

MINUTES

Public Safety Commission Meeting

February 11, 2021

Austin, TX

The Public Safety Commission met in Austin, Texas on February 11, 2021, 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 a.m. Proper notice was posted.

II. Invocation (0:00:30)

Chaplain Ferman Carpenter provided the invocation.

III. Pledges (0:02:10)

Trooper Robert Armstrong led the pledge of allegiance to the U.S. and Texas flag.

IV. Approval of Minutes (0:03:00)

The minutes of the last regular meeting held on December 10, 2020, were approved.

Chairman Mach acknowledged virtual attendance by State Representative James White, Chairman of the Texas House Committee on Homeland Security and Public Safety, but there were technical difficulties. (0:03:30)

V. Presentations (0:04:20)

30 Year Service Award

Jeffrey Fenske

Charlotte Niemtschk

Purple Heart

Sergeant Jerrod Burtnett

Lifesaving Award

Trooper Jeremy Amis

Trooper Chad Brooks

Trooper Roy Haley

Trooper Samuel Perez

Trooper William Robbins
Trooper Cody Sagnibene
Trooper Daniel Britton
Trooper Wayne Johnson

After technical difficulties were addressed, Chairman James White appeared over video-teleconference and provided comments on partnering with law enforcement for the benefit of public safety. (0:22:30)

VI. Public Comment (0:28:00)

Silvestre Camargo, with the assistance of interpreter Diego Camargo, provided comments on SOAH Docket No. 405-20-4114.MVI.

Chairman Mach acknowledged virtual attendance of the following: (0:35:40)
Suzanne Mackowiak and Aaron Moncibaiz - Lieutenant Governor's Office
Robert Vargas III - Representative Ray Lopez's Office
Beth Purcell, John Vick, and Chris Morris - Senator Bob Hall's Office
Roel Benavides and Roman Robinson – Chairman James White's Office

VII. Director Report (0:36:20)

Director Steven C. McCraw provided an introduction to the UT Appointment Solution Survey.

VIII. New Business

A. Report regarding the UT Appointment Solution Survey (0:38:40)

Dr. Noel Landuyt provided a report on the status of the UT Appointment Solution Survey conducted in October 2020.

Director McCraw introduced Training Operations Division Chief RenEarl Bowie who provided a report on the current status of the A-21 recruiting class. (0:51:30)

Director McCraw discussed recruit school attrition and challenges related to increased threats for the state. (1:12:30)

B. Report and discussion regarding the Crime Laboratory Division 2020 Strategy - Completing Blood Alcohol Testing for Driving Cases within Thirty Days, the Toyota Process Improvement Project (1:23:50)

Crime Laboratory Division Chief Brady Mills, Assistant Lab Director Trevis Beckworth, and Garland Lab Manager James Nichols provided a report on the

2020 strategy for completing blood alcohol testing for driving cases within thirty days based upon the Toyota Process Improvement Project.

C. Report, discussion, and possible action regarding appointment of members and designating a chair of the Texas Private Security Advisory Committee as required by Texas Occupations Code Section 1702.021 and 1702.026 (1:40:00)

Regulatory Services Division Chief Wayne Mueller presented the appointment request. A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to reappoint Patti James as a member to and Chair of the Texas Private Security Advisory Committee. Motion passed unanimously.

D. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision: (1:43:20)

1. SOAH Docket No. 405-20-3987.MVI – Carlos Portillo Mendez and Charly Auto Care
2. SOAH Docket No. 405-20-4001.MVI – Eric Collins
3. SOAH Docket No. 405-20-4114.MVI – Silvestre Camargo
4. SOAH Docket No. 405-20-4573.MVI – Adam Abbad and Executive Motor Group, LLC
5. SOAH Docket No. 405-20-4578.MVI – Farris Barakat
6. SOAH Docket No. 405-20-4099.MVI – Jorge Maldonado
7. SOAH Docket No. 405-20-4537.MVI – Virgilio Salinas

General Counsel Phillip Adkins explained the public comment process for licensees who wish to comment upon a final determination in a contested case before the Public Safety Commission at an open meeting.

General Counsel Adkins presented the proposals for decision. A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to adopt the proposal for decision as the final determination of the Public Safety Commission in each case under VIII(D)(1)-(7). Motion passed unanimously.

E. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:47:40)

1. Repeal of 37 TAC Sections 15.27, 15.28, and 15.39, concerning Application Requirements – Original, Renewal, Duplicate, Identification Certificates
2. Proposed new 37 TAC Section 15.27 and Section 15.28, concerning Application Requirements – Original, Renewal, Duplicate, Identification Certificates

3. Repeal and proposed new 37 TAC Section 15.57, concerning Restrictions, Physical
4. Proposed new 37 TAC Section 15.64, concerning Examinations Administered by Other Entities
5. Repeal 37 TAC Sections 18.1 – 18.4, concerning Issuance and Examination Requirements for Learner and Provisional Licenses

Driver License Division Chief Sheri Gipson presented the rule proposals. A motion was made by Commissioner Wainwright, second by Commissioner Blair, to approve for publication in the Texas Register all items under VIII(E)(1)-(5). Motion passed unanimously.

