

**MINUTES  
PUBLIC SAFETY COMMISSION  
AUGUST 14, 2020  
AUSTIN, TX**

On March 16, 2020, Governor Greg Abbott suspended certain requirements of the Open Meetings Act to advance the public health goal of limiting face-to-face meetings during the public health disaster caused by the Coronavirus. Members of the commission participated in the meeting remotely and were not together at the same physical location. The public accessed the meeting through a link provided at the department's internet website.

The Public Safety Commission meeting was held by telephonic-audio conference on August 14, 2020. Attending the meeting were Chairman Steven Mach, Commissioners Nelda Blair, Steve Stodghill and Dale Wainwright. DPS staff members and guests were also present through the telephonic-audio conference.

**CALL TO ORDER** (0:00:14)

The meeting was called to order by Chairman Mach at 10:00 a.m. Proper notice had been posted.

**INVOCATION** (0:01:44)

Invocation was given by Chaplain Ferman Carpenter.

**APPROVAL OF MINUTES** (0:04:15)

**A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, approving the minutes for the Public Safety Commission meeting held June 11, 2020. A rollcall vote was conducted and the motion passed unanimously.**

**PUBLIC COMMENT** (0:05:05)

Sara Black – ongoing hate crime in Austin

**DIRECTORS REPORT** (0:12:40)

Director McCraw provided an update on the following:

- 2019 Annual Crime Statistics Report – soon to be released
- Directed by Governor Abbott to provide direct support to our law enforcement partners across the state (protest-related violence)

(0:17:34) Chairman Mach acknowledged the following on the telephonic-audio conference:

Suzanne Mackowiak and Aaron Moncibaiz – Lieutenant Governor's Office

John Vick – Senator Bob Hall's office

Kiefer O'Dell – Representative Gina Calanni's office

Katy Fallon-Brown, Nicole Ascano and Daniel Knapp – Legislative Budget Board

**NEW BUSINESS**

**A. Report, discussion, and possible action on the Fiscal Year 2021 Internal Operating Budget** (0:18:10)

Report provided by Chief Suzy Whittenton:

- General Appropriations is \$1.1 Billion for FY 2021
- 70% of the budget is for Salaries.
- Seized Funds - \$3.1Million (replacement of hand-held radios and technical unit intercept equipment)
- State Seized Funds - \$792,000 (no funds were spent in 2020)

**A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, approving the Fiscal Year 2021 Internal Operating Budget. A rollcall vote was conducted and the motion passed unanimously.**

**B. Report, discussion, and possible action on the 2022-2023 Legislative Appropriations Request, including Requested Exceptional Items** (0:27:03)

Report provided by Director McCraw:

Six Exceptional Items:

- \*Mass Casualty Attacks in Public Places - \$32.0 Million / 39 FTEs
- \*Capitol Security Enhancements - \$49 Million – 121 FTEs
- \*Cyber Security - \$17 Million / 28 FTEs
- \*Maintain and Replace Outdated IT Systems - \$30 Million / 17 FTEs
- \*Maintain Staffing Level - \$12 Million
- \*Maintain State Owned Buildings (Deferred Maintenance) - \$15 Million

Chief Whittenton added there is an opportunity to change some Riders and proposes the following:

- Contingency Personnel, DNA Analysis – 14 FTEs
- Sale of State Owned Land – Proceeds Appropriated
- Handgun License Application Fees
- Disaster Supplies and Equipment – Food and Water

**A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, approving the 2022-2023 Legislative Appropriations Request including requested Exceptional Items. A rollcall vote was conducted and the motion passed unanimously.**

C. Final Determination in Contested Cases – consideration and possible action on Proposal for Decision: (0:43:56)

1. SOAH Docket No. 405-20-2580.PSB – Alexander Thornley, Jr.

**A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to adopt the Proposal for Decision issued in SOAH Docket No. 405-20-2580.PSB – Alexander Thornley, Jr. A rollcall vote was conducted and the motion passed unanimously.**

D. Report, discussion, and possible action on the following rules proposals for publication to receive public comment: (0:46:30)

