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OPEN MEETING

PUBLIC SAFETY COMMISSION

DECEMBER 17, 2008

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On the 17th of December, 2008, the following  
meeting was held in Austin, Travis County, Texas

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1 APPEARANCES

2 COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:

- 3 Allan B. Polunsky, Chair
- 4 C. Tom Clowe
- 5 Carin Marcy Barth
- 6 Ada Brown
- 7 John Steen

8 DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:

- 9 Colonel Stanley E. Clark
- 10 Lt. Colonel Lamar Beckworth, Assistant Director
- 11 Dorothy Wright, Executive Assistant
- 12 Duncan Fox, Acting General Counsel
- 13 Michael Kelley, Legislative Liaison

1 We have quite a various in most of the  
 2 industries we're involved with are involved in private  
 3 security in some manner, private investigations, alarm  
 4 systems and lock smith systems. We're here to help  
 5 y'all in any way that we can, and be of assistance to  
 6 you, and work with you and DPS through the upcoming  
 7 legislative session and the Sunset Commission regulatory  
 8 services.

9 And if I can answer any questions any of you  
 10 might have, I'll be more than happy to. Feel free to  
 11 call me at any time for any assistance that you might  
 12 have. And I would like to tell you that there are  
 13 several members of our industry here that would be  
 14 (Inaudible) threshold today as well. Thank you very  
 15 much for your time.

16 MR. POLUNSKY: Thank you, Mr. Chisolm.  
 17 Are there any questions for Mr. Chisolm at this time?

18 MS. BROWN: Thank you for your welcome.

19 MR. POLUNSKY: Thank you, and we look  
 20 forward to working with you as we go forward into the  
 21 legislative session. Yes?

22 ALLEN TREVINO: Also with one of the  
 23 associations.

24 MR. POLUNSKY: That's fine.

25 ALLEN TREVINO: Good morning. My name is

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MR. POLUNSKY: (Roll call) I am present.

This is a quorum present. The Texas Public Safety Commission is called to order in accordance with Chapter 551 of the Texas Government Code, the Open Meetings Act. A quorum of the Commission has been declared present and the meeting is now declared open. It is 10:37 a.m.

First item on the agenda this morning is public comment. Are there any people here today who would like to address the Public Safety Commission at this time? Yes, sir. Would you please give your name and address, please, and you'll be limited to five minutes.

My name is John Chisolm. My address, 2728 Ridgeview Lane, Irving, Texas. I'm chairman of the Private Security Board, here to thank you, Mr. Chairman and the members of the Commission for the assistance that y'all have given us in endeavors that we do being a board that is under y'all's direction.

To the new members of the board, the Commission here, the Private Security Board is a seven-member board appointed by the Governor. Our primary responsibility is the licensing and regulation of approximately 5,000 companies, 187 continuing education schools, and 131,200 individuals in the State of Texas.

1 Allen Trevino, 8708 Barrow Glen Loop, Austin, Texas  
 2 78749. Welcome to the new members. And I appreciate  
 3 you giving us the opportunity to address you. I am an  
 4 owner of a security company here in Austin, also  
 5 recently retired from DPS. I served 20 years with the  
 6 Department of Public Safety, 11 years with the Highway  
 7 Patrol, and nine years on the Governor's Protective  
 8 Detail.

9 I am here representing ASSIST. ASSIST is  
 10 the Associated Security Services and Investigators of  
 11 the State of Texas. And I am the regional president of  
 12 our association and on the state board. We are a trade  
 13 organization regulated by the Private Security Bureau of  
 14 the Texas Department of Public Safety, and we have a  
 15 membership of the approximately 185 owners and managers.  
 16 We are for strong enforcement and want companies and  
 17 individuals operating illegally to be caught and  
 18 punished.

19 Before DPS enforcement was almost  
 20 nonexistent. To bore you with a little bit of  
 21 statistics, they are staggering just to indicate the  
 22 volume of work that the Public Safety -- the Private  
 23 Security Bureau does. As the Commissioner mentioned,  
 24 there are 5,500 companies registered with the Texas  
 25 Private Security Bureau of which 2,817 are Class B

<p style="text-align: right;">6</p> <p>1 Licenses. Class B Licenses are guard only, and 650                  2 active licenses which are Class C License, which is a                  3 combination; those companies can do both guard and                  4 investigations work.                  5       There are 115,000 individual license of                  6 which nearly 90,000 of them fall under the category of                  7 what ASSIST represents being the investigations and                  8 guard work. Of that, there are 65,000 noncommissioned                  9 officers and 18,000 commissioned officers. Under                  10 investigations performed by the Department of Public                  11 Safety from, August to October of 2008, there were 1,129                  12 violations investigated by investigators from DPS.                  13       Of those unlicensed cases opened operating                  14 without an expired license, there were 12 -- there were                  15 operating with suspended licenses, 246 and operating                  16 without a license are 88. Those are companies that are                  17 operating illegally that we as an association want the                  18 DPS to continue to enforce and to bring before the                  19 court.                  20       Of that 88, 51 criminal cases were filed.                  21 The most staggering numbers are what this agency does in                  22 licensing companies. Original company license --                  23 applications received for a company, 140 in a                  24 three-month period. Original company licenses issued,                  25 190. If you multiply that out for a year, you're</p>	<p style="text-align: right;">8</p> <p>1 amounts of companies that could come in from other                  2 states.                  3       We also testified before the Senate                  4 Committee on Transportation and Homeland Security asking                  5 to be included in future planning and response to                  6 disasters working with the Texas Private Security                  7 Bureau. Finally, my reason for being here is we are                  8 very much in sport of DPS and the Private Security                  9 Bureau to continue to regulate, enforce and license our                  10 industry. We are for strong enforcement.                  11       We believe that under DPS we have progressed                  12 enormously, and moving under any other state agency                  13 would be detrimental to our goals. DPS is fully capable                  14 of performing all functions of licensing, regulating and                  15 enforcement of our industry whereas other agencies may                  16 not have the capacity of all requirements such as                  17 enforcement.                  18       We support the effort of finding a new                  19 computer system that would professionalize the look of                  20 the current licenses issued to officers and make it --                  21 streamline the ability to secure a registration online.                  22 And, again, I appreciate the opportunity to speak before                  23 the board.                  24       MR. POLUNSKY: Thank you, Mr. Trevino. Are                  25 there any questions for Mr. Trevino at this time?</p>
<p style="text-align: right;">7</p> <p>1 looking at roughly 760 new companies in the security                  2 industry applying for a license and being issued.                  3       Renewal company applications are received,                  4 1,377, and renewal company license issued, 1,414.                  5 Again, another staggering number, original individual                  6 applications received in a three-month period, 10,200.                  7 And those there were issued in the same period, 11,585.                  8 Again, multiplying that out for a full year, you're                  9 talking 46,000 individuals applying for a license in the                  10 State of Texas in a year's period.                  11       Another area of concern for us is emergency                  12 management. Hurricane Ike made landfall on September                  13 the 13th of 2008. A proclamation was issued suspending                  14 all rules and regulations on September the 8th. From an                  15 association standpoint, we have concerns with that, and                  16 we responded on September the 12th outlining potential                  17 problems in that these companies that would be coming in                  18 were unlicensed by Texas, there was not any regulation                  19 for their insurance, no criminal background checks done                  20 on these companies that were coming from out of state.                  21       A letter was generated by Colonel Clark with                  22 the Department of Public Safety on September 16th                  23 allowing adjacent states for a two-week period only and                  24 that they most notify in writing and provide a copy of                  25 license and insurance, which significantly impacted the</p>	<p style="text-align: right;">9</p> <p>1       MR. CLOWE: No questions.                  2       MR. POLUNSKY: Thank you for being here.                  3 Anybody else? Yes, sir.                  4       MIKE SAMULIN: Mr. Chairman, Commission                  5 members, Colonels, my name is Mike Samulin. I'm here                  6 today representing the Texas Burglar and Fire Alarm                  7 Association. I've been appointed by the president of                  8 TBFAA to be the liaison to the Private Security Bureau                  9 and board and to the Public Safety Commission.                  10       I did serve for eight years of a six-year                  11 term -- you can do the math on that, the government                  12 math -- on the Private Security Board. The last four                  13 years were as vice chairman. The TBFAA is definitely in                  14 support of the Department of Public Safety and the                  15 Private Security Board.                  16       I can offer you some unique perspectives, if                  17 any of you have any questions regarding Private Security                  18 Board and DPS and the industry. And our legislative                  19 consultants will be working closely with TBFAA and DPS                  20 and PSB through the session to try and make sure we                  21 achieve all the goals that we would like to this                  22 session. That's all I wanted to say today. Thank you                  23 very much for your time.                  24       MR. POLUNSKY: Thank you, Mr. Samulin. Any                  25 questions?</p>