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

IX. Ongoing Business

A. Report, discussion and possible adoption of the following previously published rules: (1:51:30)

1. Proposed new 37 TAC Section 15.29, concerning Alternative Methods for Driver License Transactions
2. Proposed amendments to 37 TAC Section 15.34, concerning Renewal Period Prior to Expiration
3. Proposed repeal of 37 TAC Section 15.59, concerning Alternative Methods for Driver License Transactions
4. Proposed amendments to 37 TAC Section 15.62, concerning Additional Requirements

Chief Gipson presented the rule adoptions for items (1)-(4). A motion was made by Commissioner Stodghill, seconded by Commissioner Wainwright, to adopt the rules under IX(A)(1)-(4). Motion passed unanimously.

5. Proposed new 37 TAC Section 1.92, concerning Reimbursement of Witnesses at Public Safety Commission Hearings
6. Proposed amendments to 37 TAC Sections 29.1 – 29.3, 29.5, 29.21, 29.24, 29.27, 29.29, 29.30, 29.32, and 29.33, concerning Practice and Procedure
7. Proposed repeal of 37 TAC Sections 29.4, 29.6 – 29.10, 29.12 – 29.19, 29.22, 29.23, 29.25, 29.26, 29.28, 29.34, and 29.201, concerning Practice and Procedure

General Counsel Adkins presented the rule adoptions for items (5)-(7). A motion was made by Commissioner Stodghill, seconded by Commissioner Blair, to adopt the rules under IX(A)(5)-(7). Motion passed unanimously.

8. New 37 TAC Sections 38.1 – 38.3, concerning Fusion Center Operations

Intelligence and Counterterrorism Division Chief Dale Avant presented the rule adoptions. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the rules under IX(A)(8). 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 (1:59:00)

None.

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 (1:59:30)

None.

B. Finance Report (1:59:40)

None.

C. Chief Auditors Office (1:59:45)

None.

D. Division status reports on activities and action (1:59:55)

None.

XI. Consent Items (2:00:00)

A. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during November 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: Dennis Wayne Brassfield, Craig Allen Cadan, Manuel Alfredo Castro, Jr., John Edward Cruddas, Joseph Randall Dillard, Mark Ray Elgin, Scott J. Garrison, Duane J. Maldonado, Olivia Mendez, Enrique Muniz, Billy Earnest Rowles, and Derome Daniel West; Special Texas Rangers: Arthur Richard Barrera and Andrew Lopez, Jr.

C. Donations:

1. Capitol Region – security equipment and installation services by Garrett Metal Detectors
2. 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.

Director McCraw gave a report on the metal detector donation. (2:00:40)

XII. Items for Future Agenda (2:03:20)

None at this time.

XIII. Date for Future Meeting (2:03:40)

Discharge hearings will be scheduled for March 9, 2021 and April 28, 2021. The regular Public Safety Commission meeting is scheduled for April 29, 2021.

XIV. Adjourn into Executive Session (2:03:50)

Executive Session began at 12:04 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 2:05 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Steve Stodghill, and Dale Wainwright were present. (2:04:20)

XV. ADJOURN

The meeting was adjourned at 2:05 p.m.

Read and approved this 29th day of April, 2021.



Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-20-3987.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
CARLOS PORTILLO MENDEZ AND CHARLY AUTO CARE, Respondents	§	
	§	
	§	PUBLIC SAFETY COMMISSION


FINAL ORDER

On February 11, 2021, 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 along with amended Findings of Fact No. 12 and No. 13 as the ALJ recommended by letter dated November 30, 2020.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Carlos Portillo Mendez’s vehicle inspection certification and the Charly Auto Care vehicle inspection station certification should be suspended for twelve months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Carlos Portillo Mendez and the vehicle inspection station certification of Charly Auto Care is suspended for twelve months.

SIGNED this 11th day of February, 2021.


Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-20-4001.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
ERIC COLLINS, Respondent	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On February 11, 2021, 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 Eric Collin’s vehicle inspection certification should be suspended for twelve months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Eric Collins is suspended for twelve months.

SIGNED this 11th day of February, 2021.

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

DOCKET NO. 405-20-4114.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
SILVESTRE CAMARGO, Respondent	§	PUBLIC SAFETY COMMISSION


FINAL ORDER

On February 11, 2021, 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 Silvestre Camargo’s vehicle inspection certification should be suspended for one year.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Silvestre Camargo is suspended for one year.

