

MINUTES

Public Safety Commission Meeting

February 16, 2023

Austin, TX

The Public Safety Commission met in Austin, Texas on February 16, 2023, at 10 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 10:02 a.m. Proper notice was posted.

II. Invocation (0:00:30)

Chaplain Ferman Carpenter provided the invocation.

III. Pledges (0:02:05)

Corporal Valerie Verduzco led the pledge of allegiance to the U.S. and Texas flag.

IV. Approval of Minutes (0:02:55)

The minutes of the last regular meeting held on December 15, 2022, were approved.

Commissioner Blair expressed appreciation for the support provided upon the loss of her husband. (0:03:30)

V. Presentations (0:06:05)

30 Year Service Award

Teresa Diefenbach
Angela Kimbrough
Chad Pernicka

35 Year Service Award

Richard Fernandez
Bonnie Fisher
Vester Roney

Medal of Merit Award

Scott Hewitt

Lifesaving Award

Roy Lytle

Joshua Delagarza

Antonio Rico

VI. Public Comment (0:35:15)

None.

Chairman Mach acknowledged attendance of legislative staff. (0:35:30)

VII. Director's Report

A. Operation Lone Star (0:36:00)

Director Steven C. McCraw discussed the importance of air operations for Operation Lone Star and introduced the next agenda item.

B. Case Update: Aviation Operations Division in Support of Operation Lone Star – Big Bend (0:37:00)

Aviation Operations Division Chief Tim Ochsner and Assistant Chief Stacy Holland provided information on the impact of air operations in the Big Bend sector and recognized Staff Lieutenant James Morris and the Alpine aircraft crew.

VIII. New Business

A. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision: (0:56:40)

1. SOAH Docket No. 405-22-07255.PSB – Ariel Allen
2. SOAH Docket No. 405-22-07451.MVI – Ernesto Bastard

General Counsel Phillip 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(A)(1)-(2) as the final determination of the Public Safety Commission. Motion passed unanimously.

B. Report, discussion, and possible action on the following rule proposal for publication to receive public comment: (00:58:45)

1. Proposed amendments to 37 TAC Section 27.1, concerning Right of Review

Crime Records Division Chief Michelle Farris presented the rule proposal for item (1). A motion was made by Commissioner Wainwright, seconded by

Commissioner Stodghill, to approve for publication in the Texas Register item VIII(B)(1). Motion passed unanimously.

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

IX. Ongoing Business

A. Discussion and possible action regarding Compassionate Use Program (1:01:25)

Regulatory Services Division Chief Wayne Mueller and Deputy Director of Law Enforcement Services Jeoff Williams provided an update on the open license application window, the advisory working group, and the pending solicitation for a consultant contract related to the Compassionate Use Program. No action was requested or taken.

B. Report, discussion and possible adoption of the following previously published rule: (1:12:05)

1. Proposed amendments to 37 TAC Section 16.1, concerning General Requirements

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. (1:13:30)

Director McCraw made a recommendation to appoint Infrastructure Operations Division Assistant Chief Walt Goodson as the Chief of the Training Operations Division. A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to appoint Walt Goodson as the Chief of the Training Operations Division. Motion passed unanimously.

Director McCraw made a recommendation to move the Human Resource Operations Division under the Infrastructure Operations Division. With this organizational change, Assistant Chief of Human Resources Katie Conley and Assistant Chief of the Dispute Resolution Office Kevin Meade will report to Infrastructure Operations Division Chief Jessica Ballew. Director McCraw also made a recommendation to move the Equal Employment Office under the Office

of Inspector General. With this organizational change, Assistant Chief/EEO Officer Nathanael Haddox will report to Inspector General Phillip Ayala. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to approve these organizational changes. 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 (1:26:20)

None.

B. Finance Report (1:26:30)

None.

C. Chief Auditor's Office (1:26:35)

None.

D. Division status reports on activities and action (1:26:35)

None.

XI. Consent Items (1:26:45)

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: Alfred John Alejos, Kevin Lee Arnold, Michael Lee Bortz, RenEarl Bowie, Richard Clay Brown, Joseph Robert Cannon, Agapito Lira Cantu, Jean Marie Dark, Reagan Vollie Droddy, Christopher David Earnest, Gilbert Flores, Norma Linda Garza-Jennings, James Lon Griffey, Jr., Todd Austin Hester, Mickey Lynn Hubert, Alfonso Lorenzo Jarero, Marvin Gale Jenkins, Eduardo Jimenez, Mark Markelle Lancaster, Dennis Dwayne Redden, Fernando Ramon Rozo, Robert Milton Skelton, Jeffrey Dale Sones, Ronald Everett Stanfield, Kellye Michelle Turner, and Dennis Keith Westerman; and Special Texas Rangers: Chance Leon Collins and Jeffrey James Vajdos

B. Donations:

1. Additional donation items, as needed

None.

