

MINUTES

Public Safety Commission Meeting

June 13, 2024

Austin, TX

The Public Safety Commission met in Austin, Texas on June 13, 2024, at 10 a.m. for its regular meeting. Attending the meeting were Chairman Steven Mach, Commissioners Nelda Blair, Larry Long, 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 a.m. Proper notice was posted.
- II. Invocation (0:00:30)**
Chaplain Ferman Carpenter provided the invocation.
- III. Pledges (0:01:30)**
Trooper Clayton Cobb led the pledge of allegiance to the U.S. and Texas flag.
- IV. Approval of Minutes (0:02:10)**
The minutes of the last regular meeting held on April 11, 2024, were approved.
- V. Presentations (0:02:35)**

25 Year Service Award

Rebekah Hibbs
Donna Hickman
Jo Ann McClendon
Sonja Riley
Teresa Smith
Leutvilay Temphrachanh

30 Year Service Award

Julie Sedillo

35 Year Service Award

Keith Gibson

Javier Arana Top Trooper Award

Melanie Moreno
Trevor Topper

Adolph Thomas Distinguished Service Award

Dominique Washington
Steve Prater

Lifesaving Award

Jason Melson
Ernesto De La Pena

Director's Award

Robert & Angelica Saldana
Stevi Brewster

Lifesaving Award

Colonel Steven C. McCraw

VI. Public Comment (0:44:05)

No comments.

VII. Director's Report

A. Case Update: Aircraft Operations Division (0:44:15)

Aircraft Operations Division Chief Stacy Holland provided a presentation on the Aircraft Operations Division.

B. Operation Lone Star Update (1:14:35)

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

Chairman Mach acknowledged attendance of legislative staff. (1:35:00)

VIII. New Business

A. Report, discussion, and possible action on the Fiscal Year 2025 Internal Operating Budget: (1:35:35)

Chief Financial Officer Suzy Whittenton provided the proposed fiscal year 2025 internal operating budget. A motion was made by Commissioner Wainwright, seconded by Commissioner Long, to approve the proposed fiscal year 2025 internal operating budget and \$450,000 to the Criminal Investigations Division from federal seized funds for surveillance equipment. Motion passed unanimously.

B. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:43:20)

1. Proposed amendments to 37 TAC Sections 6.12, 6.14, and 6.18, concerning Eligibility and Application Procedures for a License to Carry a Handgun
2. Proposed amendments to 37 TAC Section 6.96, concerning First Responder Certification Courses
8. Proposed amendments to 37 TAC Section 35.5, 35.9, and 35.13, concerning General Provisions

Regulatory Services Division Chief Wayne Mueller presented the rule proposal for items (1)-(2) and (8). A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to approve for publication in the Texas Register items VIII(B)(1)-(2) and (8). Motion passed unanimously.

3. Proposed amendments to 37 TAC Sections 15.29, 15.34, and 15.38, concerning Application Requirements – Original, Renewal, Duplicate, Identification Certificates
4. Proposed amendments to 37 TAC Section 15.42, concerning Social Security Number
5. Proposed amendments to 37 TAC Section 15.88, concerning Demand for Surrender of Driver License
6. Proposed amendments to 37 TAC Section 15.118, concerning Clearance Report
7. Proposed amendments to 37 TAC Section 17.1-17.4, 17.6, 17.8, 17.11, 17.13, 17.14, and 17.16, concerning Administrative License Revocation

Driver License Division Chief Sheri Gipson presented the rule proposal for items (3)-(7). A motion was made by Commissioner Blair, seconded by Commissioner Long, to approve for publication in the Texas Register items VIII(B)(3)-(7).

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

IX. Ongoing Business

A. Report, discussion, and possible adoption of the following previously published rules: (1:52:50)

1. Proposed amendments to 37 TAC Section 23.55, concerning Certified Emissions Inspection Station and Inspector Requirements
2. Proposed amendments to 37 TAC Section 23.62, concerning Violations and Penalty Schedule

Regulatory Services Division Chief Mueller presented the rule adoption for items (1)-(2). A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the rules under IX(A)(1)-(2). 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 (1:54:50)

Director McCraw made a recommendation to appoint Texas Highway Patrol Major Bruce James as Assistant Chief of Texas Highway Patrol. A motion was made by Commissioner Long, seconded by Commissioner Blair, to appoint Major James as the Assistant Chief of Texas Highway Patrol. 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 (1:56:35)

None.

B. Finance Report (1:56:40)

None.

C. Chief Auditor's Office (1:56:45)

None.

D. Division status reports on activities and action (1:56:50)

None.

XI. Consent Items (1:57:00)

A. Advice and consent regarding director's determination that certain probationary employees were found unsuitable for work during April and May 2024

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: Nathan Glenn Pierce, Alberto

Rodriguez, Waylon Scott Rogers, Felix Daniel Sarabia, and Paul David Smith; Special Texas Rangers: Phillip Duane Ditto and Juan Carlos Torrez; Texas Education Agency Special Ranger: John Paul Scott, Jr.

