

MINUTES

Public Safety Commission Meeting

April 29, 2021

Austin, TX

The Public Safety Commission met in Austin, Texas on April 29, 2021, at 9 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 9:03 a.m. Proper notice was posted.

II. Invocation (0:00:25)

Chaplain Ferman Carpenter provided the invocation.

III. Pledges (0:02:40)

Trooper Brandon Zellous led the pledge of allegiance to the U.S. and Texas flag.

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

The minutes of the last regular meeting held on February 11, 2021, and the Discharge Hearing held on March 9, 2021, were approved.

V. Presentations (0:03:55)

40 Year Service Award

Sergeant Jose Corral

Linda Himes

Trooper Adelido (Larry) Hinojosa

Terry Siegmund

William P. Clements Excellence Award

Brandon Gentry

Special Agent Chad Poling

Life Saving Award

Trooper Jonathan Macias

VI. Public Comment (0:15:40)

None.

VII. Director's Report

A. Case Update: Operation Lone Star (0:15:50)

Director Steven C. McCraw provided an introduction to Regional Director Victor Escalon to provide a case update on Operation Lone Star. Regional Director Escalon discussed the challenges and operational goals of the border initiative.

B. Legislative Update (0:43:40)

Director McCraw provided a legislative update on discussions with the Senate Finance Committee. Deputy Director Freeman Martin provided an update on the Senate confirmation of Commissioners Stodghill, Blair, and Wainwright.

Chairman Mach acknowledged virtual attendance of the following: (0:49:55)
Suzanne Mackowiack – Lieutenant Governor's Office

VIII. New Business

A. Report, discussion, and possible action on Health, Physical Fitness, and Command Presence Policy (0:50:10)

Deputy Director Martin presented a request to delay the implementation schedule of the Department's Health, Physical Fitness and Command Presence Policy by six months. General Counsel Phillip Adkins explained that a vote by the commission would be appropriate in order to amend the implementation schedule previously adopted by the commission. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to delay the implementation schedule by six months. Motion passed unanimously.

Director McCraw discussed the Department's use of 12-hour shifts and the anticipated use of additional resources for protection of the Capitol and the border. (0:53:30)

B. Report, discussion, and possible action on use of State Seized Funds (0:56:30)

Criminal Investigations Division Chief Tom Ruocco and Chief Financial Officer Suzy Whittenton provided a report on the availability of \$1.6 million of state seized funds for law enforcement equipment which expires August 31, 2021. A request was made to use \$1.3 million of these funds on firearms for troopers. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to approve the expenditure of \$1.3 million on the purchase of off-duty firearms for Texas state troopers. Motion passed unanimously.

C. Report, discussion, and possible action regarding appointment of a member of the Texas Private Security Advisory Committee as required by Texas Occupations Code Section 1702.021 (1:01:05)

Regulatory Services Division Chief Wayne Mueller presented the appointment request. A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to appoint John Helweg as the locksmith representative on the Texas Private Security Advisory Committee for a term to expire January 31, 2027. Motion passed unanimously.

D. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision: (1:04:50)

1. SOAH Docket No. 405-20-4157.MVI – Felipe Delamora and Pro Active Car Care
2. SOAH Docket No. 405-21-0085.PSB – Brandon Allen Howard

General Counsel Phillip Adkins presented the proposals for decision. A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to adopt the proposal for decision as the final determination of the Public Safety Commission in each case under VIII(D)(1)-(2). Motion passed unanimously.

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

IX. Ongoing Business

A. Report, discussion and possible adoption of the following previously published rules: (1:07:40)

1. Repeal of 37 TAC Sections 15.27, 15.28, and 15.39, concerning Application Requirements – Original, Renewal, Duplicate, Identification Certificates
2. Proposed new 37 TAC Section 15.27 and 15.28, concerning Application Requirements – Original, Renewal, Duplicate, Identification Certificates
3. Repeal and proposed new 37 TAC Section 15.57, concerning Restrictions, Physical
4. Proposed new 37 TAC 15.64, concerning Examinations Administered by Other Entities
5. Repeal 37 TAC Sections 18.1 – 18.4, concerning Issuance and Examination Requirement for Learner and Provisional Licenses

Driver License Division Assistant Chief Mimzie Dennis presented the rule adoptions for items (1)-(5). A motion was made by Commissioner Stodghill,

seconded by Commissioner Blair, to adopt the rules under IX(A)(1)-(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 (1:09:50)

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 (1:10:20)

None.

B. Finance Report (1:10:30)

None.

C. Chief Auditors Office (1:10:30)

None.

D. Division status reports on activities and action (1:10:35)

None.

