

MINUTES

Public Safety Commission Meeting

June 8, 2023

Austin, TX

The Public Safety Commission met in Austin, Texas on June 8, 2023, at 10 a.m. for its regular meeting. Attending the meeting were Chairman Steven Mach, Commissioners Nelda Blair, Larry Long, 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 (0:00:45)**
Chaplain Ferman Carpenter provided the invocation.
- III. Pledges (0:02:35)**
Trooper Travis Roland 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 April 21, 2023, were approved.
- V. Presentations (0:03:50)**

30 Year Service Award

Terry Kuntschik
Heidi Prather
Louis Rocha
Patricia Steffek

35 Year Service Award

Barry Caldwell
Joseph Vaughan

45 Year Service Award

Alan Alexander
Ronald Kulak

Javier Arana Top Trooper Award

Jaclyn Gooding
Trevor Topper

Adolph Thomas Distinguished Service Award

Shawn Cossin
Mario Reyes III

Lifesaving Award

Zachary Johnson
Thomas Vinson
Jeffery Laurendine

VI. Public Comment (0:33:05)

None.

VII. Director's Report

A. Honor Guard Competition Update (0:33:20)

Texas Highway Patrol Chief Orlando Alanis and Sergeant Bill Robles introduced the Texas Highway Patrol Drill Team and presented a video.

B. Operation Lone Star (0:49:55)

Director Steven C. McCraw provided an update on Operation Lone Star.

Chairman Mach acknowledged attendance of legislative staff. (0:58:05)

VIII. New Business

A. Report and discussion on Legislative Changes to DPS Appropriations (1:00:50)

Chief Financial Officer Suzy Whittenton provided a report on legislative appropriations to the Department.

B. Report and discussion of the 88th Legislative Session (1:13:50)

General Counsel Phillip Adkins provided a report on legislation having an operational and structural impact to the Department. Commissioner Wainwright requested the Chief Auditor's Office consider how it may assist with legislative changes and incorporate that into its August annual audit report.

C. Legislative Session Wrap Up (1:21:30)

Government Relations Office Chief Kevin Cooper provided a wrap up report on the legislative session.

D. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision: (1:27:50)

1. SOAH Docket No. 405-23-04686.MVI – Ruben Martinez Zuniga
2. SOAH Docket No. 405-23-06101.MVI – 3C's Auto Service Inspection Station

General Counsel Adkins presented the proposal for decision for items (1)-(2). A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the proposal for decision issued by the administrative law judge of the State Office of Administrative Hearings for items VIII(D)(1)-(2) as the final determination of the Public Safety Commission. Motion passed unanimously.

E. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:32:45)

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 proposal for item (1). A motion was made by Commissioner Blair, seconded by Commissioner Long, to approve for publication in the Texas Register item VIII(E)(1). Motion passed unanimously. Commissioner Wainwright requested more information regarding other states' standards for discussion at the next meeting.

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

Regulatory Services Division Chief Wayne Mueller presented the rule proposal for item (2). A motion was made by Commissioner Wainwright, seconded by Commissioner Long, to approve for publication in the Texas Register item VIII(E)(2). Motion passed unanimously.

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

IX. Ongoing Business

A. Discussion and possible action regarding Compassionate Use Program (1:42:15)

Regulatory Services Division Chief Wayne Mueller 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: (1:48:45)

1. Proposed amendments to 37 TAC Section 15.49, concerning Proof of Domicile

2. Proposed new 37 TAC Section 15.174, concerning Interagency Application Fees
3. Proposed amendments to 37 TAC Section 16.7, concerning Proof of Domicile

Driver License Division Chief Gipson presented the rule adoptions for items (1)-(3). A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the rules under IX(B)(1)-(3). 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. (1:50:50)

Director McCraw made a recommendation to appoint Training Operations Division Major Derek Prestridge as Assistant Chief of the Training Operations Division. A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, to appoint Major Prestridge as the Assistant Chief of the Training Operations Division. Motion passed unanimously.

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 (1:52:30)

None.

B. Finance Report (1:52:35)

None.

C. Chief Auditor's Office (1:52:40)

None.

D. Division status reports on activities and action (1:52:45)

Infrastructure Operations Division Chief Jessica Ballew provided a report on the contract assessment audit results.

