

MINUTES

Public Safety Commission Meeting

August 25, 2022

Austin, TX

The Public Safety Commission met in Austin, Texas on August 25, 2022, 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 a.m. Proper notice was posted.

II. Invocation (0:00:30)

Chaplain Wesley McDuffie provided the invocation.

III. Pledges (0:01:55)

Trooper Travis Roland 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 April 14, 2022, were approved.

V. Presentations (0:03:10)

30 Year Service Award

Martha Hernandez

35 Year Service Award

Eduardo Jimenez

Christopher Ray

Stanley Waters

40 Year Service Award

Arthur Miller

Jake Sanchez

Robert Seaton

45 Year Service Award

Richard Brown

Adolph Thomas Distinguished Service Award

Zelda Carson
John J. Miller

Lifesaving Award

Tina Cooper
Mayla Honeycutt
Nathan Crow
Genaro Hinojosa, Jr.

Director's Award

Jesus Manuel Rodriguez, Agent, United State Border Patrol
Jorge Trevino, Agent, United States Border Patrol

Unit Citation

Sergeant Area 5B10 – Northwest Texas Region

Recognition

Watch Intelligence and Information Program (WIIP) – 2021/2022 National Fusion Center Association Best Collaborative Effort Award
2021/2022 Fusion Center Award – Maritime Intelligence Analysts Hilary Martinez and Marisa Brusuelas
2021/2022 Michael Schooler Critical Infrastructure Protection Award – Maritime Intelligence Analyst Hilary Martinez

Director's Award

Regional Director Todd Snyder

Chairman Mach acknowledged attendance of the following: (0:44:55)

State Representative Stephanie Klick, Chairwoman of the Texas House Committee on Public Health

Bryan Shufelt – Representative Stephanie Klick's Office

Suzanne Tomlin - Lieutenant Governor's Office

Michael Hull – Governor's Office

VI. Public Comment (0:45:20)

State Representative Stephanie Klick, Chairwoman of the Texas House Committee on Public Health, provided comments on the Compassionate Use Program.

Chase Bearden, Deputy Director of Coalition of Texans with Disabilities and Director of Texas Patient First Foundation, provided comments on the Compassionate Use Program.

Morris Denton, Chief Executive Officer of Texas Original Compassionate Cultivation, provided comments on the Compassionate Use Program.

Jeromy Sherman, co-founder of Bayou City Hemp Company and Bayou City Medical Dispensary, provided comments on the Compassionate Use Program.

Richard Jankovsky, President of the Department of Public Safety Officers Association (DPSOA), provided comments on the department's Health, Physical Fitness and Command Presence Policy and on the department's Legislative Appropriation Request.

VII. Director's Report

A. Case Update: Overview of the Rise of Catalytic Converter Thefts (1:35:00)

Director Steven C. McCraw introduced Criminal Investigations Division Special Agents Troy Hunter and Preston Gustavsen who provided information on the rise of catalytic converter thefts, actions taken in response to the thefts, and possible solutions.

VIII. New Business

A. Update, discussion, and possible action regarding Compassionate Use Program, including consideration of increasing the number of licenses to operate as a dispensing organization (0:00:01)

Regulatory Services Division Chief Wayne Mueller provided an update on the Compassionate Use Program, including anticipated proposed rulemaking, performance issues with existing licensee, and anticipated procurement for a consultant. Law Enforcement Services Deputy Director Jeoff Williams provided additional comments. Chairman Mach asked Chief Mueller to return to the next commission meeting with recommendations for possible expansion of the number of licenses, performance metrics for licensed entities, and a proposal for an advisory council.

B. Report, discussion, and possible action on the Health, Physical Fitness and Command Presence Policy (0:23:20)

Training Operations Division Captain Greg Davis and Michael Harper provided an update on the department's Health, Physical Fitness and Command Presence Policy. Homeland Security Operations Deputy Director Freeman Martin provided

an update on the implementation schedule and proposed three modifications to the policy passed in October 2019: (1) a 2% allowance to each command presence standard to account for variations in taking measurements;(2) failure to meet the command presence requirements alone will not preclude participation in the promotion process or secondary employment; and (3) failure to meet the command presence requirement alone will not result in the temporary assignment to a non-enforcement role or preclude overtime. Deputy Director Martin proposed the commission adopt the recommended amendments to the policy and the department move forward with full implementation of the policy. A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to approve the recommendations as proposed by Deputy Director Martin. Motion passed unanimously.