1. Amendments to 37 TAC Section 21.6 and Section 21.7, concerning Equipment and Vehicle Safety Standards

2. Repeal of 37 TAC Section 21.8, concerning All Terrain Vehicle (ATV) Warning Flag

3. Repeal of 37 TAC Chapter 31, concerning Standards for an Approved Motorcycle Operator Training Course

4. Repeal of 37 TAC Chapter 33, concerning All Terrain Vehicle Operator Education and Certification Program

**A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, approving New Business, Items D1 – D4, for publication to receive public comment. A rollcall vote was conducted and the motion passed unanimously.**

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

## **ONGOING BUSINESS**

A. Report, discussion and possible adoption of the following previously published rules:  
(0:49:57)

1. Amendments to 37 TAC Section 15.6, concerning Motorcycle License

No comments

2. Repeal of 37 TAC Section 15.29, concerning Driver Education Forms

No comments

3. Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Test

No comments

**A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, approving Ongoing Business, Items A1 – A3, rules for adoption. A rollcall vote was conducted and the motion passed unanimously.**

B. Report, discussion, update and possible action regarding Driver License Action Report  
(0:51:35)

Update provided by Chief Sheri Gipson:

-Up to 75% office capacity (staffing unavailable due to leave or space distancing requirements)

-Appointments Solution:

\*Experiencing long term waits to make appointments in large metropolitan areas

\*Working on No-Show rates (28% – 90%) offices are working to fill gap with Standby Que

-Extension is still valid – public notice hasn't been given

-Voting (November election) – working with the Secretary of State to get messaging out.

\*Under Voter ID law, any driver license or identification card is accepted to vote as long as it hasn't been expired for more than four years.

-Major system update occurred in July – ability to donate to the Identification Fee exemption account for foster and homeless youth. \$55,852 donated in July.

-Staffing – 177 vacancies

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 (1:01:31)

Director McCraw sought advice and consent to promote:

-Major Brian Baxter (Training Operations Division) to Assistant Chief, Training Operations Division

-Major Floyd Goodwin (Criminal Investigations Division) to Assistant Chief, Criminal Investigations Division

**A motion was made by Commissioner Stodghill, seconded by Commissioner Blair approving Brian Baxter as Assistant Chief, Training Operations Division and Floyd Goodwin as Assistant Chief, Criminal Investigations Division. A rollcall vote was conducted and the motion passed unanimously.**

D. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session)

To be discussed during Executive Session.

**REPORTS** (1:03:43)

Finance - Chief Whittenton reported we will be spending down Bonds this biennium. No other reports.

**CONSENT ITEMS** (1:05:10)

A. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during June 2020

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: David G. Corbell, Justin B. House, Christopher J. Hughes, Michael W. Hulbert, Jr., Dorinisha L. Livingston, John C. Nelson, John R. Perdue, Jr., Michael S. Scullin, Cynthia G. Sparks, Kirk W. Washington and William T. Wilson; Texas and Southwestern Cattle Raisers Association Texas Ranger: Mary Olen Baker

C. Donations:

1. Driver License Division – donation of Toyota Production System Support Center efficiency study

2. Additional donation items, as needed

**A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, approving Consent Items, Items A – C1. A rollcall vote was conducted and the motion passed unanimously.**

**ITEMS FOR FUTURE AGENDA** (1:08:35)

None at this time.

**DATE FOR FUTURE MEETING** (1:08:48)

Discharge hearings will be scheduled on October 14, 2020, and the regular Public Safety Commission meeting is scheduled for October 15, 2020.

**ADJOURN INTO EXECUTIVE SESSION**

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; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations. Executive Session began at 11:09 a.m.

(1:09:26) The Public Safety Commission reconvened in open session at 12:15 p.m. Commissioners present were Chairman Steven Mach, Commissioners Nelda Blair, Steve Stodghill and Dale Wainwright.

**ADJOURN**

**A motion was made by Commissioner Wainwright, seconded by Commissioner Blair, to adjourn the meeting. A rollcall vote was conducted and the motion passed unanimously.**

The meeting was adjourned at 12:16 p.m.

Read and approved this 15<sup>th</sup> day of October, 2020.

Steven P. Mach  
Chairman

DOCKET NO. 405-20-2580.PSB

|  |   |                          |
|--|---|--------------------------|
| TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION | § | BEFORE THE               |
|  | § |                          |
| VS.  | § | STATE OF TEXAS           |
|  | § |                          |
| ALEXANDER THORNLEY, JR., APPLICANT                           | § | PUBLIC SAFETY COMMISSION |

**FINAL ORDER**

On August 14, 2020, the Public Safety Commission held a public meeting and considered the Amended 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 Amended Proposal for Decision.