XI. Consent Items (1:10:40)

A. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during March 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: Laurance Paul Adams, Marcellous Anderson, Steven Ross Anderson, Shawn Baxter, Earl Conaway, Brent Lee Davis, John Louis Franks, Eduardo Garza, James Robert Godwin, Michael Lawrence Hubenak, Jerry Paul Noble, Quirino Reyes, Danny Wallace Smith, Ricky Dan Smith, Alonzo Urquidi, Damon Willis, and Gregory David Wilmoth; Special Texas Rangers: George Lynn Turner and Jesus Jose Valdez; and Texas and Southwestern Cattle Raisers

Association Special Ranger: Anthony Michael Ashley

C. Report, discussion, and possible action on the Victim & Support Services Other Victim Assistance Grant (OVAG) FY 2022 - FY 2023 Funding

D. Donations:

1. Texas Highway Patrol – donation of Bypass Program IIS – Drivewyze by Intelligent Imaging Systems, Inc.
2. Additional donation items, as needed

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

XII. Items for Future Agenda (1:11:25)

None at this time.

XIII. Date for Future Meeting (1:11:30)

Discharge hearings will be scheduled for June 9, 2021. The regular Public Safety Commission meeting is scheduled for June 10, 2021.

XIV. Adjourn into Executive Session (1:12:10)

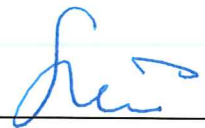
Executive Session began at 10:16 a.m. The Commission adjourned into executive session to discuss security issues; to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; to deliberate regarding real estate 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 1:52 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Steve Stodghill, and Dale Wainwright were present. (1:12:35)

XV. ADJOURN

The meeting was adjourned at 1:52 p.m.

Read and approved this 10th day of June, 2021.



Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-20-4157.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	
	§	
FELIPE DELAMORA, Inspector, and PRO ACTIVE CAR CARE Inspection Station	§	STATE OF TEXAS
	§	
	§	
	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On April 29, 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 Felipe Delamora’s vehicle inspection certification and Pro Active Car Care’s vehicle inspection station certification should be suspended for twelve months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Felipe Delamora and the vehicle inspection station certification of Pro Active Car Care, is suspended for twelve months.

SIGNED this 29th day of April, 2021.



Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-21- 0085.PSB

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
VS.	§	STATE OF TEXAS
	§	
BRANDON ALLEN HOWARD, APPLICANT	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On April 29, 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 Brandon Allen Howard’s application for registration as a commissioned security officer be denied.

IT IS THEREFORE ORDERED that the application for registration as a commissioned security officer of Brandon Allen Howard, is hereby DENIED.

SIGNED this 29th day of April, 2021.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 29, 2021, 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
Sections 15.27, 15.28, and 15.39

The Texas Department of Public Safety (the department) adopts the repeal of §§15.27, 15.28, and 15.39, concerning Application Requirements--Original, Renewal, Duplicate, Identification Certificates. These repeals are adopted without changes to the proposed text as published in the February 26, 2021 issue of the *Texas Register* (46 TexReg 1357) and will not be republished.

These repeals are necessary because the currently applicable rule language is included in newly proposed rules §15.27 and §15.28 that consolidate and streamline general issuance requirements for minor driver licenses.

No comments were received regarding the adoption of these repeals.

These repeals 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 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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 29, 2021, 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 15.27 and Section 15.28

The Texas Department of Public Safety (the department) adopts new §15.27 and §15.28, concerning Application Requirements--Original, Renewal, Duplicate, Identification Certificates. These rules are adopted without changes to the proposed text as published in the February 26, 2021 issue of the *Texas Register* (46 TexReg 1358) and will not be republished.

Current driver license rules relating to driver education and the issuance of driver licenses to minors contain redundant and outdated information. Newly proposed §15.27 and §15.28 consolidate the general issuance requirements for minor driver licenses and update rule language to conform with current state law. Proposed §15.27 and §15.28 combine relevant information from current §15.27, Signature by Parent or Guardian for a Driver License; §15.39, Verification of Enrollment and Attendance; §18.1, General Requirements for Driver Education and Issuance of Learner and Provisional Driver Licenses; §18.2, Requirements for Learner License; and §18.3, Requirements for a Provisional License, all of which are being simultaneously repealed. These rules also remove restrictions to online and alternative transactions for minor license holders.

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 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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 29, 2021, 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 15.57

The Texas Department of Public Safety (the department) adopts the repeal of §15.57 concerning Restrictions, Physical. This repeal is adopted without changes to the proposed text as published in the February 26, 2021 issue of the *Texas Register* (46 TexReg 1360) and will not be republished.

The new rule is proposed simultaneously with the repeal of the current §15.57. The new rule updates outdated language to conform the rule with current law. Specifically, references to moped and motor-driven cycle licenses were removed as well as references to vehicle restrictions not related to the rule title.

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, §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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 29, 2021, 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 15.57

The Texas Department of Public Safety (the department) adopts new §15.57, concerning Restrictions, Physical. This rule is adopted without changes to the proposed text as published in the February 26, 2021 issue of the *Texas Register* (46 TexReg 1361) and will not be republished.

The new rule is proposed simultaneously with the repeal of the current §15.57. The new rule updates outdated language to conform the rule with current law. Specifically, references to moped and motor-driven cycle licenses were removed as well as references to vehicle restrictions not related to the rule title.

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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 29, 2021, 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 15.64

The Texas Department of Public Safety (the department) adopts new §15.64, concerning Examinations Administered by Other Entities. This rule is adopted without changes to the proposed text as published in the February 26, 2021 issue of the *Texas Register* (46 TexReg 1362) and will not be republished.

