MINUTES
PUBLIC SAFETY COMMISSION
October 28, 2003
Austin, Texas

The Public Safety Commission met in Austin, Texas on October 28, 2003. Attending the meeting were Chairman Colleen McHugh and Commissioners Robert Holt and James B. Francis, Jr.

DPS Staff members present:
Tommy Davis, Director
David McEathron, Assistant Director
Tom Haas, Accounting & Budget Control
Randy Elliston, Lamar Beckworth, Bob Burroughs & David Palmer, Highway Patrol Division
C. J. Havrda & Earl Pearson, Rangers
Marshall Caskey & Kent Mawyer, Criminal Law Enforcement
Burton Christian, Administration
Judy Brown & Greg Gloria, Driver License
Farrell Walker & Jude Schexnyder, Audit & Inspection
Mary Ann Courter, General Counsel
Mary Lauderdale & Ed Kelly, Information Management Service
Tela Mange, Public Information
David Outon, Internal Affairs
Valerie Fulmer, Crime Records
Jack Reichert & Steve Powell, Aircraft
Andy Mokry, Building Program
Michael Kelley, Legislative Liaison
Dorothy Wright, Secretary

Guests present:
Colby Bueuck & Stacy Gunkel, Lieutenant Governor's Office
Mary Ann Wiley, Governor's Office
Alfonso Royal, Valerie Onyett & Lori Gabbert, Legislative Budget Board
Lucius Lomax

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

I. **Minutes.** Upon motion by Commissioner Francis and seconded by Commissioner Holt, the minutes of the September 24, 2003 meeting were approved.

II. **Public comment.** There was no public comment.

III. **Discussion and possible action on tape recording employee discharge hearings.** Upon motion by Commissioner Holt and seconded by Commissioner Francis, the tape recording of discharge appeal hearings held before the Commission was unanimously approved.

IV. **Acceptance of 1.5 acre tract land located in Wallisville, Texas, Chambers County.** Burt Christian briefed the Commission on the proposed donation by John G. Middleton of a 1.5 acre tract of land located in Wallisville, Chambers County, Texas for use in constructing a

DPS facility. There was some discussion on this matter. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the donation was unanimously accepted.

V. **Budget matters.** Tom Haas gave the budget report. There was some discussion on the Department's exemption for commissioned officers from the budget reduction due to the retirement incentive. Also discussed were items requested in the LAR that were not funded by the legislature and additional costs and budget reductions in the Department's appropriations.

VI. **Audit & Inspection Report.** Farrell Walker gave the Audit & Inspection report.

VII. **Division reports.** Burt Christian gave the Administration Division report. There was some discussion on livescan and electronic arrest and disposition reporting, the sex offender registration database, CHL processing, recruit schools, the Houston Regional building and other building projects. Randy Elliston gave the Texas Highway Patrol Division report. There was some discussion on compliance enforcement efforts of Houston private school bus companies, additional troopers and vehicles, overtime salaries for traffic enforcement efforts, the commercial driver record database, TLE drug interdiction efforts and Division promotions. The Driver License Division report was given by Judy Brown. There was some discussion on the DL reengineering and CRIS projects, formation of a fraud unit, and online driver license/identification card renewal and duplicate requests. Marshall Caskey gave the Criminal Law Enforcement Division report. There was some discussion on the civil commitment program, arrest of some of Texas Top 10 most wanted persons, Kingsville's 8-liner operation, joint information sharing, and CODIS and DNA forensic case backlogs. The Ranger report was given by C. J. Havrda. Mary Lauderdale gave the Information Management Service report. Bob Burroughs gave an update on joint efforts between DPS and the Texas Commission on Environmental Quality (TCEQ) for implementation of the State's vehicle emissions inspection/maintenance program. Lamar Beckworth updated the Commission on the border safety inspection stations.

VIII. **For publication for public comment.**

A. **Proposed amendment to Rule 1.129, 37 TAC Sec. 1.129, relating to fees for sale of motor vehicle accident reports in Highway Patrol offices.** Mary Ann Courter briefed the Commission on the proposed amendment. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the attached amendment was unanimously approved for publication for public comment.

B. **Proposed repeal of Rule 3.59 & 3.62, 37 TAC Secs. 3.59 & 3.62, relating to traffic supervision**

C. **Proposed repeal of Rule 3.74, 37 TAC Sec. 3.74, relating to inspection requirements on commercial motor vehicles under Texas-New Mexico Reciprocal and Proration Agreement**

D. **Proposed repeal of Rule 3.101, 37 TAC Sec. 3.101, relating to on-site coordination of hazardous material transportation emergencies**

E. **Proposed repeal of Rule 3.111, 37 TAC Sec. 3.111, relating to animal health Memorandum of Understanding**

F. **Proposed Rules 3.141-3.150 & 3.161-3.176, 37 TAC Secs. 3.141-3.150 & 3.161-3.176, relating to protection of state buildings and grounds and parking and traffic administration**

G. **Proposed repeal of Rules 4.1-4.10, 37 TAC Secs. 4.1-4.10, relating to protection of state buildings and grounds**

H. **Proposed repeal of Rules 4.31-4.46, 37 TAC Secs. 4.31-4.46, relating to parking and traffic administration**

I. **Proposed Rules 4.1, 4.2, 4.11-4.20, 4.31-4.37 & 4.51-4.55, 37 TAC Secs. 4.1, 4.2, 4.11-4.20, 4.31-4.37 & 4.51-4.55, relating to commercial vehicle regulations and enforcement procedures**