The Commission, after review and due consideration of the Amended Proposal for Decision, accepts the recommendation of the ALJ that Alexander Thornley, Jr.'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 ALEXANDER THORNLEY, JR., is hereby DENIED.

SIGNED this 14<sup>th</sup> day of August, 2020.

Steven P. Mach  
Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 14, 2020, 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 A  
Section 15.6

The Texas Department of Public Safety (the department) adopts amendments to §15.6, concerning Motorcycle License. This rule is adopted without changes to the proposed text as published in the June 26, 2020 issue of the *Texas Register* (45 TexReg 4295) and will not be republished.

These amendments are necessitated by the 86th Texas Legislature enactment of SB616, which moves administration of the motorcycle operator training and safety program from the department to the Texas Department of Licensing and Regulation (TDLR). This rule amendment changes references accordingly.


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.

  
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Steven P. Mach, Chairman  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 14, 2020, 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 15.55

The Texas Department of Public Safety (the department) adopts amendments to §15.55, concerning Waiver of Knowledge and/or Skills Tests. This rule is adopted without changes to the proposed text as published in the June 26, 2020 issue of the *Texas Register* (45 TexReg 4297) and will not be republished.


These amendments are necessitated by the 86th Texas Legislature enactment of SB616, which moves administration of the motorcycle operator training and safety program from the department to the Texas Department of Licensing and Regulation (TDLR). This rule amendment changes references accordingly.

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 order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, §2001.033.

  
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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 14, 2020, 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 15.29

The Texas Department of Public Safety (the department) adopts the repeal of §15.29, concerning Driver Education Forms. This repeal is adopted without changes to the proposed text as published in the June 26, 2020 issue of the *Texas Register* (45 TexReg 4296) and will not be republished.

The repeal is necessary because the rule is outdated and the relevant information is incorporated into §§15.6, 18.1, and 18.2 of this title.

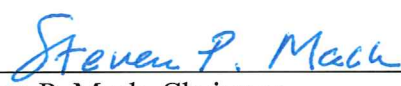
No comments were received regarding the adoption of this repeal.

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.

  
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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:

| <b>Employee Name</b> | <b>Employee Title/Division</b>               | <b>Date of Discharge</b> |
|----------------------|--|--------------------------|
| Diana Rodriguez      | License and Permit Specialist/Driver License | 06/03/2020               |

Approved:



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Steven P. Mach, Chairman  
Public Safety Commission  
Date: August 14, 2020

**SPECIAL RANGER APPLICANTS**  
**August 14, 2020**

**Special Ranger Applicants:**

| <b>Name</b>              | <b>Division</b> | <b>Service/Station</b> | <b>Retire Date</b> | <b>Years of Service</b> | <b>Approved</b> |
|--------------------------|-----------------|------------------------|--------------------|-------------------------|-----------------|
| Corbell, David G.        | THP             | Austin-Capitol         | 08/31/2016         | 20                      |                 |
| House, Justin B.         | EPB             | Austin-HQ              | 06/30/2020         | 21                      |                 |
| Hughes, Christopher J.   | THP             | Tyler                  | 12/31/2018         | 22                      |                 |
| Hulbert, Jr., Michael W. | THP             | El Paso                | 04/30/2020         | 22                      |                 |
| Livingston, Dorinisha L. | CID             | San Antonio            | 06/30/2020         | 26                      |                 |
| Nelson, John C.          | THP             | Corsicana              | 06/30/2020         | 23                      |                 |
| Perdue, Jr., John R.     | THP             | Tyler                  | 08/31/2008         | 28                      |                 |
| Scullin, Michael S.      | THP             | Mt. Pleasant           | 06/30/2020         | 30                      |                 |
| Sparks, Cynthia G.       | THP             | Austin-Capitol         | 06/30/2020         | 26                      |                 |
| Washington, Kirk W.      | THP             | Belton-West            | 05/31/2020         | 24                      |                 |
| Wilson, William T.       | THP             | Vernon                 | 10/31/2007         | 29                      |                 |

**Texas and Southwestern Cattle Raisers Association Special Ranger Applicant:**

| <b>Name</b>       | <b>Approved</b> |
|-------------------|-----------------|
| Baker, Marty Olen |                 |

Approved by the Public Safety Commission: Steven P. Mach Date: 8/14/2020