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1 MS. BROWN: Sir, if you don't mind, if  
 2 you're comfortable, would you mind giving your address.  
 3 MIKE SAMULIN: I'm sorry. Yes, 100 Galleria  
 4 Fair, San Antonio, Texas. Forgot that part.  
 5 MS. BROWN: No problem. Thank you.  
 6 KELLY RIDDLE: My name is Kelly Riddle, 2553  
 7 Jackson Keller, San Antonio, Texas 78230. I'm here  
 8 representing TALI, Texas Association of License  
 9 Investigators. I'm on the board of directors. And our  
 10 main point today is that we are, as well, receptive to  
 11 DPS. They have done an outstanding job since we came  
 12 under their watch. One of our main concerns is  
 13 enforcement.  
 14 Unlike security guard companies, we're a  
 15 little bit harder to find out there, so we're not as  
 16 easily enforced. But we have -- as an association have  
 17 created an enforcement committee, per se, which is  
 18 designed to turn in those people that we know are  
 19 operating unlicensed. And Captain Bowle and his  
 20 troopers have done an excellent job of taking those  
 21 complaints and working them aggressively.  
 22 The only other thing that we really would  
 23 like to see is professional credentials. I don't know  
 24 if you're aware of it or not, but our credentials are  
 25 basically on a piece of paper that you cut out and put

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1 your own picture on it and laminate it. I personally am  
 2 licensed from California all the way over to Florida, so  
 3 I have a variety of licenses, and a lot of them are more  
 4 professional.  
 5 It poses problems for our members when they  
 6 go to a jail or department of corrections, things of  
 7 that nature, and they are in need of interviewing  
 8 someone in jail. Those credentials are not -- a lot of  
 9 times they're not taken at face value because they're  
 10 not professional looking. So we have a few things along  
 11 that line that we'd like to see increased and amended.  
 12 But our main point is that we're very happy  
 13 with DPS. They're doing an outstanding job and we  
 14 appreciate their oversight and y'all's as well. Any  
 15 questions?  
 16 MR. POLUNSKY: Mr. Riddle -- do you have a  
 17 question, Mr. Clowe?  
 18 MR. CLOWE: No question.  
 19 MR. POLUNSKY: Any questions for Mr. Riddle?  
 20 KELLY RIDDLE: Thank you.  
 21 MR. POLUNSKY: Thank you. Anyone else?  
 22 JOHN ARNOLD: Hello. My name is John  
 23 Arnold. I am from Corinth. 3012 Park Ridge, Corinth,  
 24 Texas. I am president of the Texas Locksmiths  
 25 Association. Again, we're here today to, with several

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1 of my board members, to show our support for the Private  
 2 Security Bureau and the Department of Public Safety.  
 3 I've got some more board members with us here. We have  
 4 Rick (Inaudible) from El Paso; Bill Bibee from Cleburne,  
 5 Texas. We have Jason Stewart, he's from Beaumont -- not  
 6 Beaumont, Odessa; and Troy Menard is from the Austin  
 7 area.  
 8 Again, we are licensed by the State under  
 9 the Private Security Bureau and -- which is currently  
 10 part of the Department of Public Safety. We represent  
 11 about 650 companies and their employees who are in the  
 12 locksmith business. The Private Security Board board  
 13 and the Department of Public Safety has been a very good  
 14 fit for us. We figured that we're in the security  
 15 business, and it kind of fits, you know, the business  
 16 we're in, to work with the Department of Public Safety.  
 17 They also have authority to help us a little bit more  
 18 than maybe a private -- a different sector might, as far  
 19 as enforcement goes.  
 20 We legally possess burglary tools and have  
 21 burglary knowledge that we use in our day-to-day work.  
 22 We have access to customer's keys, and their combination  
 23 to their safes, and a lot of physical security of  
 24 different businesses and individuals. We're very  
 25 concerned about, at this time, that there's a lot of

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1 unlicensed activity in the State of Texas.  
 2 Much of this unlicensed activity is coming  
 3 from out of state companies that are using fraudulent  
 4 business activities. They are flooding the Yellow Pages  
 5 with fake ads. They're using other people's addresses  
 6 and they're advertising that do not belong to them,  
 7 belong to legitimate companies.  
 8 On the Internet search engines, you can  
 9 search for a legitimate locksmith company -- like, I  
 10 believe Cothrin's here in Austin was on the news  
 11 recently. If you go in and put "Cothrin's Locksmith,  
 12 Austin," you will get a banner ad that comes up that  
 13 says, Cothrin's Locksmith and the phone number, and that  
 14 ad is not Cothrin's. It belongs to a company in New  
 15 York.  
 16 They send people out, a lot of times, who  
 17 are not even here legally, you know, from another  
 18 company to fraudulently overcharge customers a great  
 19 deal of money who are in distress a lot of times. Maybe  
 20 someone locked out of a car or house. And they're not  
 21 only giving our trade a very bad name. We really figure  
 22 this a Public Safety issue as all unlicensed activity  
 23 is.  
 24 We probably -- the DPS is doing much for us.  
 25 Private Security Board is doing a lot for us. Captain

<p style="text-align: right;">14</p> <p>1 Bowie over here has been a great deal of help to us. We  2 might need some legislative action and even may need  3 some help from the Attorney General in this matter.  4 Again, the professional credentials, I believe, as my  5 other mates or people under the Private Security Board  6 we mentioned would be very helpful if I have a locksmith  7 going out, if he has something to show a police officer,  8 someone that looks like something that was issued by the  9 State of Texas.  10 Right now, our pocket card is a piece of  11 cardboard that was shipped to us that we put our own  12 photograph on, and then we laminate ourselves. So it  13 looks like something I made in my -- in my office. I  14 know they're working on that, but hopefully we'd see  15 that come through pretty quickly, you know, so it would  16 be like a driver's license type credential.  17 Overall, though, we've got a lot of Public  18 Safety issues, and we really appreciate Private Security  19 Commission here, and the Department of Public Safety,  20 and the Private Security Board. Thank you.  21 MR. POLUNSKY: Thank you, Mr. Arnold. Any  22 questions? Thank you.  23 MATT SIMPSON: My name is Matt Simpson. I'm  24 from the ACLU of Texas. The address is 611 South  25 Congress, Austin, Texas 78704. I wanted to offer a</p>	<p style="text-align: right;">16</p> <p>1 This raises concerns that, you know, individuals may  2 have very different experiences. One individual may be  3 stopped for just a short period of time, run through  4 quickly the checkpoint, whereas some other person might  5 be stopped for a longer time for a longer search. And,  6 of course, also this expanded discretion raises concerns  7 about racial profiling.  8 And then finally, the checkpoints in Texas  9 would be in some ways almost a de facto immigration  10 enforcement checkpoint, and this would just raise a  11 whole nightmare of bureaucratic problems for DPS. I  12 mean, suddenly DPS would have to figure out what to do  13 with people. If they were, their civil liberties no  14 longer (Inaudible). There are a variety of other  15 problems that would arise as well.  16 I -- I would like for everyone to consider  17 the unintended consequences of the driver's license  18 checkpoint along with the stated goals of them. And  19 just as a final point on that, the way to ensure that  20 everyone in Texas has a driver's license that drives is  21 to make it -- to expand access to driver's licenses  22 and -- in some way. I mean, make the process easier.  23 Streamline it for people. Make it so that people can  24 get licenses.  25 For example, sometimes hefty fines keep</p>
<p style="text-align: right;">15</p> <p>1 couple of comments, but I'll keep it brief. On today's  2 agenda, you'll be discussing checkpoints. And I wanted  3 to offer a couple of comments on checkpoints. Generally  4 we -- you know, we see concerns with civil liberties  5 violations, just to set that out at the beginning.  6 You know, it's a huge inconvenience to  7 ordinary citizens to be pulling them over at these  8 checkpoints, and it encompasses everybody. Also,  9 checkpoints at times have proved to be more an illusion  10 to safety than an actual safety mechanism or strategy.  11 Because people -- and this is more in the context of a  12 sobriety checkpoints as opposed to driver's license  13 checkpoint, but I would assume that there's a lot of  14 similarities between those two, the way those two  15 operate.  16 In sobriety checkpoints, research shows that  17 people that are not sober will see the checkpoint and  18 avoid it, or avoid driving -- particularly, obviously,  19 the public when the public's notified of where these  20 sobriety checkpoints are. There are people that are  21 actually drunk will actively avoid it, whereas people  22 that are just trying to go about their daily lives end  23 up at the roadside stop.  24 Along with that, checkpoints sometimes  25 provide expanded discretion to officers in the field.</p>	<p style="text-align: right;">17</p> <p>1 people from getting driver's license after they've had a  2 DWI or whatever, and they'll just drive without  3 licenses. Expanding access to driver's licenses is a  4 much more effective way of ensuring that drivers in  5 Texas have licenses, and it doesn't subject law abiding  6 Texans to roadside searches that can at times be  7 obtrusive, and certainly inconvenient.  8 And then as a final point on a separate  9 issue, in the Deloitte study of DPS and analysis, there  10 were a number of intelligence changes suggested. And  11 the ACLU would like to see DPS choose to involve, as  12 appropriate, civil liberties groups just to add to the  13 transparency of the process changing the nature of this  14 organization. I appreciate this time and I'd answer any  15 questions if y'all have any.  16 MR. POLUNSKY: Thank you, Mr. Simpson. Are  17 there any questions for Mr. Simpson at this time? Thank  18 you. Let me -- let me just make one -- one comment to  19 you in general remarks here. And I made the statement  20 previously and I'll make it again. Without question,  21 the Department of Public Safety is not involved in  22 immigration enforcement. It's not the policy of this  23 Department to be involved in the enforcement of the  24 immigration laws. We understand that that is a federal  25 issue. And there are no plans in the future to involve</p>