This rule replaces §18.4, Examinations Administered by a Driver Education School or Parent Taught Driver Education Course Provider, which is simultaneously being proposed for repeal.

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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 29, 2021, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver Education
Title 37 T.A.C. Part I, Chapter 18
Subchapter A
Sections 18.1 – 18.4

The Texas Department of Public Safety (the department) adopts the repeal of §§18.1 – 18.4, concerning Issuance And Examination Requirements For Learner And Provisional Licenses. These repeals are adopted without changes to the proposed text as published in the February 26, 2021 issue of the *Texas Register* (46 TexReg 1363) and will not be republished.

New rules are simultaneously proposed to update the language and incorporate information from Chapter 18, Driver Education into Chapter 15, Driver License Rules. The relevant information from repealed §§18.1 - 18.4 is included in proposed new §15.27, §15.28, and §15.64.

No comments were received regarding the adoption of these repeals.

These repeals 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 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.



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:

Employee Name	Employee Title/Division	Date of Discharge
Maverick Caldwell	Trooper Trainee/Training Operations Division	03/08/2021

Approved:



Steven P. Mach, Chairman
Public Safety Commission

Date: April 29, 2021

**SPECIAL RANGER /
SPECIAL TEXAS RANGER APPLICANTS
April 29, 2021**

Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Adams, Laurance Paul	THP	San Antonio	08/31/2016	22	
Anderson, Marcellous	CID	Hurst	02/28/2021	26	
Anderson, Steven Ross	CID	Mt. Pleasant	06/30/2015	27	
Baxter, Shawn	THP	Sterling City	02/28/2021	22	
Conaway, Earl	THP	San Antonio	08/31/2002	43	
Davis, Brent Lee	THP	Tyler	02/28/2021	21	
Franks, John Louis	THP	Buffalo	06/30/2020	24	
Garza, Eduardo	CID	Waco	01/31/2021	22	
Godwin, James Robert	THP	Tyler	12/30/2020	25	
Hubenak, Michael Lawrence	THP	Wharton	11/30/2011	35	
Noble, Jerry Paul	THP	Austin-Capitol	08/31/2018	27	
Reyes, Quirino	THP	Austin	05/25/2012	36	
Smith, Danny Wallace	TLE	Waco	08/31/2003	31	
Smith, Ricky Dan	TLE	Austin	11/30/2001	31	
Urquidi, Alonzo	THP	Kermit	02/28/2021	18	
Willis, Damon	CID	Houston	02/28/2021	26	
Wilmoth, Gregory David	THP	Waco	1/31/2021	23	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Turner, George Lynn	TRD	Waco	09/30/2009	36	
Valdez, Jesus Jose	TRD	San Antonio	01/31/2020	25	

Texas and Southwestern Cattle Raisers Association Special Ranger Applicant:

Name	Approved
Ashley, Anthony Michael	

Approved by the Public Safety Commission on: _____



Date: _____

4/29/21

RESOLUTION OF GOVERNING BODY-REQUIRED

REQUIRED TO BE SUBMITTED WITH THE APPLICATION BY 5:00 P.M. CDT Friday, April 23, 2021. IF THE TIMING OF THE APPLICATION DUE DATE AND REQUIREMENTS OF THE OPEN MEETINGS ACT OR OTHER REQUIREMENTS PREVENTS THE GOVERNING BODY FROM REVIEWING AND APPROVING THE RESOLUTION, THEN IT MAY BE SUBMITTED TO THE OAG AFTER THE DUE DATE.

LEGAL NAME OF APPLICANT: Department of Public Safety of the State of Texas

UNIQUE APPLICATION NUMBER (if applicable): 2022-7985179480

Be it known as follows:

WHEREAS, the Department of Public Safety of the State of Texas, [Name of Applicant] has applied or wishes to apply to the Office of the Attorney General, (OAG) Crime Victim Services Division for the following grant program (check one):

- Other Victim Assistance Grant (OVAG)
 Victim Coordinator and Liaison Grant (VCLG)
 Sexual Assault Prevention and Crisis Services (SAPCS) – State Grant


WHEREAS, the Public Safety Commission, [Name of Governing Body of Applicant, such as City Council, County Commissioners' Court or Board of Directors], has considered and supports the Application filed or to be filed with the OAG;

WHEREAS, the Department of Public Safety of the State of Texas, [Name of Applicant] has designated or wishes to designate the following individual as the "Authorized Official" who is given or has been given the power to apply for, accept, reject, alter, or terminate that certain grant with the OAG, Crime Victim Services Division as well as given the authority to sign all grant adjustment requests, inventory reports, progress reports and financial reports or any other official documents related to the grant on behalf of the grantee:

Name of Person Designated as "Authorized Official": Steven C. McCraw

Position Title: Director

NOW THEREFORE, BE IT RESOLVED that this governing body approves the submission of the Application to the OAG, Crime Victim Services Division as well as the designation of the Authorized Official.



Signature

Steven P. Mach

Commissioner Printed Name

April 29, 2021

Date