

MINUTES
PUBLIC SAFETY COMMISSION
April 10, 2007
Austin, Texas

The Public Safety Commission met in Austin, Texas on April 10, 2007. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioners Louis E. Sturns and Allan Polunsky.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra & Karen Elliston, Accounting & Budget Control
Randy Elliston, Texas Highway Patrol
Kent Mawyer & Gary Stone, Criminal Law Enforcement
Burt Christian & Cliff Grumbles, Administration
Judy Brown & Greg Gloria, Driver License
Jim Miller, Texas Rangers
Farrell Walker, Office of Audit & Inspection
Russ Leickleider, Emergency Management Division
Mary Ann Courter, General Counsel
Bryan Lane, Information Management Service
Jack Reichert, Aircraft
Michael Kelley, Legislative Liaison Office
David Outon, Internal Affairs
Tela Mange, Public Information Office
Dorothy Wright, Secretary

Guests present:

Michael Samulin, Private Investigators Board
Van C. Carter, Frost Bank

The meeting was called to order by Chairman Angelo. Proper notice had been posted.

- I. **Minutes.** Upon motion by Commissioner Sturns and seconded by Commissioner Polunsky, the minutes of the March 14, 2007 meeting were approved.
- II. **Public comment.** Van C. Carter, Public Funds Management, Frost Bank of San Antonio, addressed the Commission reference payments available through Texas Automobile Vehicle Inspection System (TAVIS) and FirstPay. Commissioner Angelo asked him to meet with Colonel Davis on this matter.
- III. **Discharge appeal hearing of DPS employee Julie Cyprow.** Julie Cyprow appeared before the Commission to appeal her discharge. She was represented by Todd Slobin. DPS was represented by Kathleen Murphy of the Office of General Counsel. Court reporter was Shana Wise of Esquire Deposition Services. Opening statements were

made by both attorneys. All witnesses were sworn. Witnesses appearing for DPS were Captain Norma Garza Jennings and Chief Judy Brown, Driver License Division. DPS Exhibits #1 and 2 were submitted and accepted by the Commission. Witnesses appearing for appellant were Debra Berry and Felicia Jones, Driver License Division; Patricia Moreno, a past employee and Julie Cyprow. Appellant's attorney called Colonel Tommy Davis to testify but the DPS attorney objected and the Commission sustained the objection. Appellant Exhibits #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 were submitted and accepted by the Commission. Appellant Exhibit #13 was submitted but not accepted by the Commission upon objection to its relevance by the DPS attorney. Closing statements were made by Kathleen Murphy and Todd Slobin.

IV. Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property. The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. The Commission reconvened Regular Session. Commissioner Sturns had left the meeting during Executive Session but a quorum was still present. A motion was made by Commissioner Polunsky and seconded by Commissioner Angelo approving a Special Ranger commission for DPS retiree Paul Michael Simmons.

V. Approval of seized fund purchases. Colonel Davis briefed the Commission on the proposed seized fund purchases. Upon motion by Commissioner Polunsky and seconded by Commissioner Angelo, the attached purchases using seized funds were approved.

VI. For adoption – Private Security Act Rules.

A. Discussion and possible action regarding an amendment to Rule 35.36, relating to Consumer Information and Vehicle Signage, as published in 32 TexReg 505, February 9, 2007

B. Discussion and possible action regarding an amendment to Rule 35.204, relating to Pre-Employment Checks, as published in 32 TexReg 505, February 9, 2007

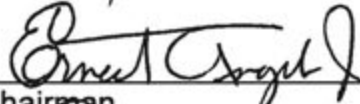
C. Discussion and possible action regarding an amendment to Rule 35.291, relating to Mandatory Continuing Education Courses, as published in 32 TexReg 506, February 9, 2007


D. Discussion and possible action regarding an amendment to Rule 35.292, relating to requirements for Continuing Education Courses, as published in 32 TexReg 508, February 9, 2007

Cliff Grumbles briefed the Commission on the proposed amendments. A motion was made by Commissioner Polunsky and seconded by Commissioner Angelo approving the attached amendments for final adoption.