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1 the Department of Public Safety in Immigration issues.  
 2 Somehow this issue continues to live even though  
 3 we have, I feel, made a very strong effort to  
 4 communicate to the public that is not something the DPS  
 5 has been involved in and certainly any time recently is  
 6 not involved in today and has no plans to be involved in  
 7 in the future. But nevertheless, since you've raised  
 8 the issue, I just wanted to respond to that.  
 9 MATT SIMPSON: Do you mind if I respond just  
 10 briefly?  
 11 MR. POLUNSKY: Certainly.  
 12 MATT SIMPSON: I think I knocked the  
 13 microphone. But --  
 14 MR. POLUNSKY: I can hear you.  
 15 MATT SIMPSON: My point about the  
 16 immigration enforcement, it really had to do with just  
 17 as we move forward with the new driver's license with  
 18 the \*VISA\* expiration date on it, there'll be times when  
 19 an officer's at a road -- at a checkpoint on the  
 20 roadside would identify people as being out of status.  
 21 And so in that way, it would be sort of a -- it's not  
 22 that it would be the intention, by any means, of DPS  
 23 to -- to do immigration enforcement. My point was is  
 24 that's something that would probably come up, just to be  
 25 clear.

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1 MR. POLUNSKY: Okay. Thank you for being  
 2 here. Would anybody else like to address the Commission  
 3 at this time? Sir.  
 4 LUIS FIGUEROA: Thank you. My name is Luis  
 5 Figueroa I'm the legislative staff attorney with the  
 6 Mexican American Legal Defense and Educational Fund,  
 7 MALDEF. And I just wanted to just express my  
 8 thankfulness for your consideration of rescinding the  
 9 Attorney General opinion on checkpoints. I wanted to  
 10 echo some of the comments that Mr. Matt Simpson with  
 11 ACLU of Texas mentioned. And we appreciate your  
 12 comments you just made right now that DPS is not  
 13 interested in the enforcement of immigration laws and  
 14 understands the federal role as in an immigration task  
 15 force purpose and the local level and the state level is  
 16 on the safety of Texas residents and the criminal  
 17 procedures there.  
 18 We just wanted to thank you for, you know,  
 19 considering that rescission and mention that that public  
 20 image of rescinding that will send a strong message to  
 21 the Latino community and to the communities that are  
 22 effected by these rules, that you're not interested in  
 23 doing immigration rules. Many times, the perception is  
 24 that if DPS is interested in doing checkpoints, it's  
 25 making more difficult access to driver's license that

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1 there might be some type of agenda to do some type of  
 2 immigration related, you know, work, whether it's  
 3 intended or unintended.  
 4 So we just wanted to express our support for  
 5 that decision or your consideration of rescinding the AG  
 6 opinion, offer us as a resource when you're considering  
 7 what potential unintended consequences some of these  
 8 actions may have on either the Latino community or the  
 9 immigrant community, and let you all know that we're  
 10 here to be a resource and a help to you all.  
 11 MR. POLUNSKY: Thank you, sir. I'm sorry,  
 12 did you give your address?  
 13 LUIS FIGUEROA: No. Let me give you my  
 14 address. It is 110 Broadway, San Antonio, Texas 78205.  
 15 MR. POLUNSKY: Okay. Thank you. Are there  
 16 any questions at this time?  
 17 LUIS FIGUEROA: Thank you very much.  
 18 MR. POLUNSKY: Thank you. Yes, sir.  
 19 GARY CHANDLER: Good morning, Mr. Chairman,  
 20 Commissioners and Colonels. Name is Gary Chandler. I  
 21 reside at 108 Krupka, Columbus, Texas 78934. I'm happy  
 22 to say today that I'm ending my 27th year of service to  
 23 the State of Texas having served as a trooper with the  
 24 Department of Public Safety. But I'm here today  
 25 representing the Texas Department of Public Safety

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1 Officer's Association. We were informed in 1974. And  
 2 today we have a total of 3,650 members which are made up  
 3 of commissioned officers, police commissioned personnel,  
 4 forensic scientists.  
 5 2,551 of our membership are active  
 6 commissioned officers. The DPS Officer Association is  
 7 operated by representatives and officers who are elected  
 8 by the entire membership. I serve as the Association's  
 9 vice president. The president of our association is  
 10 Brian Hawthorn, who's here in the back of the room today  
 11 and would be making this presentation except that he's  
 12 on official state business.  
 13 I have with me some prepared legislative  
 14 agenda issues that I would like to present, if it's  
 15 possible, to you.  
 16 MR. POLUNSKY: Point by point or --  
 17 GARY CHANDLER: No, sir, just for you to  
 18 look at. As I mentioned, one or two items just for you  
 19 to have in your record. Or I can leave it with  
 20 Ms. Wright. She can --  
 21 MR. POLUNSKY: That's fine. You do have  
 22 five minutes.  
 23 GARY CHANDLER: I think we'll take just a --  
 24 very brief. Yes, sir, I promise.  
 25 MR. POLUNSKY: Okay.

<p style="text-align: right;">22</p> <p>1 GARY CHANDLER: The DPS Officer's 2 Association has prepared a list of items on this working 3 agenda which are extremely important to the health and 4 success of our Department. And I'd just like to mention 5 one or two things. First of all, we would like to thank 6 you for placing the salary compensation packet as a 7 priority in the Department's exceptional item list. We 8 believe that something should be done for our retired 9 personnel. We are supporting our 13th check as an 10 avenue to increase our financial support. Their labor 11 and dedication has given us a solid foundation which we 12 build on today.</p> <p>13 The other item I would mention would be 14 gambling, as we feel that this may come up on the 15 (Inaudible) in the future. And we would like to make a 16 statement to say that the Officer's Association feels 17 that there's no other police agency in the nation that 18 has the ability to be the overseer if gambling 19 legislation expands in the State of Texas. We believe 20 that DPS should be the law enforcement oversight if this 21 occurs.</p> <p>22 And as you can see, there's a couple other 23 items there that we will be monitoring. This is a work 24 in progress. And I would like to say that we do support 25 the Department's legislative agenda. I'd like to thank</p>	<p style="text-align: right;">24</p> <p>1 on, so that our people are compensated fairly and have 2 the assets available to them in order to discharge their 3 duties and to continue to work toward making this one of 4 the finest law enforcement agencies in the world.</p> <p>5 So I think that we're somewhat on the same 6 page there and I look forward to working with you. And 7 I think the -- I think I speak for the balance of the 8 Commission as well.</p> <p>9 GARY CHANDLER: Absolutely. Thank you very 10 much.</p> <p>11 MR. POLUNSKY: Thank you. Anybody else? 12 Yes, sir.</p> <p>13 EDWIN PALACIO: Good morning. My name is 14 Edwin Palacio. I'm a resident of 11350 Four Points 15 Drive, Austin, Texas 78726. I am one of the people that 16 has been effected by the admistitive rules guiding how 17 driver's licenses are issued. I make the point that 18 first, I am a legal resident here in the U.S. by virtue 19 of a change of status from visitor to asylee granted by 20 the Immigration Naturalization Service through its 21 asylum office in San Francisco, California.</p> <p>22 I've traveled all over the U.S. and have 23 decided to reside here in Austin. My initial -- my 24 initial driver's license, which was issued many years 25 ago, I had it renewed last May. And when I had a change</p>
<p style="text-align: right;">23</p> <p>1 each of you for your time, knowledge, wisdom and 2 leadership. And we close by staying that the DPS 3 Officer's Association pledges its support and efforts to 4 work with you in the continuation of strengthening our 5 Department as all of our officers and *support* 6 employees focus their energies on the continued calling 7 to service and protection of the citizens of our state 8 of Texas. Thank you.</p> <p>9 MR. POLUNSKY: Thank you, sir. Are there 10 any questions?</p> <p>11 MS. BROWN: I don't have a question, but I 12 have a comment. Thank you for your years of service.</p> <p>13 GARY CHANDLER: Oh, you're welcome. It's 14 been a joy.</p> <p>15 MR. POLUNSKY: I will say that I appreciate 16 your comments. We do have two new commissioners who 17 have not been involved in the part of the process 18 including the LAR and so on. But I think I'm -- I think 19 I'm speaking for all of us, certainly speaking for 20 myself, and that is that the Commission's certainly 21 strongly committed to working, not just with the 22 associations, but certainly on behalf of the 8,000 23 employees of the Department of Public Safety to do 24 whatever we can in this next session of the legislature 25 to improve benefits, working conditions, equipment, so</p>	<p style="text-align: right;">25</p> <p>1 of address, I notified the Immigration service as well 2 as the DPS by going to its local office. Arriving 3 there, I presented my driver's license. They demanded 4 additional documentation that I am legally here in the 5 U.S. Went back home with my wife and returned with my 6 immigration documents.</p> <p>7 So I was shocked despite the fact that I 8 established, one, I am legal here in the U.S., two, I 9 have been granted asylee status allowing me, under the 10 Immigration Naturalization Act, legal residency here in 11 the U.S. And I was issued, instead, a temporary 12 visitor's driver's license.</p> <p>13 Then I heard of the case of Mr. Juan Orena 14 where he is a permanent resident with a Green Card, and 15 he was also given a temporary driver's -- a temporary 16 visitor's driver's license. Now, that to me has a lot 17 of implications, because a driver's license is not just 18 used to establish identity. It -- or it also verifies 19 basically to a large extent, okay, is this guy here 20 residing here in the U.S.</p> <p>21 It affects a lot of aspects of my life: 22 Employment, insurance, the ability to even by vehicles 23 or apply for a mortgage. Financial and banking 24 transactions would now be thrown in disarray when I try 25 to enter those because I have a temporary visitor's</p>