J. **Proposed repeal of Rules 11.1-11.5, 37 TAC Secs. 11.1-11.5, relating to commercial vehicle registration enforcement**

K. **Proposed repeal of Rules 11.51-11.53, 37 TAC Secs. 11.51-11.53, relating to weight law enforcement**

L. **Proposed repeal of Rule 11.61, 37 TAC Sec. 11.61, relating to vehicle size limitations and special permits**

M. **Proposed repeal of Rule 21.6, 37 TAC Sec. 21.6, relating to minimum standards for scales not furnished by the Texas Department of Public Safety and used for law enforcement purposes**

N. **Proposed repeal of Rules 23.101 & 23.102, 37 TAC Secs. 23.101 & 23.102, relating to commercial motor vehicle compulsory inspection program**

Randy Elliston briefed the Commission on the above proposed repeals and rules. Upon motion by Commissioner Holt and seconded by Commissioner Francis, the attached rules and repeals were unanimously approved for publication for public comment.

IX. **Personnel matters; pending and contemplated litigation; ongoing criminal investigations; status of purchase of real property.** Commissioner Francis announced he would be submmitting his resignation from the Commission within the next several weeks because of another commitment. The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters including the Director's intent to discharge probationary employees, Special Ranger and Special Texas Ranger commissions, pending and contemplated litigation, status of purchase of real property, and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner McHugh announced that the Commission had discussed personnel matters, pending litigation and ongoing criminal investigations. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the Commission unanimously consented to the Director's discharge of probationary employees Elena Flores, Albert Flowers, Christopher Engleman, Allison Mendez-Mead, Elena Lopez, Justin Martinez, Donna Kersten, Shannon Hamilton-White, Sonja Veals, Jo Ann Leos, Lisa McDonald, William Wilkerson, Jeanette Masse, Patricia Wilbanks, Sunye Braswell, Nancy Olvera, Aliana Duron, Jose Llanas, Lacey Clark, Thuy Nguyen, Derrick Batts, Nancy Goldberg, Nakeyta Neblett, Donna Cox, Mohamed Dakkak, Sharon Fresch, Jessica Druesdow, Kristina Reed, Edith Fontenot, Marcie Reed, Hoyt O'Neal, Tammy Flores, Denny Leerhoff, Juanita Hodges and Micki Prescott (see attached). Special Ranger commissions had been considered for DPS retirees Joseph Dillard, Grant Drake, Jerry Mead and Wendell Miller and a Special Texas Ranger commission had been considered for DPS retiree Bobby Grubbs. Upon motion by Commissioner Holt and seconded

by Commissioner Francis, Special Ranger and Special Texas Ranger commissions were approved for the above named individuals respectively.

A motion was made by Commissioner Francis and seconded by Commissioner Holt adjourning the meeting.

Read and approved this 25 day of November, 2003.

Chairman

Member

Member

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(f), 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 the discharge of these employees:

Employee Name	Employee Title/Division	Date of Discharge
Elena Flores	DL Technician/DL	1/4/2002
Albert Flowers	Word Processing Operator II/DL	1/15/2002
Christopher Engleman	PCO I/TLE	1/30/2002
Allison Mendez-Mead	Technician/DL	2/6/2002
Elena Lopez	Record Technician I/ADMIN	2/7/2002
Justin Martinez	Word Processing Operator II/DL	3/13/2002
Donna Kersten	Administrative Technician/DL	3/15/2002
Shannon Hamilton-White	Administrative Technician I/DL	3/28/2002
Sonja Veals	Administrative Technician I/DL	4/22/2002
Jo Ann Leos	Clerk IV/DL	5/1/2002
Lisa McDonald	Budget Analyst II/DIR	5/31/2002
William Wilkerson	Clerk IV/TLE	6/6/2002
Jeanette Masse	Recovery Clerk/ADMIN	6/7/2002
Patricia Wilbanks	Clerk IV/DL	6/12/2002
Sunye Braswell	Communications Operator/ADMIN	6/17/2002
Nancy Olvera	Communications Operator/TLE	6/19/2002
Aliana Duron	Clerk IV/DL	6/25/2002
Jose Llanas	Inspector II/TLE	8/5/2002
Lacey Clark	Data Entry Operator II/TLE	9/16/2002
Thuy Nguyen	Data Entry Operator II/DL	9/28/2002
Derrick Batts	Clerk IV/DL	10/7/2002

Nancy Goldberg	Data Entry Operator/DL	10/11/2002
Nakeyta Neblett	Clerk IV/DL	10/18/2002
Donna Cox	Data Entry Operator II/DL	10/31/2002
Mohamed Dakkak	Clerk IV/ADMIN	11/2/2002
Sharon Fresch	Clerk IV/DL	11/6/2002
Jessica Druesdow	Records Technician I/ADMIN	12/6/2002
Kristina Reed	Clerk IV/ADMIN	12/17/2002
Edith Fontenot	Fingerprint Technician I/ADMIN	2/5/2003
Marcie Reed	Administrative Tech. II/CLE	6/25/2003
Hoyt O'Neal	Trooper-Trainee/ADMIN	6/26/2003
Tammy Flores	Secretary IV/TLE	6/26/2003
Denny Leerhoff	Clerk IV/DIR	7/31/2003
Juanita Hodges	Security Worker III/TLE	8/1/2003
Micki Prescott	Clerk IV/DL	8/15/2003

Approved:

Colleen McHugh, Chairman
Public Safety Commission
Date: October 28, 2003