SIGNED this 11th day of February, 2021.


Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-20-4573.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	
	§	STATE OF TEXAS
ADAM ABBAD,	§	
Inspector, and	§	
EXECUTIVE MOTOR GROUP, LLC	§	
Inspection Station	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On February 11, 2021, 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 Adam Abbad’s vehicle inspection certification and the Executive Motor Group, LLC, vehicle inspection station certification should be suspended for twelve months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Adam Abbad and the vehicle inspection station certification of Executive Motor Group, LLC, is suspended for twelve months.

SIGNED this 11th day of February, 2021.

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

DOCKET NO. 405-20-4578.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
FARRIS BARAKAT, Respondent	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On February 11, 2021, 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 Farris Barakat’s vehicle inspection certification should be suspended for twelve months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector of Farris Barakat is suspended for twelve months.

SIGNED this 11th day of February, 2021.

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

DOCKET NO. 405-20-4099.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
JORGE MALDONADO, Respondent	§	PUBLIC SAFETY COMMISSION

FINAL ORDER

On February 11, 2021, 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 Jorge Maldonado, certified vehicle inspector, should be assessed a \$500 fine.

IT IS THEREFORE ORDERED that certified vehicle inspector Farris Barakat is assessed a \$500 fine.

SIGNED this 11th day of February, 2021.

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

DOCKET NO. 405-20-4537.MVI

TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION	§	BEFORE THE
	§	
	§	
VS.	§	STATE OF TEXAS
	§	
VIRGILIO SALINAS, Respondent	§	PUBLIC SAFETY COMMISSION

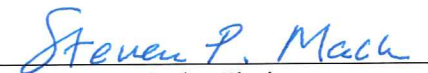
FINAL ORDER

On February 11, 2021, 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 Virgilio Salinas, certified vehicle inspector, should be assessed a \$500 penalty.

IT IS THEREFORE ORDERED that certified vehicle inspector Virgilio Salinas is assessed a \$500 penalty.

SIGNED this 11th day of February, 2021.


Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 11, 2021, 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 new §15.29, concerning Alternative Methods for Driver License Transactions. This rule is adopted without changes to the proposed text as published in the December 25, 2020 issue of the *Texas Register* (45 TexReg 9392) and will not be republished.

Driver License System (DLS) upgrades underway include programming to allow learner license holders to submit proof of completion of requirements to obtain a provisional license through Texas.gov. This will also allow these applicants to obtain duplicates and change their address without visiting a driver license office, reducing the number of times teen license holders must return to the driver license office. Other changes clarify language and requirements for alternative transactions that will include renewals for commercial driver license holders conforming to recent Federal Motor Carrier Safety Administration (FMCSA) rule changes. The new rule is necessary to move the issuance related information from repealed §15.59 into Subchapter B and clarify that learner, provisional and commercial driver license holders may perform transactions through alternative methods.


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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 11, 2021, 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 15.34

The Texas Department of Public Safety (the department) adopts amendments to §15.34, concerning Renewal Period Prior to Expiration. This rule is adopted without changes to the proposed text as published in the December 25, 2020 issue of the *Texas Register* (45 TexReg 9393) and will not be republished.

Minors who are eligible to apply for a provisional license may do so sixty (60) days prior to their 18th birthday. The current rule limits the applicant to a thirty day window for that transaction. The Driver License System (DLS) is programmed to allow the application sixty (60) days prior to their 18th birthday.

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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 11, 2021, 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 C
Section 15.59

The Texas Department of Public Safety (the department) adopts the repeal of §15.59 concerning Alternative Methods for Driver License Transactions. This repeal is adopted without changes to the proposed text as published in the December 25, 2020 issue of the *Texas Register* (45 TexReg 9394) and will not be republished.

This repeal is necessary to move the issuance related information in current §15.59 to new proposed §15.29 in Subchapter B and incorporate the exam related information from §15.59 into §15.62, concerning Additional Requirements in Subchapter C. These proposed simultaneous changes will replace §15.59.


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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 11, 2021, 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 C
Section 15.62

The Texas Department of Public Safety (the department) adopts amendments to §15.62, concerning Additional Requirements. This rule is adopted without changes to the proposed text as published in the December 25, 2020 issue of the *Texas Register* (45 TexReg 9394) and will not be republished.

The Impact Texas Drivers (ITD) program includes components for teens and young adults. The current rule references an adult component that is not being pursued and has been replaced by the teen component of the program. This amendment also adds examination related information from §15.59 that is being repealed.


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.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 11, 2021, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter F
Section 1.92

The Texas Department of Public Safety (the department) adopts new §1.92, concerning Reimbursement of Witnesses at Public Safety Commission Hearings. This rule is adopted without changes to the proposed text as published in the December 25, 2020 issue of the *Texas Register* (45 TexReg 9391) and will not be republished.

