courter, General Counsel
James Brubaker & Tully Brown, Information Management Service
Jack Reichert, Aircraft
Michael Kelley, Legislative Liaison Office
David Outon, Internal Affairs
Tela Mange, Public Information Office
Dorothy Wright, Secretary

Guests present:

Donald Dickson, attorney
Nina Kessler, Senate Committee on Transportation & Homeland Security

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

- I. **Minutes.** Upon motion by Commissioner Polunsky and seconded by Commissioner Sturns, the minutes of the May 15, 2007 meeting were approved.
- II. **Public comment.** There was no public comment.
- III. **Discharge appeal hearing of DPS employee Howard Jennings.** Howard Jennings appeared before the Commission to appeal his discharge. He was represented by Phil Burleson. DPS was represented by Janette Ansolabehere of the Office of General Counsel. Court reporter was Shannon Delay of Esquire Deposition Services. Opening statements were made by both attorneys. All witnesses were sworn and the rule was invoked. Witnesses appearing for DPS were Lieutenant Timothy Smith, Captain Audra Livingston and Major Stan Clark, Texas Highway Patrol Division. DPS Exhibits #1, 2 and

3 were submitted and accepted by the Commission. Howard Jennings was the only witness appearing for appellant. Appellant Exhibits #1, 2 and 3 were submitted and accepted by the Commission. Closing statements were made by Janette Ansolabehere and Phil Burleson.

- IV. Budget matters.** Oscar Ybarra updated the Commission on highlights of legislative appropriations made during the session. There was some discussion on the FTE cap limitation set under a previous appropriations bill rider, current vacancies and gas purchases.

A. Acceptance of donation of computer equipment from CISA. Kent Mawyer briefed the Commission on the proposed donation from the Criminal Information Sharing Alliance (CISA) of computer equipment valued at \$276,000. Upon motion by Commissioner Sturns and seconded by Commissioner Polunsky, the computer equipment was accepted.

- V. Audit & Inspection report.** Farrell Walker gave the audit & inspection report. There was some discussion on the Information Resource management audit and ongoing implementation of recommendations contained therein. Colonel Davis commended the Audit & Inspection staff as well as the other DPS Divisions for the work done during the last legislative session analyzing bills and preparing fiscal notes.

- VI. Division reports.** Burt Christian gave the Administration Division report, including an update on livescan device deployment, ongoing efforts to ensure accuracy of sex offender registry information, private security checks and inspections, efforts to improve recruiting for trooper-trainee applicants, and legislation affecting the Administration Division. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on a recent counterfeit vehicle inspection sticker investigation, legislation affecting the Highway Patrol Division and toll road traffic enforcement. Larry Cuny gave the Driver License Division report, including an update on the DL reengineering project, legislation affecting the Driver License Division, the ongoing customer relations training program and Real ID. Also discussed was the recent Dallas U. S. Attorney investigation relating to a number of foreign individuals residing in New York obtaining Texas driver licenses and the administrative rules currently in place to prevent this type of situation in the future. The Driver Responsibility Program update was given by Rebekah Lammey. Jack Colley gave the Emergency Management Division report. There was some discussion on open disasters in Texas, hurricane exercises and legislative affecting the Division. The Criminal Law Enforcement Division report was given by Kent Mawyer. There was some discussion on legislation affecting the CLE Division and TxDOT's bonded title process. Ray Coffman gave the Ranger Division report. There was some discussion on the Ranger selection process. James Brubaker gave the Information Management Service report, including an update on TLETS conversion and legislation affecting IMS. There was some discussion on the possibility of consultant hiring for IT functions. Tully Brown was introduced as the new Assistant Chief of IMS.

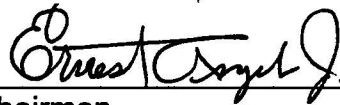
VII. For final adoption.

A. Proposed amendment to Rule 29.9, 37 TAC Sec. 29.9, relating to service of pleadings and motions via regular mail pursuant to State Office of Administrative Hearing Rules of Procedure, as published in 32 TexReg 1991, April 6, 2007. Mary Ann Courter briefed the Commission on the proposed amendment. A motion was made by Commissioner Sturns and seconded by Commissioner Polunsky approving the attached amendment for final adoption.

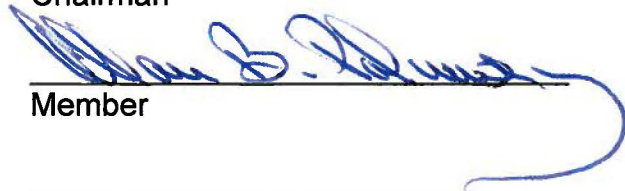
VIII. Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property. The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters, including the Director's action of discharging employee Howard Jennings; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, a motion was made by Commissioner Sturns and seconded by Commissioner Polunsky delaying the Commission's decision in the Howard Jennings discharge appeal to a future meeting. Motion passed unanimously. Upon motion by Commissioner Polunsky, seconded by Commissioner Sturns and unanimously passed, Special Ranger commissions were approved for DPS retirees Alan Alexander, Joseph Clement and Howard Moore and Special Texas Ranger commissions were approved for DPS retirees C. D. Fitzgerald and Stephen Severn.

There being no further business, the meeting was adjourned.

Read and approved this 13th day of August, 2007.



Chairman



Member

Member

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 12, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Practice And Procedure
Title 37 T.A.C. Part I, Chapter 29
Section Number 29.9

The Texas Department of Public Safety adopts an amendment to Section 29.9, concerning Service of Pleadings and Motions, without changes to the proposed text as published in the April 6, 2007, issue of the Texas Register (32 TexReg 1991).

Adoption of the amendment to subsection (b) adds "regular mail" to the list of how pleadings, pleas or motions shall be served and is necessary in order to conform to the State Office of Administrative Hearing Rules of Procedure, 1 TAC Section 155.25 relating to Service of Documents on Parties.

No comments were received regarding adoption of the amendment.

The amendment is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work.

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.



Ernest Angelo, Jr., Chairman
Public Safety Commission