XI. Consent Items (1:54:15)

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: Special Rangers: John Wesley Crites, Edward Henry Duran, Eligio Garcia, Christopher Blaine Hanson, Raymond Barber Munsell, Kenneth Ray Porterfield, Glenn Eric Shioji, and Peter Lee Steiner; and Special Texas Rangers: William Eric Kasper and Rolando Antonio Villarreal, Jr.

B. Donations:

1. DPS Aircraft Operations Division, Unmanned Aircraft Program was given the Excellence Award by the 2023 Association for Uncrewed Vehicle Systems International – DPS awarded \$1,000
2. Additional donation items, as needed

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

XII. Items for Future Agenda (1:55:05)

None at this time.

XIII. Date for Future Meeting (1:55:15)

The regular Public Safety Commission meeting is scheduled for August 17, 2023. Discharge hearings will be scheduled for August 18, 2023.

XIV. Adjourn into Executive Session (1:55:25)

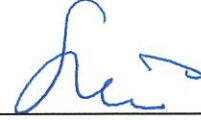
Executive Session began at 11:59 a.m. The Commission adjourned into executive session to discuss security issues; to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; to deliberate regarding real estate 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 1:36 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Larry Long, and Dale Wainwright were present. A quorum was present. (1:55:50)

XV. ADJOURN

The meeting was adjourned at 1:36 p.m.

Read and approved this 24th day of August, 2023.



Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-23-04686.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
RUBEN MARTINEZ ZUNIGA	§	
Respondent	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On June 8, 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 Ruben Martinez Zuniga’s vehicle inspection certification should be suspended for 12 months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Ruben Martinez Zuniga is suspended for 12 months.

SIGNED this 8th day of June, 2023.



Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-23-06101.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY -	§	BEFORE THE
PUBLIC SAFETY COMMISSION	§	
	§	
VS.	§	STATE OF TEXAS
	§	
3C'S AUTO SERVICE	§	
INSPECTION STATION	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On June 8, 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 3C's Auto Service's vehicle inspection station certification be suspended for 12 months and a \$500 administrative penalty be assessed.

IT IS THEREFORE ORDERED that the certification as a vehicle inspection station of 3C's Auto Service is suspended for 12 months and a \$500 administrative penalty assessed.

SIGNED this 8th day of June, 2023.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 8, 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 B
Section 15.49

The Texas Department of Public Safety (the department) adopts amendments to §15.49, concerning Proof of Domicile. This rule is adopted without changes to the proposed text as published in the May 5, 2023 issue of the *Texas Register* (48 TexReg 2331) and will not be republished.

The proposed rule amendment increases the number of acceptable proof of domicile documents and changes the validity period from within ninety 90 days of the date of application to within one hundred eighty (180) days of the date of application.

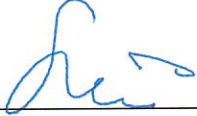
No comments were received regarding the adoption of this rule.

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, Section 2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 8, 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 K
Section 15.174

The Texas Department of Public Safety (the department) adopts new §15.174, concerning Interagency Application Fees. This rule is adopted without changes to the proposed text as published in the May 5, 2023 issue of the *Texas Register* (48 TexReg 2333) and will not be republished.

This new rule outlines the fees related to interagency application for driver licenses and personal identification certificates to qualified inmates preparing for release by Texas agencies who have entered into a memorandum of understanding with the department under §15.171 of this title and is authorized by §521.421, Transportation Code.

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 §521.421.

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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 8, 2023, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Commercial Driver License
Title 37 T.A.C. Part I, Chapter 16
Subchapter A
Section 16.7

The Texas Department of Public Safety (the department) adopts amendments to §16.7, concerning Proof of Domicile. This rule is adopted without changes to the proposed text as published in the May 5, 2023 issue of the *Texas Register* (48 TexReg 2334) and will not be republished.

The proposed rule amendment increases the number of acceptable proof of domicile documents and changes the validity period from within ninety 90 days of the date of application to within one hundred eighty (180) of the date of application.

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, §522.005, which authorizes the department to adopt rules necessary to administer Chapter 522 of the Texas Transportation Code; and §522.0225.

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.



Steven P. Mach, Chairman
Public Safety Commission