<p style="text-align: right;">26</p> <p>1 status here in Texas. That's what my driver's license 2 says.</p> <p>3 So I would like for the Commission to please 4 reconsider that rule, take a look at how it's applied. 5 Because at this point in time, it appears to me that the 6 temporary visitor designation goes into conflict with 7 the Immigration and Naturalization Act, and it also goes 8 into conflict with Title 6 and Title 8 of the Code of 9 Federal Regulations. And I am asking that you do 10 reconsider it. All I wanted was to change my address as 11 I should following the rules. I did not expect to be -- 12 just be designated from the point on as a temporary 13 visitor and put the rest of my life into disarray. 14 Thank you.</p> <p>15 MR. POLUNSKY: Thank you, Mr. Palacio. Are 16 there any questions at this time?</p> <p>17 MS. BROWN: I've got a question for you.</p> <p>18 EDWIN PALACIO: Yes, ma'am.</p> <p>19 MS. BROWN: You spoke about the impact that 20 it had on you --</p> <p>21 EDWIN PALACIO: Yes.</p> <p>22 MS. BROWN: -- when you had to get papers. 23 You'll agree with me, I mean, that it's not just 24 impacting you. I hopped on a Southwest Airlines flight 25 to get here. And will you agree that we had to kind of</p>	<p style="text-align: right;">28</p> <p>1 EDWIN PALACIO: It should be just the way it 2 was before. Because I am a legal resident. I am not 3 illegal. In fact, if I may say so, Ms. Brown, I am 4 aware of national security situation. I participated in 5 a Homeland Security project here in Texas to protect the 6 state of Texas and the rest of the United States against 7 terrorists attacks using biological weapons. I am 8 extremely aware of that from my background in 9 counterterrorism before.</p> <p>10 So I appreciate the need to have valid 11 identification documents that can easily be verified. I 12 appreciate that. But at the same time, I am saying 13 let's go ahead and do this the right way. Let's see 14 really who is -- what status should be considered as a 15 temporary visitor and which status should be considered 16 as a resident, legal resident.</p> <p>17 As far as I can see, the implementation of 18 this admistitive rule, well intentioned as it may be, 19 has resulted not just in inconveniencing, but in really 20 seriously affecting the lives of those who are legal 21 residents.</p> <p>22 MS. BROWN: Well, let me ask you about that. 23 You were inconvenienced because you had to go back and 24 get papers. How -- how other negatively has that 25 inconvenienced you? How -- how else -- what job have</p>
<p style="text-align: right;">27</p> <p>1 balance your inconvenience with the fact that these are 2 not just driver's licenses. You use this ID to get on a 3 plane. There are national securities --</p> <p>4 EDWIN PALACIO: Exactly.</p> <p>5 MS. BROWN: You'll agree with me.</p> <p>6 EDWIN PALACIO: Yes, I agree.</p> <p>7 MS. BROWN: And I know I've been reading the 8 press, and sometimes this is painted as kind of being an 9 issue based on race. And I've got to tell you, as an 10 African American, that concerns me. I think it would be 11 racist if we only said black people had to show papers, 12 or Hispanic people had to show papers, or white people 13 had to show papers. But everybody who is in your 14 situation, whatever color your eyes or skin, has to show 15 these papers; is that right?</p> <p>16 EDWIN PALACIO: That is correct.</p> <p>17 MS. BROWN: Okay.</p> <p>18 EDWIN PALACIO: However, what I'm asking now 19 is this, do you consider asylees, refugees who have been 20 granted legal residency here in the U.S. in accordance 21 with the law. We went through the due process. We 22 followed the rules. Are we just going to be then 23 considered temporary visitors?</p> <p>24 MS. BROWN: What -- what would you have your 25 license say?</p>	<p style="text-align: right;">29</p> <p>1 you not gotten, what plane have you not gotten on 2 because you had to go back and get papers?</p> <p>3 EDWIN PALACIO: Okay. Number one, I have 4 spoken to my employer, okay, and I asked them point 5 blank, if I had showed you a driver's license that said 6 temporary visitor, would you hire -- would you have 7 hired me. And the immediate response was, no, okay.</p> <p>8 Two, I may be looking for another job 9 somewhere else. And based on the (Inaudible) of jobs 10 nowadays, because (Inaudible) between a person who has a 11 temporary visitor driver's license identification 12 document and somebody else who's -- who doesn't have 13 that designation, who do you think they're going to 14 hire, all other things being equal.</p> <p>15 It's not a matter of inconvenience as -- as 16 you are pointing out. What I am pointing out is this. 17 Am I a legal resident here in the United States, yes or 18 no. If the answer is yes, then don't treat me as a 19 temporary visitor in the state of Texas. I am not a 20 temporary visitor. For all intents and purposes, I'm a 21 legal resident. This is my land, my home, my people. I 22 have nowhere else to go. I can't go back to my home 23 country, so where else do I make my home, here, and have 24 tried to make the best of it.</p> <p>25 So it's not a question of inconvenience.</p>

<p style="text-align: right;">30</p> <p>1 It's a question of how this will effect. If I applied                  2 next time for -- for a mortgage, which I intend to do,                  3 or for a bank loan and I'm showing temporary visitor, I                  4 guarantee you, I will be turned down for the loan                  5 because I am not a resident, I am just a temporary                  6 visitor. And, yes, we have consulted somebody who                  7 processes mortgages, and the answer was no, we will not.                  8 MR. STEEN: Are you appealing this decision                  9 in any way?                  10 EDWIN PALACIO: Yes. I have already spoken                  11 to them. We have even -- read them -- the Governor and                  12 will receive a response from director -- Director,                  13 Stanley Clark of the Texas Department of Public Safety.                  14 MR. STEEN: He's sitting up here.                  15 EDWIN PALACIO: Hello, sir. And here's my                  16 wife's response to your -- to your letter. "My husband                  17 and I have always appreciated a courteous and                  18 professional service provided to us by the members of                  19 Texas Department of Public Safety. Based on your                  20 letter, we are to conclude that in as much as my                  21 husband, Edwin (Inaudible) Palacios, being issued a                  22 Texas driver's license all be it marking him as a                  23 temporary visitor, the Texas DPS has been provided                  24 acceptable documentation to confirm my husband's local                  25 status in the United States.</p>	<p style="text-align: right;">32</p> <p>1 by the Texas DPS when it made the determination that my                  2 husband is not a resident but a temporary visitor? A                  3 residency status which is contrary to Title 6 and Title                  4 8 of the U.S. Code of Federal Regulations and of the                  5 Immigration and Naturalization Act. Does this mean that                  6 my husband has lawful residence status in the United                  7 States except in the State of Texas?                  8 Number two, the Texas DPS has access to the                  9 U.S. federal government Systematic Alien Verification of                  10 Eligibility, or the SAVE system. The SAVE system is                  11 used to determine, among other things, if an individual                  12 is eligible to lawfully establish domicile and reside in                  13 the United States. Did your agency verify his                  14 eligibility through the SAVE system? If so, did the                  15 SAVE system indicate any -- indicate my husband's lawful                  16 residency status? Did it establish report -- reported                  17 by the SAVE system indicate that he's allowed to                  18 establish a domicile and reside in the U.S.?                  19 If the Texas DPS did not or does not use the                  20 SAVE system, what other systems and data bases were used                  21 to determine his residency status in the United States?                  22 What is the legal basis for collecting the full amount                  23 of fees for Texas driver's license that provides only                  24 one year of validity whereas others are granted five                  25 years or six years.</p>
<p style="text-align: right;">31</p> <p>1 In as much as one of the goals of the                  2 referenced admistive Rule 37, Section 15.171, is to                  3 strengthen identity and residency requirements to assist                  4 the DPS in issuing secure documents that are routinely                  5 used by financial institutions, retailers, law                  6 enforcement and other entities to establish identity of                  7 their customers, we pose this question to your agency as                  8 it relates to the residency aspect of the Texas driver's                  9 license.                  10 Number one, legal aliens granted asylee or                  11 refugee status with the U.S. Citizenship and Immigration                  12 Service, a federal government agency of the U.S.                  13 Department of Homeland Security, are granted                  14 authorization to reside and work here in the United                  15 States. This authorization remains in effect until                  16 asylee or refugee has a change in immigration status or                  17 (Inaudible) by the U.S. federal government after due                  18 process of law.                  19 In the case of my husband, his immigration                  20 status was changed from visitor to asylee by                  21 determination of the INS after due process of law. In                  22 other words, lawful residency in the United States was                  23 granted to my husband in accordance with relevant                  24 immigration laws.                  25 Where was the due process of law undertaken</p>	<p style="text-align: right;">33</p> <p>1 MR. STEEN: Mr. Palacios, before you read                  2 that, has Colonel Clark responded to that?                  3 EDWIN PALACIOS: No. We were planning to                  4 send it. But since he's already here, I just read it                  5 aloud. Here's my wife.                  6 DONNA JACKSON: Good morning. My name is --                  7 MR. STEEN: Mr. Palacios, let me ask you a                  8 question.                  9 EDWIN PALACIOS: Yes, ma'am -- yes, sir.                  10 MR. STEEN: Are you eligible to apply for                  11 U.S. citizenship?                  12 EDWIN PALACIOS: I am eligible first to                  13 apply first for a Green Card. And after five more years                  14 I will be eligible for citizenship. And the reason why                  15 I delayed --                  16 MR. STEEN: And how long have you been here?                  17 EDWIN PALACIOS: Since 1995, sir. And the                  18 only reason why I delayed in changing that status,                  19 number one, finances. I had to work my butt off                  20 starting as landscape worker to where I am now. Number                  21 two, I received bad legal advice in the past where I was                  22 told, oh, you will still be able to get your children                  23 over here from the Philippines as long as you stay in                  24 asylee status. I found out that there's a (Inaudible)                  25 of state. And by that time that happened, it was</p>

<p style="text-align: right;">34</p> <p>1 already done.</p> <p>2 So I decided to remain in asylee status.</p> <p>3 But I did apply for change of status this year. I had</p> <p>4 submitted my paperwork already to U.S. CIS for a change</p> <p>5 of status. So at this point in time, that process is</p> <p>6 ongoing.</p> <p>7 MR. STEEN: Mr. Chairman, I'd suggest that</p> <p>8 we allow -- he's not seen your letter, so would you give</p> <p>9 him -- Colonel Clark the opportunity to formally reply</p> <p>10 to it? And then maybe, Mr. Chairman, we could -- this</p> <p>11 seems like it's taken over five minutes. Maybe we could</p> <p>12 possibly address this at a future meeting if need be.</p> <p>13 MR. POLUNSKY: That's fine.</p> <p>14 DONNA JACKSON: I just wanted to say that --</p> <p>15 this is my husband. My name is Donna Jackson. And --</p> <p>16 MR. STEEN: I'm not sure he gave his</p> <p>17 address.</p> <p>18 DONNA JACKSON: 11350 Four Points Drive,</p> <p>19 Austin, Texas 78726.</p> <p>20 MR. POLUNSKY: Thank you.</p> <p>21 DONNA JACKSON: You're welcome. And I'm</p> <p>22 just glad that he was able to speak for me. I have a</p> <p>23 little hoarse voice this morning so I asked him to go</p> <p>24 ahead. And, Mr. Chairman, I'm glad that you did respond</p> <p>25 to us. That was, you know, very nice and we appreciated</p>	<p style="text-align: right;">36</p> <p>1 questions? Thank you, Ms. Michalik.</p> <p>2 COLLETTE MICHALIK: Thank you.</p> <p>3 MR. POLUNSKY: Anyone else? No one else?</p> <p>4 Let me just digress for one second. We had several</p> <p>5 people here who spoke in conjunction or in connection</p> <p>6 with the Private Security Bureau, the Board. For those</p> <p>7 two new members, this is a function that has been moved</p> <p>8 over to the Department of Public Safety in the last</p> <p>9 several years. It's a very important function. I do</p> <p>10 believe that the Department itself is working well with</p> <p>11 this group and making a very positive strides.</p> <p>12 It really, in my opinion, probably hasn't</p> <p>13 received sufficient attention from the Commission. I</p> <p>14 would probably put out for thought, and we can discuss</p> <p>15 this at a future meeting or down the road here, but it</p> <p>16 would probably be helpful to have one of our</p> <p>17 commissioners work as a liaison between this industry</p> <p>18 and this oversight in the Commission so that there's a</p> <p>19 better line of communications here.</p> <p>20 Just a comment, but I think it would be</p> <p>21 helpful because it is a very important function that is</p> <p>22 being discharged on behalf of or within the State of</p> <p>23 Texas. And it needs -- we need to make sure that there</p> <p>24 is complete communication, oversight in place so that</p> <p>25 this -- this area works as well as it very possibly</p>
<p style="text-align: right;">35</p> <p>1 that. So the letter was sitting on my desk. I said</p> <p>2 this morning, you know what, I think he'll be there,</p> <p>3 let's print it out. And I'm glad you're here. Thank</p> <p>4 you.</p> <p>5 MR. POLUNSKY: Thank you for being here.</p> <p>6 MR. STEEN: Mr. Palacios, you're very</p> <p>7 persuasive. I'm very interested in what the result will</p> <p>8 be from Colonel Clark. But you're very persuasive on</p> <p>9 the points you're making.</p> <p>10 EDWIN PALACIOS: Thank you, sir.</p> <p>11 COLLETTE MICHALIK: Hello. My name's</p> <p>12 Collette Michalik and I live at 608-and-a-half</p> <p>13 (Inaudible) Place, and I just have a couple of comments</p> <p>14 regarding the DPS checkpoints. My first comment is if</p> <p>15 there is a genuine concern for public safety in regards</p> <p>16 to drinking and driving, seems like other precautions</p> <p>17 would take precedence such as not allowing mobile</p> <p>18 billboards to drive through the city streets advertising</p> <p>19 alcohol which entices people to drink while they're in</p> <p>20 their cars.</p> <p>21 I also feel that this is a huge threat to</p> <p>22 our civil liberties. And it seems like that it's a</p> <p>23 corporatized form of government intended to generate</p> <p>24 revenue for the state. And so those are my comments.</p> <p>25 MR. POLUNSKY: Thank you. Are there any</p>	<p style="text-align: right;">37</p> <p>1 could work. So that's just a comment on my part.</p> <p>2 Okay. I think we're done with the public</p> <p>3 comment for this morning. Thank you everyone who spoke</p> <p>4 today for being here. We appreciate your comments.</p> <p>5 Next item on the agenda is the discussion</p> <p>6 and possible action regarding the withdrawal of the</p> <p>7 Attorney General opinion concerning driver's license</p> <p>8 checkpoints. Mr. Fox.</p> <p>9 DUNCAN FOX: Good morning. Duncan Fox,</p> <p>10 Office of General Counsel. On September 8, 2008 the</p> <p>11 Commission requested an Attorney General opinion</p> <p>12 concerning -- regarding authority of the Public Safety</p> <p>13 Commission to authorize statewide driver's license</p> <p>14 checkpoints. We submitted a request to the Attorney</p> <p>15 General to ask three questions: One, whether the</p> <p>16 Commission is a politically accountable government body</p> <p>17 at the state level. And the terms used in the -- a key</p> <p>18 Court Criminal of Appeals case that discusses statewide</p> <p>19 checkpoints.</p> <p>20 Secondly, whether the Commission can</p> <p>21 authorize a driver's license checkpoint program to be</p> <p>22 implemented by commission officers of the</p> <p>23 Department. And then finally, whether the Commission</p> <p>24 can authorize other state and local law enforcement</p> <p>25 agencies to implement the driver's license checkpoints.</p>

<p style="text-align: right;">38</p> <p>1 This opinion request was submitted to the Attorney 2 General. In the last Commission meeting it was brought 3 up that this is a matter that is appropriate for 4 reconsideration by the Public Safety Commission. And 5 pursuant to that, Colonel Clark submitted a letter to 6 the Attorney General asking for postponement of action 7 on these questions that were submitted. 8       So at this stage, this is presented to the 9 Commission for your consideration as to whether to 10 withdraw the request for opinion or to have the request 11 for opinion continued in place. 12       MR. POLUNSKY: Thank you, Mr. Fox. As 13 stated in our last Commission meeting, we did have a 14 discussion on this particular issue. I think it was 15 consensus, at least at the last meeting, that the 16 request for the Attorney General's opinion be withdrawn. 17 However, since it was not posted on the agenda as an 18 action item, it was decided that we needed to defer any 19 action and publish it for action for today's meeting. 20 So at this time I'll open the floor up for any 21 discussion and/or a motion on this particular issue. 22       MS. BROWN: Chairman Polunsky, I'd like to 23 make a motion to rescind the request to the Attorney 24 General for an opinion concerning driver's license 25 checkpoints.</p>	<p style="text-align: right;">40</p> <p>1 It a threshold request. In other words, we were just 2 making -- we were asking can we -- can we as a 3 Commission or can the DPS do this absent specific 4 legislative authorization; Isn't that what it boils down 5 to? 6       MR. POLUNSKY: Not necessarily. There -- 7 and Mr. Fox may want to jump in here. But I think that 8 the gist of the request was to determine whether the 9 Public Safety Commission was a public body within the 10 scope of a court case that could authorize checkpoints, 11 or as the letter was drafted, delegate to other law 12 enforcement agencies within the state the ability to 13 implement checkpoints. 14       There was never, certainly to my knowledge, 15 any intention now or in the future for the Department to 16 implement checkpoints. This was really more of an 17 informational request than a request that would be 18 setting a policy that would actually end in the 19 Department implementing checkpoints. There were no 20 plans then or any plans, that I'm aware of, to actually 21 utilize checkpoints. But it was more to kind of set the 22 record straight as to whether DPS was one of the -- 23 would be considered a governmental agency that would 24 have the authority to authorize these checkpoints. Am I 25 stating that correctly?</p>
<p style="text-align: right;">39</p> <p>1       MS. BARTH: Second. 2       MR. STEEN: Mr. Chairman, I would like to 3 have a little bit more background on why -- since this 4 is just our second meeting -- why this request was made. 5       MR. POLUNSKY: All right. We'll do that in 6 discussion. There's a motion that was made by Ms. Brown 7 and there was a second made by Ms. Barth to rescind the 8 request for an Attorney General's opinion on the issue 9 of driver's license checkpoints. I don't know how much 10 detail I can get into on that. I mean, I think it was 11 just a general comment or request that originated from a 12 division of the Governor's office that felt this would 13 be something that would be helpful. 14       MR. STEEN: But the Commission hadn't 15 reached the point of debating it, this was just a 16 threshold request to find out do we have the authority 17 absence the legislative authorization? 18       MR. POLUNSKY: We debated it in the sense 19 that we -- we voted on the -- on the request. We voted 20 in an affirmative manner to ask for an Attorney 21 General's opinion. So in that respect, there was 22 discussion debate and a motion taken and was passed. 23 And the letter was subsequently drafted and submitted to 24 the Attorney General's Office. 25       MR. STEEN: Well, I guess my question is was</p>	<p style="text-align: right;">41</p> <p>1       DUNCAN FOX: You're correct. The -- the 2 Department of Public Safety has not enforced or 3 conducted driver license checkpoints since 1994 when the 4 Court of Criminal Appeals was issued that essentially 5 the language in that was interpreted by the DPS general 6 counsel and a number of other state entities as creating 7 some impediments to continuing driver's license 8 checkpoints. 9       Specifically, there was some language in 10 that court opinion indicating the governmental body 11 accountable to the public is the entity that should 12 establish driver's license checkpoints. And part of 13 this court discussion used some -- seemed to indicate 14 that it may be something that was -- when they say 15 political body, that they were speaking of a legislative 16 body accountable. But it's not very clear from that 17 opinion. 18       Now, based upon that, the Department of 19 Public Safety implemented a general policy and practice 20 to refrain from conducting checkpoints. Now, some local 21 entities have continued to conduct checkpoints based 22 upon a very -- upon a different interpretation of the 23 statute -- or not -- on the court opinion taking the 24 position that they are a governmental body accountable 25 to public and that they would be able to conduct</p>

<p style="text-align: right;">42</p> <p>1 checkpoints.</p> <p>2       So we've had a little bit of distinction</p> <p>3 between the interpretation of that opinion. And as we</p> <p>4 were looking at that in one of the earlier meetings, one</p> <p>5 of the -- Commissioner Anderson had asked the question,</p> <p>6 how can we have divergent opinions on this and what</p> <p>7 steps do we take to try to obtain clarity on it. That's</p> <p>8 where one of our recommendations was, although this has</p> <p>9 been our longstanding -- this has been our</p> <p>10 interpretation since 1994 when that opinion came out,</p> <p>11 but that court case seemed to be speaking to action by</p> <p>12 the legislature that that's just -- that has just been</p> <p>13 our interpretation on the opinion.</p> <p>14       And it might be useful to obtain guidance</p> <p>15 from the Texas Attorney General through the formal</p> <p>16 opinion process to answer those questions that are in</p> <p>17 front of us. And at that stage, it was acted upon to</p> <p>18 request an Attorney General opinion.</p> <p>19       MR. STEEN: Mr. Fox, has -- has the DPS ever</p> <p>20 done sobriety checkpoints as opposed to driver's</p> <p>21 license?</p> <p>22       DUNCAN FOX: The law as to sobriety and</p> <p>23 driver's license checkpoint is going to be essentially</p> <p>24 comparable. We have not conducted sobriety checkpoints</p> <p>25 either since the old opinion.</p>	<p style="text-align: right;">44</p> <p>1 brought up this notion of racial profiling. I think I</p> <p>2 probably speak for everyone here, we abhor the notion of</p> <p>3 racial profiling.</p> <p>4       But unless someone can convince me</p> <p>5 otherwise, I feel that perhaps both driver's license --</p> <p>6 we could have driver's license and sobriety checkpoints,</p> <p>7 it can be implemented fairly without any racial</p> <p>8 profiling whatsoever. So Mr. Chairman, I -- you know,</p> <p>9 in the month since we had our meeting, I've been</p> <p>10 thinking about this, and I'm not sure that I support</p> <p>11 withdrawing this request because -- because all it is is</p> <p>12 an informational request.</p> <p>13       We're just saying before we start discussing</p> <p>14 all this, let's find out if we have the ability to do</p> <p>15 it. I guess the question being whether, under that</p> <p>16 court case, we're a politically accountable governing</p> <p>17 body. And I would like to find that out.</p> <p>18       MR. POLUNSKY: Well, thank you for your</p> <p>19 comments, Mr. Steen. DPS is not the only agency that</p> <p>20 can make this request. There are others, including the</p> <p>21 Governor's office, am I correct?</p> <p>22       DUNCAN FOX: Yes. Any elected official may</p> <p>23 ask the Attorney General's opinion. And as likewise</p> <p>24 politically appointed, boards may ask Attorney General</p> <p>25 opinions as well as heads of state agencies may request</p>
<p style="text-align: right;">43</p> <p>1       MR. STEEN: Well, we all come -- you know,</p> <p>2 this form of public service with different backgrounds.</p> <p>3 And, of course, I was at the TABC for ten years. And</p> <p>4 really, very much concerned about this problem with</p> <p>5 drunk drivers in Texas. And I think that in 2007 drunk</p> <p>6 drivers in Texas killed over 1,200 people, more than any</p> <p>7 other state.</p> <p>8       And I'm interested in learning about this.</p> <p>9 And you're stressing it for informational purposes so</p> <p>10 that maybe we could have a dialogue on sobriety</p> <p>11 checkpoints, you know, that are done to discourage drunk</p> <p>12 drivers from getting on the road. And I think usually</p> <p>13 prior to setting up sobriety checkpoint, their locations</p> <p>14 and times are publicized, and signs are posted</p> <p>15 approaching the checkpoints announcing their presence.</p> <p>16 So the primary purpose is not to arrest people,</p> <p>17 necessarily, but it's the deterrent effect. And I</p> <p>18 understand that 40 other states use this kind of</p> <p>19 checkpoint system. I could be in error about that, but</p> <p>20 I've been told that.       And if, you know</p> <p>21 in discussing this, I would always approach this with</p> <p>22 fairness uppermost in my mind that we would be doing</p> <p>23 this for traffic safety reasons rather than any kind of</p> <p>24 general criminal interdiction which I think is the thing</p> <p>25 that the courts have the problem with. And people have</p>	<p style="text-align: right;">45</p> <p>1 opinions. So there are a number of entities that can</p> <p>2 ask for the interpretation of this particular provision.</p> <p>3       There's also the availability of legislative</p> <p>4 action. And I do believe that on a regular -- since</p> <p>5 1994 there have been a number of bills introduced to</p> <p>6 formalize or to put into statute the authority to</p> <p>7 conduct sobriety checkpoints, and I believe driver</p> <p>8 license checkpoints introduced, too. And my</p> <p>9 recollection, the last I checked, there was one -- there</p> <p>10 was one bill filed -- prefiled for this upcoming</p> <p>11 legislative session dealing with sobriety checkpoints.</p> <p>12       MR. STEEN: I know we heard from,</p> <p>13 Mr. Chairman, from some legislators about this. And one</p> <p>14 of them is the Honorable Ruth Jones McClendon, who's</p> <p>15 from San Antonio, who I have the highest regard for.</p> <p>16 But I think that what she's basically saying is you as a</p> <p>17 Commission don't have the authority to do this. And I</p> <p>18 guess what I would say is well, why don't we find out</p> <p>19 from the Attorney General whether we do have the</p> <p>20 authority to do it.</p> <p>21       Just like you said earlier, we're not saying</p> <p>22 we're going to implement this. But it's -- it would be</p> <p>23 useful for informational purposes to know whether -- you</p> <p>24 know, if we continued to talk about it, whether we were</p> <p>25 wasting our time or not if we can't -- if we can't do</p>

