

**MINUTES
PUBLIC SAFETY COMMISSION
October 27, 2004
Austin, Texas**

The Public Safety Commission met in Austin, Texas on October 27, 2004. Attending the meeting were Chairman Colleen McHugh and Commissioners Robert Holt and Carlos Cascos.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Tom Meredith & Cal Vanderwal, Accounting & Budget Control
Randy Elliston, Highway Patrol Division
Kent Mawyer, Criminal Law Enforcement
Burt Christian, Administration
Frank Elder & Greg Gloria, Driver License
Earl Pearson & Ray Coffman, Texas Rangers
Farrell Walker, Audit & Inspection
Mary Ann Courter, General Counsel
Mary Lauderdale & Ed Kelly, Information Management Service
Tela Mange, Public Information
David Outon, Internal Affairs
Jack Reichert & Steve Powell, Aircraft
Rick Kautz, Information Resource
Michael Kelley, Legislative Liaison Office
Dorothy Wright, Secretary

Guests present:

Mark Fellman
Stacey Nicchio, Speaker Craddick's office
Donald Dickson, Parker Law Firm

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

- I. **Minutes.** Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the minutes of the September 28, 2004 meeting were approved.
- II. **Public comment.** There was no public comment.
- III. **Budget matters.** Tom Meredith gave the budget report. There was some discussion on FY05 additional operating costs, possible budget shortfalls and mandated budget reductions.
 - A. **Acceptance of donation of surveillance equipment from Leon Valley Police Department.** Kent Mawyer briefed the Commission on the proposed donation.

Upon motion by Commissioner Holt and seconded by Commissioner Cascos, the surveillance equipment was accepted.

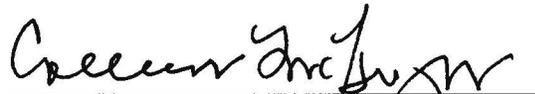
B. Acceptance of donation of easements in Wallisville, Texas for DPS area office. Burt Christian advised that Commission action on this item needed to be postponed as the proper paperwork has not been completed.

- IV. Audit & Inspection report.** Farrell Walker gave the audit & inspection report. There was some discussion on the Region I DL office and CLE seized asset audits, implementation dates of manager responses to audit recommendations and the seized asset forfeiture process.
- V. Division reports.** Burt Christian gave the Administration Division report. There was some discussion on the NCHIP grant for a pilot project on slap fingerprints taken by some county courts and private security applications and investigations. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on EPIC awards recently presented to DPS and specific DPS personnel, various traffic stops, THP drug interdiction efforts and currency seizures. Frank Elder gave the Driver License Division report, including an update on the DL reengineering, driver responsibility program and CRIS projects. There was some discussion on recent driver license mismailing problems and efforts to correct and remedy the problem. The Criminal Law Enforcement Division report was given by Kent Mawyer. There was some discussion on the TSAAC Security Analysis Center, JTTF task forces, counter-terrorism efforts, activities of the various services, CODIS processing, and the forensic DNA backlog and possible solutions to alleviate that backlog. Earl Pearson gave the Ranger Division report. The Information Management Service report was given by Mary Lauderdale.
- VI. For publication for public comment**
- A. Rules 15.161 & 15.162, 37 TAC Secs. 15.161 & 15.162, relating to implementation of the Driver Responsibility Program.** Frank Elder briefed the Commission on the proposed rules. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the attached rules were unanimously approved for publication for public comment.
- VII. 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, including the Director's action of discharging employee Kelvin Love; 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 and contemplated litigation and ongoing criminal investigations. Special Ranger commissions had been considered for DPS retirees James Walker and Ralph Daniel Woods, III. Upon motion by Commissioner Cascos and seconded by Commissioner

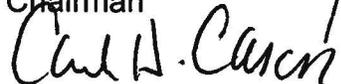
Holt, Special Ranger commissions were approved for the above named individuals. A motion was made by Commissioner Holt, seconded by Commissioner Cascos and unanimously passed affirming the Director's discharge of DPS employee Kelvin Love.

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

Read and approved this 1st day of December, 2004.



Chairman



Member



Member

IN THE MATTER OF
THE APPEAL OF DISCHARGE OF
KELVIN L. LOVE, SR.

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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 Kelvin L. Love, Sr. on the 28th day of September, 2004. Mr. Love received adequate notice of the hearing on this matter and did appear in person, by, and through counsel. 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 Kelvin L. Love, Sr. and affirms the Director's decision in this matter.

On motion of Comm. Holt, seconded by Comm. Casco, the discharge was affirmed.

ENTERED AND SIGNED on the 27th day of October, 2004.



Colleen McHugh, Chairman
Public Safety Commission