

**MINUTES
PUBLIC SAFETY COMMISSION
March 14, 2007
Austin, Texas**

The Public Safety Commission met in Austin, Texas on March 14, 2007. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioner Louis E. Sturns. Commissioner Allan Polunsky attended as an observer as he had not yet been confirmed by the Senate.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra & Tom Haas, Accounting & Budget Control
Randy Elliston & Lamar Beckworth, Texas Highway Patrol
Gary Stone, Criminal Law Enforcement
Burt Christian & Valerie Fulmer, Administration
Greg Gloria & Rebekah Lammey, Driver License
Ray Coffman, Texas Rangers
Farrell Walker, Office of Audit & Inspection
Duncan Fox, General Counsel
Ed Kelly & Bryan Lane, Information Management Service
Bill Nabors, Aircraft
Michael Kelley, Legislative Liaison Office
David Outon, Internal Affairs
Dorothy Wright, Secretary

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 Angelo, the minutes of the February 14, 2007 meeting were approved with a noted correction on Pg. 2, Item VIII, where counties should read countries.
- II. **Public comment.** There was no public comment.
- III. **Discharge appeal hearing of DPS employee Michael John Bull.** Michael John Bull appeared before the Commission to appeal his discharge. He was represented by Donald Dickson. DPS was represented by Duncan Fox of the Office of General Counsel. Court reporter was Janalyn Reeves of Esquire Deposition Services. Opening statements were made by Duncan Fox and Donald Dickson. All witnesses were sworn. The witness appearing for DPS was Judy Altom, retired Highway Patrol Lieutenant. Morris Arnold, Regional Commander, was called by DPS but appellant's attorney objected to the relevance of his testimony; objection was sustained by the Chairman. DPS Exhibit #1 was submitted and accepted by the Commission. Michael John Bull was the only witness

appearing for appellant. Appellant Exhibits #1, 2, 3, 4 & 5 were submitted and accepted by the Commission. Closing statements were made by Duncan Fox and Donald Dickson.

- 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. Upon reconvening Regular Session, Commissioner Angelo introduced Allan Polunsky. Upon motion by Commissioner Sturns and seconded by Commissioner Angelo, the Director's discharge of DPS employee Debra Arntfield was affirmed (see attached Order). A motion was made by Commissioner Sturns and seconded by Commissioner Angelo to delay any action on the Michael John Bull discharge hearing until a future meeting. Special Ranger commissions had been considered for DPS retirees Ross Cox, Larry Dittfurth, Antonio Garcia, Kenneth Havins, Jon Lindley, Joe Precella, Randall Rister and John Wells and Special Texas Ranger commissions were considered for DPS retiree Johnny Billings and Frederick Lohmann of the National Insurance Crime Bureau. Upon motion by Commissioner Sturns and seconded by Commissioner Angelo, Special Ranger and Special Texas Ranger commissions were approved for the above named individuals respectively.
- V. Budget matters.** Oscar Ybarra updated the Commission on the ongoing DPS budget process and the status of our exceptional items request. There was some discussion on the FTE cap and gasoline prices.
- VI. Audit & Inspection report.** Farrell Walker gave the audit & inspection report. There was some discussion on Concealed Handgun License fees and the processing backlog in that office.
- VII. Division reports.** Burt Christian gave the Administration Division report, including an update on livescan deployment, electronic arrest reporting, CHL processing backlog, fleet and building programs and the upcoming recruit school. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on a recent trooper injury, recent successful drug traffic stops and the 2006 Traffic Stop Data report. Greg Gloria gave the Driver License Division report, including an update on the reengineering project, legislation affecting driver license issues, and the Real ID Act. The Driver Responsibility Program update was given by Greg Gloria. Jack Colley gave the Emergency Management Division report briefing the Commission on ongoing monetary assistance for major disasters and emergency declarations, ongoing drought conditions, the homeland security grant process and training of local officials for disaster response. The Criminal Law Enforcement Division report, including CLE's activity on the follow-up of THP traffic stops, was given by Gary Stone. Ray Coffman gave the Ranger Division report, including an update of the Rangers participation in the Texas Youth Commission investigations. The Information Management Service report was given by Ed Kelly. The

Commission and Colonel McEathron expressed appreciation to Ed for his outstanding service to DPS as he leaves for other opportunities.

VIII. For publication for public comment.

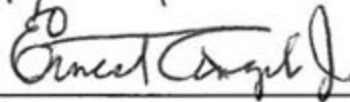
A. Proposed amendment to Rule 29.9, 37 TAC Sec. 29.9, relating to service of pleadings and motions via regular mail pursuant to State Office of Administrative Hearing Rules of Procedure. Duncan Fox briefed the Commission on the proposed amendment. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the attached amendment for publication for public comment.

IX. For adoption.

A. Proposed amendment to Rule 16.100, 37 TAC Sec. 16.100, relating to Sanctions and Disqualifications to be reported on Commercial Driver Licenses as a result of traffic convictions, as published in 32 TexReg 285, January, 26, 2007. Duncan Fox briefed the Commission on the proposed amendment. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the attached amendment for final adoption.

There being no further business, the meeting was adjourned.

Read and approved this 10th day of April, 2007.



Chairman



Member



Member

IN THE MATTER OF
THE APPEAL OF DISCHARGE OF
DEBRA ARNTFIELD

§
§
§
§
§

BEFORE THE
PUBLIC SAFETY COMMISSION
IN AUSTIN, TRAVIS COUNTY, TX


ORDER

BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Debra Arntfield, on the 14th day of February, 2007. Ms. Arntfield received adequate notice of the hearing on this matter and did appear in person. Therefore, pursuant to §411.007, Government Code, the Commission proceeded to hear evidence in the above-captioned matter.

After reviewing all of the evidence presented at the hearing, the Commission finds that there is just cause to discharge Debra Arntfield and affirms the Director's decision in this matter.

On motion of Commissioner Sturns, seconded by Commissioner Angelo, the discharge was affirmed.

ENTERED AND SIGNED on the 14th day of March, 2007.



Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On March 14, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Commercial Drivers License
Title 37 T.A.C. Part I, Chapter 16
Subchapter D
Section Number 16.100

The Texas Department of Public Safety adopts amendments to Section 16.100, concerning Sanctions And Disqualifications, without changes to the proposed text as published in the January 26, 2007, issue of the Texas Register (32 TexReg 285).

Adoption of amendments to Section 16.100 are necessary in order to change the name of the title and to clarify to the courts that the information in the rule is necessary at the conviction level and not the citation level.

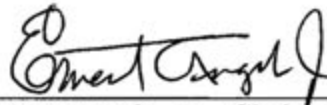
No comments were received regarding adoption of the amendments.

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.

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