New §1.92 was simultaneously proposed with the repeal of §29.201, concerning Reimbursement of Witnesses at Public Safety Commission Hearings to move this section to a more appropriate chapter and subchapter of the department's rules.

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 §411.007(f).

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 February 11, 2021, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Practice and Procedure
Title 37 T.A.C. Part I, Chapter 29
Sections 29.1 - 29.3, 29.5, 29.21, 29.24, 29.27, 29.29, 29.30, 29.32, 29.33

The Texas Department of Public Safety (the department) adopts amendments to §§29.1 - 29.3, 29.5, 29.21, 29.24, 29.27, 29.29, 29.30, 29.32, 29.33, concerning Practice and Procedure. These rules are adopted without changes to the proposed text as published in the December 25, 2020 issue of the *Texas Register* (45 TexReg 9395) and will not be republished.

These amendments are necessary to implement Senate Bill 616 enacted by the 86th Legislature, specifically changes regarding procedures for contested cases.


No comments were received regarding the adoption of these rules.

These rules are 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 §2001.004 which authorizes state agencies to adopt rules of practice concerning contested cases.

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 February 11, 2021, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Practice and Procedure
Title 37 T.A.C. Part I, Chapter 29

Sections §§29.4, 29.6 - 29.10, 29.12 - 29.19, 29.22, 29.23, 29.25, 29.26, 29.28, 29.34, and 29.201

The Texas Department of Public Safety (the department) adopts the repeal of §§29.4, 29.6 - 29.10, 29.12 - 29.19, 29.22, 29.23, 29.25, 29.26, 29.28, 29.34, and 29.201, concerning Practice and Procedure. These repeals are adopted without changes to the proposed text as published in the December 25, 2020 issue of the *Texas Register* (45 TexReg 9398) and will not be republished.

These repeals are necessary to remove department procedural rules currently addressed by Texas Government Code, Chapter 2001, the Texas Rules of Civil Procedure or the administrative rules of the State Office of Administrative Hearings.


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 Government Code, §2001.004 which authorizes state agencies to adopt rules of practice concerning contested cases.

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 February 11, 2021, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Fusion Center Operations
Title 37 T.A.C. Part I, Chapter 38
Sections 38.1 - 38.3

The Texas Department of Public Safety (the department) adopts new §§38.1 - 38.3, concerning General Provisions. These rules are adopted without changes to the proposed text as published in the December 25, 2020 issue of the *Texas Register* (45 TexReg 9399) and will not be republished.

Section 421.084(a) of the Texas Government Code directs the department to adopt rules to govern the operations of fusion centers in this state, including the establishment of a common concept of operations to provide baseline standards to protect privacy, civil rights, civil liberties and promote consistency and interoperability between the fusion centers in the state. Sections 38.1, 38.2 and 38.3 define terms related to the operation of fusion centers, and provide a common concept for operations for fusion centers, including a required annual capabilities assessment.

No comments were received regarding the adoption of these rules.

These rules are 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 Government Code, §421.084, which authorizes the department to adopt rules to govern the operations of the fusion centers in this 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, §2001.033.



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:

Employee Name	Employee Title/Division	Date of Discharge
Claudia Andrade	VESS Counselor/Human Resource Operations	11/23/2020

Approved:

Steven P. Mach
Steven P. Mach, Chairman
Public Safety Commission
Date: February 11, 2021

**SPECIAL RANGER /
SPECIAL TEXAS RANGER APPLICANTS
February 11, 2021**

Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Brassfield, Dennis Wayne	THP	Gatesville	08/31/2020	19	
Cadan, Craig Allen	THP	Hempstead	08/31/2020	23	
Castro, Jr., Manuel Alfredo	SWAT	Edinburg	10/31/2020	22	
Cruddas, John Edward	THP	Belton	04/30/2004	42	
Dillard, Joseph Randall	CID	Austin	10/31/2003	28	
Elgin, Mark Ray	THP	Wichita Falls	06/30/2008	27	
Garrison, Scott J.	THP	Anahuac	01/31/2015	29	
Maldonado, Duane J.	THP	Del Rio	06/30/2014	27	
Mendez, Olivia	CID	El Paso	03/31/2017	28	
Muniz, Enrique	CID	Houston	07/31/2016	29	
Rowles, Billy Earnest	THP	Buna	07/31/1995	28	
West, Derome Daniel	AOD	Del Rio	09/30/2020	23	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Barrera, Arthur Richard	TRD	McAllen	05/31/2015	30	
Lopez, Jr., Andrew	TRD	Beeville	09/30/2010	27	

Approved by the Public Safety Commission on: Steven P. Mack Date: 2/11/21