C. Donations:

1. Additional donation items, as needed

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

XII. Items for Future Agenda (1:57:35)

None at this time.

XIII. Date for Future Meeting (1:57:40)

Discharge hearings will be scheduled for August 21, 2024; and the regular Public Safety Commission meeting is scheduled for August 22, 2024.

XIV. Adjourn into Executive Session (1:57:50)

Executive Session began at 12:07 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 1:25 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Larry Long, and Steve Stodghill were present. A quorum was present. (1:58:20)

XV. ADJOURN

The meeting was adjourned at 1:25 p.m.

Read and approved this 22nd day of August, 2024.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 13, 2024, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter F
Section 23.62

The Texas Department of Public Safety (the department) adopts amendments to §23.62, concerning Violations and Penalty Schedule. This rule is adopted without changes to the proposed text as published in the April 26, 2024, issue of the *Texas Register* (49 TexReg 2690) and will not be republished.

The proposed rule amendment adds a violation to the administrative penalty schedule to conform with the proposed changes to §23.55, concerning Certified Emissions Inspection Station and Inspector Requirements.

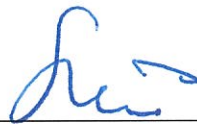
No comments were received regarding the adoption of this rule.

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; Texas Transportation Code, §548.002, which authorizes the Department of Public Safety to adopt rules to enforce Chapter 548; and Texas Transportation Code, §548.405, which authorizes the Public Safety Commission to deny, revoke, or suspend a license.

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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 13, 2024, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter E
Section 23.55

The Texas Department of Public Safety (the department) adopts amendments to §23.55, concerning Certified Emissions Inspection Station and Inspector Requirements. This rule is adopted without changes to the proposed text as published in the April 26, 2024, issue of the *Texas Register* (49 TexReg 2688) and will not be republished.

The proposed amendments add language which makes clear that emissions testing equipment must stay at the department-approved location and requiring that certified emissions inspection stations obtain and maintain a single static Internet Protocol (IP) address for purposes of the submission of vehicle emissions inspection results to the Texas Information Management System (TIMS) vehicle identification database. Requiring the use of a single static IP address will provide greater security and stability, decrease the potential for the interruption of service, reduce the potential for fraud, and enhance the department's oversight of the emissions inspection program.

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; Texas Transportation Code, §548.002, which authorizes the Department of Public Safety to adopt rules to enforce Chapter 548; and Texas Transportation Code, §548.258, which authorizes the Department of Public Safety to adopt rules to require an inspection station to use the state electronic Internet portal.

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.



Steven P. Mach, Chairman
Public Safety Commission

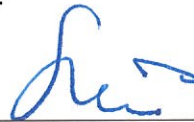
IN THE MATTER OF § BEFORE THE
THE DISCHARGE OF § PUBLIC SAFETY COMMISSION
PROBATIONARY EMPLOYEES § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(e), 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 this employee:

| Employee Name | Employee Title/Division | Date of Discharge |
|-------------------------|--|--------------------------|
| Michael Nwokolo-Aniekwu | CADD Eng. Tech./Infrastructure Operations | 04/29/2024 |
| William Morgan | Facilities Tech./Infrastructure Operations | 05/21/2024 |
| Michelle Lee | License & Permit Specialist/Driver License | 05/28/2024 |

Approved:



Steven P. Mach, Chairman
Public Safety Commission
Date: June 13, 2024

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
June 13, 2024

Special Ranger Applicants:

| Name | Division at Ret. | Svc./Station at Ret. | Retire Date | Yrs. of Svc. at Ret. |
|-----------------------|------------------|----------------------|-------------|----------------------|
| Pierce, Nathan Glenn | THP | Beaumont | 03/31/2024 | 22 |
| Rodriguez, Alberto | TOD | Austin | 09/30/2009 | 32 |
| Rogers, Waylon Scott | THP | Devine | 04/30/2024 | 20 |
| Sarabia, Felix Daniel | CID | Midland | 03/31/2024 | 27 |
| Smith, Paul David | CID | Garland | 03/31/2024 | 25 |

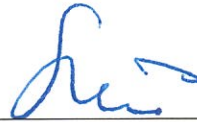
Special Texas Ranger Applicants:

| Name | Division at Ret. | Svc./Station at Ret. | Retire Date | Yrs. of Svc. at Ret. |
|----------------------|------------------|----------------------|-------------|----------------------|
| Ditto, Phillip Duane | TRD | Dumas | 04/30/2024 | 26 |
| Torrez, Juan Carlos | TRD | El Paso | 04/30/2024 | 28 |

Texas Education Agency Special Ranger Applicant:

| Name | Approved |
|-----------------------|----------|
| Scott, Jr., John Paul | |

Approved by the Public Safety Commission on: _____



Date: 6/13/24