There being no further business, the meeting was adjourned.

Read and approved this 15th day of May, 2007.


Chairman


Member


Member

TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT

Date: 03/27/07

Division/Service/Section making request:

TEXAS HIGHWAY PATROL

Description of Item(s) requested (attach request memo):

Holographic Weapon Sight (EOTech Model 512.A65/1)
Yankee Hill Flip-up Rear Sight (YHM-9680)

Describe Overall Impact of Request:

The Holographic Weapon Sighting System is technology used by US Military. The Bushmaster M4 Rifle, when matched with an EOTech Sighting System, will give troopers the tactical advantage when needed.

Equipment Location:

Mark one -

Field

Headquarters

BOTH

Estimated Cost of this Request:

EO Tech	\$847,850
Rear Flip-up Sight	150,425
	<u>\$998,275</u>

RECOMMENDATION OF COMMITTEE

APPROVED
NOT APPROVED

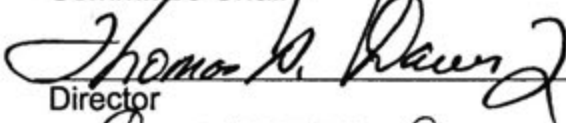
Fund No. _____
Budget No. _____
Control No. _____

Reason if NOT Approved:



Committee Chair

3.27.07
Date



Director

4-10-07
Date



for Public Safety Commission

4/10/07
Date

TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT

Date: 03/27/07

Division/Service/Section making request:

TEXAS HIGHWAY PATROL

Description of Item(s) requested (attach request memo):

Weapons of Mass Destruction bags

Describe Overall Impact of Request:

There are currently 197 recruits in training. The possibility exists for the Department to receive additional FTE's this legislative session.

Equipment Location:

Mark one -

Field

Headquarters

BOTH

Estimated Cost of this Request:

\$80,000

RECOMMENDATION OF COMMITTEE

APPROVED
NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

Reason if NOT Approved:


Committee Chair

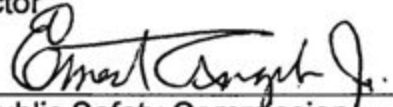
3.27.07

Date


Director

4-10-07

Date


for Public Safety Commission

4-10-07

Date

TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT

Date: 03/27/07

Division/Service/Section making request:

DRIVER LICENSE DIVISION / FIELD SERVICES

Description of Item(s) requested (attach request memo):

Digital video surveillance systems for DLD field offices.

Describe Overall Impact of Request:

The DLD Field Service is one of the state's first-line of defense against terrorism and identity theft. Field employee fraud has been on the rise in recent years potentially contributing to possible terrorism and identity theft issues. It is imperative to the fight against terrorism, identity theft and employee fraud to possess the tools necessary to prevent such activity. Digital surveillance video cameras are essential tools to fight fraud in many areas. The use of video surveillance equipment has proven to be effective in identifying fraud as it is happening and has been instrumental in identifying those perpetrating fraud.

Equipment Location:

Mark one -

FIELD

Headquarters

Both

Estimated Cost of this Request:

\$440,475

RECOMMENDATION OF COMMITTEE

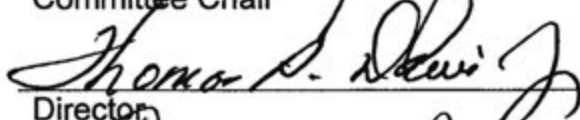
APPROVED
NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

Reason if NOT Approved:


Committee Chair

3.27.07
Date


Director

4-10-07
Date


for Public Safety Commission

4-10-07
Date

TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT

Date: 03/27/07

Division/Service/Section making request:

CRIMINAL LAW ENFORCEMENT / CRIME LABORATORY SERVICE

Description of Item(s) requested (attach request memo):

Security cameras and necessary cables

Describe Overall Impact of Request:

Purchase and install security cameras that will record and archive video in order to monitor activity of Crime Lab evidence vaults.