<p style="text-align: right;">46</p> <p>1 anything about it anyway.  2 MR. POLUNSKY: Mr. Fox, let me ask you this  3 question one more time. I'm not quite sure that I fully  4 understand the difference. But is there a difference  5 between driver's license checkpoints with respect to  6 case law and sobriety checkpoints with respect to case  7 law?  8 DUNCAN FOX: There -- there is not. The --  9 the historic interpretation, at least (Inaudible)  10 opinion, I believe, actually was dealing with sobriety  11 checkpoints. So the legal standard is still, from our  12 interpretation, to be the same.  13 MR. STEEN: Mr. Fox, when they're doing the  14 driver's license checkpoint, is it all right to also  15 check if someone has insurance papers or not?  16 DUNCAN FOX: That's -- that's when you begin  17 to develop a question of what the procedures are that  18 you would apply. That's something that you would have  19 to (Inaudible) the key on conducting an authorized  20 driver license checkpoint enforces that it must be  21 very -- must be temporary, it must minimize  22 inconvenience to the public. So that's something  23 that's -- that's a detailed that would have to be sorted  24 out further on down the line. I don't know that there's  25 specific case law that's going to direct our answer at</p>	<p style="text-align: right;">48</p> <p>1 reporter transcription services to record the activity  2 of the presentations in the Commission meetings. This  3 has -- by way of background and the background  4 materials, we began the process of using a court  5 reporter transcript -- transcription process for -- and  6 always used it for discharge hearings because it's -- we  7 are required to have a record of the discharge in the  8 event that (Inaudible) appeal to the court.  9 However, we have only recently proceeded to  10 the transcription process for the other agenda items of  11 the meeting. We began that this past summer. And we  12 have a court reporter contract that -- providing for  13 that.  14 One of the questions I was asked to look  15 into and to respond back to is what's the usage of this,  16 and what are the legal requirements. There is not a  17 legal requirement at all that the proceedings on the  18 agenda items other than the discharge proceeding have a  19 transcript. As far as a court reporter transcription,  20 we have -- we can link the legal requirements through  21 what we have always used, which is minutes as well as,  22 in this case, we do retain a tape recording. But the  23 minimum requirement is recorded minutes, which --  24 which we we've been maintaining.  25 The court reporter transcription service, as</p>
<p style="text-align: right;">47</p> <p>1 this stage other than the legal requirement that we can  2 do, not inconvenience the public.  3 MR. STEEN: Well, that's something, I think,  4 the public would be very interested, because we've got a  5 serious problem with -- still -- with uninsured drivers  6 out on the road. And if we could -- if that could be  7 part of this, seems like that would be a good thing, to  8 really encourage more people that are out there driving  9 that are uninsured to get insured, and that would  10 benefit everybody.  11 MR. POLUNSKY: Is there any additional  12 discussion? Question's been called. There's a motion  13 on the table -- floor, I should say, to rescind the  14 request for the AG's opinion on the particular issue.  15 All those in favor, please say, "Aye."  16 COMMISSIONERS BARTH, BROWN, CLOWE: Aye.  17 MR. POLUNSKY: Any against, no?  18 MR. STEEN: No.  19 MR. POLUNSKY: Let the record show that the  20 vote was four to one with Mr. Steen voting no. Next  21 item, discussion and possible action regarding  22 transcription of Public Safety Commission meetings.  23 Mr. Fox.  24 DUNCAN FOX: The Public Safety Commission  25 asks staff to provide a report regarding use of a court</p>	<p style="text-align: right;">49</p> <p>1 I said, we initiated in the summer. I believe it is up  2 to the Commission to decide if you wish to continue to  3 use the transcription service. Additional background, I  4 did have get with our information management service to  5 find out what kind of public use is there on our website  6 since we put these minutes on to the website for the  7 public to see. That is in the report and we used a  8 service called Google Analytics, which is a publicly  9 available resource, and we place that on the web page to  10 track it.  11 And in the report I only had one week of  12 data. I will look at additional information since that  13 meeting. But the one week that we had was over  14 Thanksgiving which, to say, is probably one of the  15 lighter periods. But the actual report is in your -- in  16 your file. In the last 30 days the Google Analytics  17 report says that that page did receive 1,280 hits and --  18 or visits in the last 30 days.  19 So that's -- that would be the description  20 of the usage that we have seen from the public. That  21 doesn't include also staff members. For example, I know  22 I hit that quite a bit. So I may be part of that.  23 MR. POLUNSKY: One of the commissioners has  24 raised the issue that we suspend the transcription, and  25 this was discussed at our last meeting. It's up to</p>

<p style="text-align: right;">50</p> <p>1 wishes of the Commission as to whether we continue or we  2 suspend the main meeting portion of the verbatim  3 transcription. And I would assume, I guess -- I don't  4 want to give presumptions, Mr. Steen, but I believe this  5 is your issue. So if you'd like to --  6 MR. STEEN: Well, I'm a little worried after  7 that last vote. I think --  8 MR. POLUNSKY: We all -- we all end up on  9 different sides.  10 MR. STEEN: I think that what we really need  11 to keep in mind is the public here, and the idea that  12 we're -- we serve the public, that we need to be -- make  13 things as convenient as possible for the public. And  14 frankly, I think it's tedious for a member of the public  15 to have to go through and read a transcript. And that's  16 the purpose of minutes. Someone takes -- you know, we  17 may meet for hours today, and someone goes through the  18 trouble to summarize all that and emphasize the, you  19 know, the general nature of the discussion and what  20 actions were taken.  21 To me, that's a much better way to do it  22 than having the transcript. And if somebody really  23 wanted to delve into something -- you know, for example,  24 we were talking about that issue before this -- they  25 could always go -- request the recording and actually,</p>	<p style="text-align: right;">52</p> <p>1 MR. POLUNSKY: Is there a second to  2 Mr. Steen's motion?  3 MR. POLUNSKY: There's no second to the  4 motion? Think the motion dies for lack of a second.  5 MR. STEEN: Thank you for your  6 consideration.  7 MR. CLOWE: Mr. Chairman, may I speak to  8 that, if it's correct, at this point in time?  9 MR. POLUNSKY: Certainly. Certainly.  10 MR. CLOWE: Commissioner Steen, I am very  11 respectful of your thoughts and your comments, and I'd  12 like to express so that there'll be a complete  13 understanding for anyone interested for why I failed to  14 second your motion. I think you're entitled to that.  15 MR. STEEN: Appreciate that.  16 MR. CLOWE: And it's something I've been  17 giving quite a bit of thought to since our last meeting.  18 And I appreciate the opportunity to express my feelings  19 about this. In March of this year when Chairman  20 Polunsky assumed the chair and Commissioner Barth and I  21 joined him on this board, our first meeting was in a  22 small conference room that was behind what is normally a  23 locked door. There was a question about the proceedings  24 of that board and who attended. And the answer was,  25 well, it's a public meeting, anybody can come. But in</p>
<p style="text-align: right;">51</p> <p>1 you know, make arrangements to listen to exactly what we  2 said if they want to do that.  3 And then -- but beyond the public, I just  4 think it has a chilling effect on this Commission. And  5 we talked about this last time, Commissioner Clowe, and  6 of course, Judge Brown knows this, but as lawyers, when  7 you think you're talking and they're going to make a  8 transcript -- transcription of everything you're saying,  9 I just think it inhibits free discussion, people  10 throwing out ideas and that sort of thing. So those are  11 the reasons I brought it up.  12 I would think that this if you went to most  13 state agencies, they use minutes. Maybe somebody can  14 correct me if I'm wrong, that people aren't transcribing  15 their meetings. So I would like to make the motion that  16 we -- that henceforth we -- we use minutes backed up by  17 a recording and dispense with the transcribing the  18 Commission meeting.  19 MR. POLUNSKY: All right. There is a motion  20 that has been made by Mr. Steen to suspend the verbatim  21 transcription of minutes and henceforth use a general  22 compilation of minutes to set forth what has taken place  23 at these meetings. Am I essentially getting that  24 correct, John?  25 MR. STEEN: Yes.</p>	<p style="text-align: right;">53</p> <p>1 fact, there was physically room to accommodate less than  2 probably 25 percent of the people that are here today.  3 The recording was made of the meeting, but I  4 think a number of people, myself included, initially  5 were not aware that we were being recorded. And I was  6 oblivious to the fact that we were actually making a  7 record in that first meeting that I attended. The  8 meeting minutes were generated. And with respect to the  9 person who did that, when I read them, they certainly  10 didn't reflect what I remembered of what was said at the  11 meeting. They were a consensus of thoughts that were  12 expressed, and in my mind, were not representative of  13 discussions that were held.  14 Chairman Polunsky almost immediately moved  15 the meeting room to this location. And you can see what  16 the result was. We really have a public meeting now  17 where people come and address the Commission about  18 issues that they have on their mind. And these comments  19 that were made this morning are representative of  20 positions that citizens have, either representing  21 organizations or themselves, that we want to hear.  22 And in my mind, the only way to keep a  23 record of that is to have a corporate type recording or  24 public stenographer and have certified minutes. And  25 I've gone back a number of times and examined the</p>