C. Report, discussion, and possible action on the Fiscal Year 2023 Internal Operating Budget (0:41:10)

Chief Financial Officer Suzy Whittenton provided the proposed fiscal year 2023 internal operating budget. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to approve the fiscal year 2023 internal operating budget. Motion passed unanimously.

D. Report, discussion, and possible action on the 2024-2025 Legislative Appropriations Request, including Exceptional Items (0:46:10)

Chief Financial Officer Whittenton provided the proposed 2024-2025 legislative appropriation request, including five exceptional items. Director McCraw provided further background on the proposed request. A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to approve the 2024-2025 legislative appropriations request, including exceptional items. Motion passed unanimously.

E. Report, discussion, and possible action regarding the Proposed FY2023 CAO Internal Audit Strategy (1:01:20)

Chief Auditor Catherine Melvin provided the proposed FY 2023 internal audit strategy, including a review of the audits accomplished in FY 2022. A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, to approve the proposed FY 2023 CAO internal audit strategy. Motion passed unanimously.

F. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision: (1:14:20)

1. SOAH Docket No. 405-22-1689.PSB – Irving Bryan Cabrera Tejada

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

G. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:16:15)

1. Proposed amendments to 37 TAC Section 15.58, concerning Medical Advisory Board Referrals
2. Proposed amendments to 37 TAC Section 15.181, concerning Eligibility for Election Identification Certificate
3. Proposed amendments to 37 TAC Section 16.5, Qualifications to Drive in Intrastate Commerce

Driver License Division Chief Sheri Gipson presented the rule proposals for items (1)-(3). A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to approve for publication in the Texas Register all items under VIII(G)(1)-(3). Motion passed unanimously.

4. Proposed amendments to 37 TAC Section 21.2, concerning Standards for Vehicle Safety
5. Proposed amendments to 37 TAC Section 21.3, concerning Standards for Sunscreening and Privacy Window Devices

Texas Highway Patrol Chief Orlando Alanis presented the rule proposals for items (4)-(5). A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to approve for publication in the Texas Register all items under VIII(G)(4)-(5). Motion passed unanimously.

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

IX. Ongoing Business

A. Report, discussion and possible adoption of the following previously published rule: (1:20:55)

1. Proposed amendments to 37 TAC Section 16.31, concerning Third-Party Skills and Knowledge Testing Program

Driver License Division Chief 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(A)(1). 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. (1:22:00)

Director McCraw made a recommendation to appoint Texas Rangers Major Corey Lain as the Assistant Chief of the Texas Rangers. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to appoint Major Lain as the Assistant Chief of the Texas Rangers. Motion passed unanimously.

Director McCraw made a recommendation to appoint Criminal Investigations Division Major Vincent Luciano as the Regional Director for the Central Texas Region. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright to appoint Major Luciano as the Regional Director for the Central Texas Region. Motion passed unanimously.

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 (1:24:40)

None.

B. Finance Report (1:24:45)

None.

C. Chief Auditor's Office (1:24:55)

None.

D. Division status reports on activities and action (1:25:00)

Crime Laboratory Division Chief Brady Mills and Assistant Lab Director Alice Amilhat provided an update on its reduction in the backlog of the seized drug case testing.

XI. Consent Items (1:37:50)

A. Advice and consent regarding director's determination that certain probationary employees were found unsuitable for work during May, June, and July 2022

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: Jerrod Orrin Bell, James Leon Blodgett, Charlie Booker, Jr., Stephen Paul Brockman, Brent Michael Collins, Jeffrey Brian Hass, Robert Richard Lindley, Hector Rocha Luevano, Matthew Brent Murray, Roy Lee Owens, Michael Shawn Scullin, Garry Nolan Walsmith, and Alease Marie Wilson; and Special Texas Rangers: Kyle Lynn Dean and Howard Duane Henderson.

C. Donations:

1. Additional donation items, as needed

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

XII. Items for Future Agenda (1:38:15)

None at this time.

XIII. Date for Future Meeting (1:38:25)

The regular Public Safety Commission meeting is scheduled for October 13, 2022. Discharge hearings will be scheduled for October 14, 2022.

XIV. Adjourn into Executive Session (1:38:35)

Executive Session began at 12:49 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 3:18 p.m. Chairman Steven Mach and Commissioners Nelda Blair and Steve Stodghill were present. Commissioner Dale Wainwright was not in attendance, but a quorum was present. (1:39:05)

XV. ADJOURN

The meeting was adjourned at 3:18 p.m.

Read and approved this 27th day of October, 2022.



Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-22-1689.PSB

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
Petitioner	§	STATE OF TEXAS
VS.	§	
IRVING BRYAN CABRERA TEJADA	§	
Respondent	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On August 25, 2022, 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 recommended by the Administrative Law Judge.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Irving Bryan Cabrera Tejada’s license as an alarm systems installer be suspended.

IT IS THEREFORE ORDERED that the license as an alarm systems installer of Irving Bryan Cabrera Tejada, is hereby SUSPENDED.

SIGNED this 25th day of August, 2022.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On August 25, 2022, 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 B
Section 16.31

The Texas Department of Public Safety (the department) adopts amendments to §16.31, concerning Third-Party Skills And Knowledge Testing Program. This rule is adopted without changes to the proposed text as published in the April 29, 2022 issue of the *Texas Register* (47 TexReg 2460) and will not be republished.

Amendments to this rule are necessary to comply with revisions to the Federal Motor Carrier Safety Administration's (FMCSA) guidance on 49 Code of Federal Regulations (CFR) 383.75. Additional amendments are made pursuant to the Eighty-seventh Texas Legislature, House Bill 3395 regarding amendments to Texas Transportation Code, §522.023 and third-party commercial driver license (CDL) knowledge and skills testing.

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.

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 EMPLOYEES § 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 employees were unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to discharge these employees:

Employee Name	Employee Title/Division	Date of Discharge
Trent Davis	License & Permit Specialist/Driver License	05/31/2022
Miguel Reyes	Trooper Trainee/Training Operations Division	06/30/2022
Tiffany Wright	Employment Specialist/Human Resource Operations	07/26/2022

Approved:



Steven P. Mach, Chairman
Public Safety Commission

Date: August 25, 2022


SPECIAL RANGER APPLICANTS
August 25, 2022

Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Bell, Jerrod Orrin	CID	Garland	04/30/2022	22	
Blodgett, James Leon	CID	Austin HQ	03/31/2010	30	
Booker, Jr., Charlie	CID	Houston	03/31/2021	27	
Brockman, Stephen Paul	THP	Buffalo	04/30/2022	22	
Collins, Brent Michael	AOD	Lubbock	04/30/2022	20	
Hass, Jeffrey Brian	THP	Vernon	03/31/2022	27	
Lindley, Robert Richard	THP	Tyler	12/31/2010	27	
Luevano, Hector Rocha	THP	Uvalde	08/31/2010	28	
Murray, Matthew Brent	THP	San Augustine	03/31/2022	19	
Owens, Roy Lee	THP	Lufkin	04/30/2012	28	
Scullin, Michael Shawn	THP	Mount Pleasant	06/30/2020	30	
Walsmith, Garry Nolan	CID	Belton	05/31/2022	26	
Wilson, Alease Marie	THP	Brenham	08/31/2021	25	

Special Texas Ranger Applicant:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Dean, Kyle Lynn	TRD	Kerrville	12/31/2008	26	
Henderson, Howard Duane	TRD	Austin – HQ	04//2014	29	

Approved by the Public Safety Commission on:  Date: 8/25/22