Equipment Location:

Mark one -

Field

Headquarters

BOTH

Estimated Cost of this Request:

\$100,000

RECOMMENDATION OF COMMITTEE

APPROVED
NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

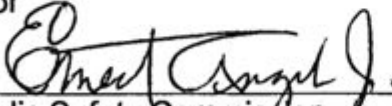
Reason if NOT Approved:


Committee Chair

3.27.07
Date


Director

4-10-07
Date


for Public Safety Commission

4-10-07
Date

TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT

Date: 03/27/07

Division/Service/Section making request:

ADMINISTRATION / STAFF SUPPORT SERVICE / BUILDING PROGRAM BUREAU

Description of Item(s) requested (attach request memo):

Telephone system upgrades to hardware and software for field offices; installation by local vendor; annual maintenance contract; upgrade for software for headquarters telephone system for call centers and voice mail.

Describe Overall Impact of Request:

Modern telephone systems are more computer-based than older systems. Recent purchases for 50 field offices and upgrades to the headquarters PBX are now impacted by the need to maintain current software operating systems. Currently, each of the 50 field systems included in this request are operating on software that is several versions behind. The manufacturer will not support the older software. The Department would be at risk in these offices should the systems go down. The Headquarters PBX software purchased two years ago has been upgraded by the manufacturer to Windows XP.

Equipment Location:

Mark one -

Field

Headquarters

BOTH

Estimated Cost of this Request:

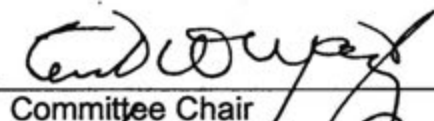
\$448,000

RECOMMENDATION OF COMMITTEE

APPROVED
NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

Reason if NOT Approved:


Committee Chair

3.27.07
Date


Director

4-10-07
Date


for Public Safety Commission

4-10-07
Date

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 10, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter C
Section Number 35.36

The Texas Department of Public Safety adopts amendments to Section 35.36, concerning Consumer Information and Vehicle Signage, without changes to the proposed text as published in the February 9, 2007, issue of the Texas Register (32 TexReg 505).

Adoption of the amendments to Section 35.36 are necessary in order to clarify the rule by limiting the scope of the license number signage requirement to those vehicles on which the company name is displayed.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

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.



Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 10, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter M
Section Number 35.204

The Texas Department of Public Safety adopts amendments to Section 35.204, concerning Pre-Employment Check, without changes to the proposed text as published in the February 9, 2007, issue of the Texas Register (32 TexReg 505).

Adoption of the amendments to Section 35.204 reformats the section in order to add new subsections (b) and (c). The new subsections are necessary in order to clarify the scope of the rule's requirement that an employer perform a pre-employment check on all applicants for non-commissioned security guard positions, and to require that employers keep records of this check.

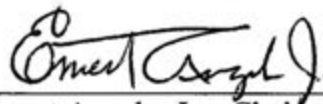
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 10, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter S
Section Number 35.291

The Texas Department of Public Safety adopts amendments to Section 35.291, concerning Mandatory Continuing Education Courses, without changes to the proposed text as published in the February 9, 2007, issue of the Texas Register (32 TexReg 506).

Adoption of the amendments to Section 35.291 are necessary in order to enhance the current continuing education requirements for the private security industry.

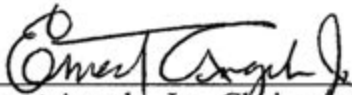
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 10, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter S
Section Number 35.292

The Texas Department of Public Safety adopts new Section 35.292, concerning Requirements for Continuing Education Courses, without changes to the proposed text as published in the February 9, 2007, issue of the Texas Register (32 TexReg 508).

The adoption of new Section 35.292 is necessary in order to specify the curriculum, instructor qualifications, and record keeping requirements for continuing education courses.

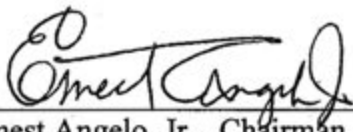
No comments were received regarding adoption of the new section.

The new section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter; and Texas Occupations Code, Section 1702.062, which authorizes the department to establish reasonable and necessary fees to administer this chapter.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission