

**MINUTES
PUBLIC SAFETY COMMISSION
May 15, 2007
Austin, Texas**

The Public Safety Commission met in Austin, Texas on May 15, 2007. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioners Louis Sturns and Allan Polunsky.

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
Kent Mawyer & Gary Stone, Criminal Law Enforcement
Burt Christian, Administration
Judy Brown & Greg Gloria, Driver License
Ray Coffman, Texas Rangers
Farrell Walker, Office of Audit & Inspection
Jack Colley & Carolyn Loony, Emergency Management Division
Mary Ann Courter, General Counsel
James Brubaker & Bryan Lane, Information Management Service
Jack Reichert, Aircraft
Michael Kelley, Legislative Liaison Office
Kevin Wilkie, Internal Affairs
Tela Mange, Public Information Office
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 Polunsky, the minutes of the April 10, 2007 meeting were approved.
- II. **Public comment.** There was no public comment.
- III. **Budget matters.** Oscar Ybarra updated the Commission on the ongoing legislative budget process, vacancies, gasoline prices and the Appropriations rider allowing additional reimbursement to DPS for increased gasoline prices. There was some discussion on bulk gas purchases and statewide distribution.
- IV. **Audit & Inspection report.** Farrell Walker gave the audit & inspection report.
- V. **Division reports.** Burt Christian gave the Administration Division report, including an update on livescan device deployment, crime record expunction backlog, CHL applicant processing, private security investigations and inspections and ongoing recruit schools. There was some discussion on DPS efforts to validate sex offender registry information.

The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on a recent leadership award to the Commercial Vehicle Enforcement Service by the Federal Motor Carrier Safety Administration, criminal and drug interdiction efforts and commercial vehicle enforcement. Judy Brown gave the Driver License Division report, including an update on the DL reengineering project, proposed legislation pertaining to driver license issues and the Real ID Act and a recent commercial driver license program improvement grant awarded to DPS. The Driver Responsibility Program update was given by Judy Brown. Jack Colley gave the Emergency Management Division report. There was some discussion on open disasters in Texas, the recent Hurricane Conference, upcoming hurricane exercises, task forces for disaster response and implementation of the recommendations made by the Governor's Evacuation Task Force. The Criminal Law Enforcement Division report, including ongoing activities of the various CLE services and 8-liner enforcement, was given by Kent Mawyer. Ray Coffman gave the Ranger Division report. There was some discussion on ongoing Texas Youth Commission investigations. Colonel McEathron introduced James Brubaker as the new Information Management Service Chief and gave an overview of the IMS reorganization. Chief Brubaker gave the Information Management Service report. There was some discussion on overall problems within DPS of existing information technology programs not being compatible and efforts to remedy this situation.

VI. For publication for public comment.

A. Proposed amendment to Rules 34.22 and 34.24, 37 TAC Secs. 34.22 and 34.24, relating to negotiation of Contract Disputes. Mary Ann Courter briefed the Commission on the proposed amendment. A motion was made by Commissioner Polunsky and seconded by Commissioner Sturns approving the attached amendments for publication for public comment.

VII. For final adoption.

A. Proposed amendment to Rule 15.92, 37 TAC Sec. 15.92, relating to updating the list of NATO member countries for Reciprocity in Driver Licensing, as published in 32 TexReg 1048, March 2, 2007. Mary Ann Courter briefed the Commission on the proposed amendment. A motion was made by Commissioner Sturns and seconded by Commissioner Polunsky approving the attached amendment for final adoption.

VIII. 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 employees Michael John Bull and Julie Cyprow; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, a motion was made by Commissioner Sturns and seconded by Commissioner Polunsky affirming the Director's action of discharging Michael John Bull. Motion passed unanimously (see attached Order). A motion was made by Commissioner Polunsky and seconded by Commissioner Sturns affirming the

Director's action of discharging employee Julie Cyprow. Motion carried unanimously (see attached Order). Upon motion by Commissioner Sturns, seconded by Commissioner Polunsky and unanimously passed, a Special Ranger commission was approved for DPS retiree Kenneth Graniczny and a Special Texas Ranger commission was approved for DPS retiree George Frasier.

There being no further business, the meeting was adjourned.

Read and approved this 12th day of June, 2007.



Chairman



Member



Member

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On May 15, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Supchapter E
Section Number 15.92

The Texas Department of Public Safety adopts amendments to Section 15.92, concerning Reciprocity in Driver Licensing, without changes to the proposed text as published in the March 2, 2007, issue of the Texas Register (32 TexReg 1048).

Adoption of the amendments to Section 15.92 are necessary in order to update the list of NATO member countries adhering to the NATO Status of Forces Agreement.

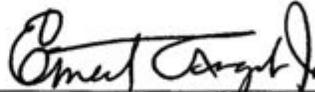
No comments were received regarding adoption of the amendments.

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; and Texas Transportation Code, Section 521.005.

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



IN THE MATTER OF
THE APPEAL OF DISCHARGE OF
MICHAEL JOHN BULL

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

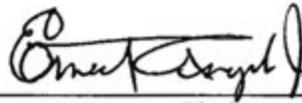
ORDER

BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Michael John Bull, on the 14th day of March, 2007. Mr. Bull received adequate notice of the hearing on this matter and did appear in person 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 Michael John Bull and affirms the Director's decision in this matter.

On motion of Comm. Sturns, seconded by Comm. Polunsky, the discharge was affirmed.

ENTERED AND SIGNED on the 15th day of May, 2007.



Ernest Angelo, Jr., Chairman
Public Safety Commission

USA

IN THE MATTER OF
THE APPEAL OF DISCHARGE OF
JULIE CYPROW

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

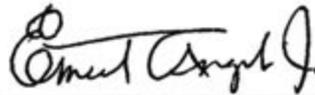
ORDER

BE IT REMEMBERED that the Public Safety Commission ("Commission") convened to hear the appeal of discharge of Julie Cyprow, on the 10th day of April, 2007. Ms. Cyprow received adequate notice of the hearing on this matter and did appear in person 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 Julie Cyprow and affirms the Director's decision in this matter.

On motion of Comm. Polunsky, seconded by Comm. Sturns, the discharge was affirmed.

ENTERED AND SIGNED on the 15th day of May, 2007.



Ernest Angelo, Jr., Chairman
Public Safety Commission