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

XII. Items for Future Agenda (1:27:20)

None at this time.

XIII. Date for Future Meeting (1:27:30)

The regular Public Safety Commission meeting is scheduled for April 20, 2023. Discharge hearings will be scheduled for April 21, 2023.

XIV. Adjourn into Executive Session (1:27:45)

Executive Session began at 11:31 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 1:37 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Steve Stodghill and Dale Wainwright were present. A quorum was present. (1:28:05)

XV. ADJOURN

The meeting was adjourned at 1:37 p.m.

Read and approved this 21st day of April, 2023.



Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-22-07255.PSB

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
	§	STATE OF TEXAS
VS.	§	
	§	
ARIEL K. ALLEN, Applicant	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On February 16, 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 Ariel K. Allen’s noncommissioned security officer license be denied.

IT IS THEREFORE ORDERED that the application for noncommissioned security officer license of Ariel K. Allen be denied.

SIGNED this 16th day of February, 2023.



Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-22-07451.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
ERNESTO BASTARD	§	
Respondent	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On February 16, 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 Ernesto Bastard’s vehicle inspection certification should be suspended for 12 months.

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

SIGNED this 16th day of February, 2023.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 16, 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 16.1

The Texas Department of Public Safety (the department) adopts amendments to §16.1, concerning General Requirements. This rule is adopted without changes to the proposed text as published in the December 30, 2022 issue of the *Texas Register* (47 TexReg 8958) and will not be republished.

The proposed rule amendment changes the date the department has established for adopting Title 49, Code of Federal Regulations (CFR) Part 383 by incorporation. This allows the department to incorporate recent federal rule changes through the new date proposed by this amendment. Another recent change to federal regulations allows a state to waive the requirement for a holder of a Class A commercial driver license to obtain a hazardous materials endorsement when transporting diesel under certain circumstances. The proposed rule amendment adds a reference to 49 CFR §383.3(i) to adopt this exception allowed by the recent change.

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.

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 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

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
February 16, 2023

Special Ranger Applicants:

Name	Division at Ret.	Svc./Station at Ret.	Retire Date	Yrs. of Svc. at Ret.
Alejos, Alfred John	THP	Devine	12/31/2022	20
Arnold, Kevin Lee	THP	Marshall	12/31/2022	20
Bortz, Michael Lee	TOD	Florence	11/30/2022	18
Bowie, RenEarl	TOD	Austin-HQ	12/31/2022	28
Brown, Richard Clay (Retire/Rehire)	THP	Coldspring	07/31/2006	28
Cannon, Joseph Robert	THP	Amarillo	09/30/2022	19
Cantu, Agapito Lira (Retire/Rehire)	THP	Harlingen	12/31/2003	15
Dark, Jean Marie	THP	Tyler	08/31/2022	27
Droddy, Reagan Vollie	THP	Beaumont	09/30/2022	23
Earnest, Christopher David	CID	Garland	10/20/2022	23
Flores, Gilbert (Retire/Rehire)	THP	El Paso	11/30/2007	25
Garza-Jennings, Norma Linda	CID	Conroe	12/31/2022	32
Griffey, Jr., James Lon (Retire/Rehire)	THP	Baytown	09/30/2002	32
Hester, Todd Austin (Retire/Rehire)	CID	El Paso	01/31/2013	25
Hubert, Mickey Lynn	THP	Palestine	09/30/2022	18
Jarero, Alfonso Lorenzo	THP	Pharr	12/31/2022	44
Jenkins, Marvin Gale	THP	Palestine	01/31/2020	24
Jimenez, Eduardo (Retire/Rehire)	CID	Weslaco	12/31/2011	24
Lancaster, Mark Markelle	THP	San Marcos	10/31/2022	25
Redden, Dennis Dwayne	THP	Henderson	12/31/2022	20
Rozo, Fernando Ramon	THP	Greenville	10/31/2022	23
Skelton, Robert Milton (Retire/Rehire)	THP	Breckenridge	01/31/2004	27
Sones, Jeffrey Dale (Retire/Rehire)	THP	San Marcos	10/31/2004	25
Stanfield, Ronald Everett (Ret./Rehire)	THP	Austin Capitol	05/31/2005	26
Turner, Kellye Michelle	CID	Houston	10/31/2022	28
Westerman, Dennis Keith	CID	Austin	08/31/2017	27

Special Texas Ranger Applicants:

Name	Division at Ret.	Svc./Station at Ret.	Retire Date	Yrs. of Svc. at Ret.
Collins, Chance Leon	TRD	Austin-HQ	09/30/2022	28
Vajdos, Jeffrey James	TRD	Alpine	12/31/2022	26

Approved by the Public Safety Commission on:  Date: 2/16/2023