<p style="text-align: right;">54</p> <p>1 transcript because I wanted to know exactly what was 2 said. I made a number of questions to the Deloitte 3 representative last month. When that person made their 4 report, I asked questions that I wanted on the record. 5 And I wanted them there so that people heard what was 6 said.</p> <p>7       You know, oftentimes a state agency is 8 accused of creating rules and not telling anybody. But 9 in fact, rules have to be published and public comment 10 is invited. But the public doesn't say anything until 11 way after the rule may be adopted. Well, this 12 transcript establishes the fact that when this 13 Commission passes a rule, it was proposed, it was 14 reported on, and it was discussed. And I want that kind 15 of clarity in the activities of this board.</p> <p>16       There's a culture change going on in this 17 agency. It is coming out from, in my mind, the history 18 of well, we're going to do the right thing, just trust 19 us. And we've done it that way, we're going to continue 20 to do it in the future that way. Change is on the table 21 here.</p> <p>22       And the perception, which in government is 23 very important, in fact is most important, but 24 perception is also important is that this board and 25 these proceedings are open. The daylight is shining in</p>	<p style="text-align: right;">56</p> <p>1 responsive. You are very persuasive. But I feel very 2 strongly about this. And I wanted to give you my 3 explanation --</p> <p>4       MR. STEEN: Thank you.</p> <p>5       MR. CLOWE: -- so that you'd have that 6 history and why I feel so strongly about this.</p> <p>7       MR. POLUNSKY: Thank you, Mr. Clowe. Is 8 there any other discussion or comment on this?</p> <p>9       MS. BROWN: Just super quick. I respect 10 your opinion, too, and exactly those concerns that you 11 voiced. I think it's so very important for the new 12 culture of DPS to be transparent and to have people 13 being able to log on and find out exactly what was said, 14 no misquotes. And so that's why, respectfully, I want 15 to keep a transcription.</p> <p>16       MR. POLUNSKY: Mr. Steen, I -- I generally 17 concur. I mean, I think it's very important that, as 18 Mr. Clowe has stated, that we be as open as possible so 19 that everyone in this room and beyond can see exactly 20 what we're doing, how we're doing it, what we're saying, 21 what the conclusions are, and the process, everything 22 else. So I feel also that it is something that we 23 should continue so that there is a verbatim record of 24 everything that has been discussed in these meetings. 25       I understand where you're coming from and</p>
<p style="text-align: right;">55</p> <p>1 and we're creating a record that's open to everybody. 2 So members of the agency, members of the legislature, 3 members of the leadership, members of the public, 4 members of the media can hold these commissioners 5 accountable for what they say and how they do it.</p> <p>6       And I don't want anybody, no matter how 7 skilled they are, to take my words and my questions and 8 my comments and homogenize them into minutes which I 9 would vote on to approve or disapprove. I never have 10 liked the Reader's Digest and I don't like it today. I 11 want to see the fact.</p> <p>12       And if it was a thousand that hit the 13 transcript over some period of time, you know, we don't 14 know who those thousand were. But when you get into 15 controversial issues like sobriety or driver's license 16 checkpoints, or temporary visitor being printed on a 17 driver's license, that's serious business and the 18 public's entitled to know how these commissioners 19 talked, how they asked questions, and then how they 20 voted.</p> <p>21       I don't think you ever make a mistake by 22 creating a clear, precise record. It's part of the 23 culture that this board has adopted since it came into 24 being in March of this year and I want it continued. I 25 respect your comments, Commissioner Steen, and I'm very</p>	<p style="text-align: right;">57</p> <p>1 your points are well taken. And, you know, you're not 2 necessarily off the mark. But because of the new 3 culture and the direction that we've tried to turn this 4 Department, I think it serves that effort more to have a 5 complete transcript of the meetings.</p> <p>6       MR. STEEN: Well, and I won't belabor this, 7 but as I mentioned, we all come from different 8 backgrounds and different experiences. And I mentioned 9 earlier about my -- you know, my involvement with the 10 TABC and how that impacted the earlier issue we 11 discussed. But in my private life, I've been a -- you 12 know, a corporate real estate lawyer.</p> <p>13       And so, Mr. Chairman, I've been doing 14 minutes all my life. And so I know that in the right 15 hands, minutes are, and done correctly, it's something 16 that's a convenience to people. It's like an executive 17 summary of what went on with the opportunity always to 18 go to the recording that backs it up if you need more 19 detail about it.</p> <p>20       So that's -- you know, I'm just sort of 21 explaining where my background leads me on this. But I 22 appreciate Commissioner Clowe's remarks and yours, and 23 maybe we should move on.</p> <p>24       MR. POLUNSKY: Okay. Thank you very much. 25 And we're going to continue the openness here. And as</p>

<p style="text-align: right;">58</p> <p>1 Mr. Clowe has stated, It's quite a different look in  2 these meetings today than we experienced in our first  3 couple of meetings in the director's conference room.  4 And to somewhat respond to a comment that was made by  5 Commissioner Barth, my own opinion is we get much more  6 controversial to be moving from here to memorial  7 stadium. Just seem to be getting more and more people  8 at every meeting. But that's fine because that's the  9 way we want it to be. We want everybody to know what's  10 going on. We want everyone to be in this room and to be  11 part of this process and make sure that they have a  12 comfort level that this Commission is functioning  13 properly and deliberating as it should.  14 So I'm all for the light of day shining  15 every which way with respect to the Texas Public Safety  16 Commission. But thank you for raising that issue,  17 Mr. Steen.  18 MR. CLOWE: Try again.  19 MR. POLUNSKY: Never know. If I stutter too  20 much, we may have to come back and revisit that. But  21 next item, discussion and possible action regarding  22 review and reconsideration of the physical readiness  23 standards for commissioned officers of the Department.  24 Chief Fulmer.  25 VALERIE FULMER: Good morning, Mr. Chairman</p>	<p style="text-align: right;">60</p> <p>1 MR. POLUNSKY: Any response? Yes, sir.  2 Mr. Clowe.  3 MR. CLOWE: Chief, I read your report with  4 interest, and I was particularly impressed with the fact  5 that 97 percent of the commissioned officers that have  6 taken the test had passed.  7 VALERIE FULMER: Up to this point, that  8 is -- that is correct, yes. We've had -- there are very  9 few folks that have not taken the test. 97 percent of  10 them have passed at some level. And I think that's --  11 that's further information that just has not gotten out  12 there to the people who are affected by it. I think if  13 we -- if we involve all the stakeholders and let them  14 know that the standards actually have been -- have been  15 surprisingly high as far as those who are passing it so  16 far.  17 And what we need to look at are the folks  18 who aren't passing it, what we can do for them. The  19 statute gives us some leeway, not only for exemptions,  20 but we can do remedial programs. I just think we don't  21 have a full policy in place with regard to the testing.  22 And I think if we involve everyone we can come up with  23 something that will help that 3 percent and ensure that  24 we've got --  25 MR. CLOWE: That's --</p>
<p style="text-align: right;">59</p> <p>1 and Commissioners. Valerie Fulmer, the chief of the  2 Administration Division. As you all recall, we were  3 instructed by Chairman Polunsky last month to look at  4 reviewing the physical readiness standards. And we had  5 an initial meeting during the last month involving  6 representatives from Human Resources, from the training  7 academy, from the General Counsel's office, mostly I  8 wanted to look at what our status was, where we were,  9 what still needed to be done.  10 And it was my opinion after the meeting that  11 we need to put together a more formalized review group.  12 And with the Commission's permission, I would like to  13 set up a more formalized group and I would like to  14 involve some of the stakeholders. That's one of the  15 things that I think has not been done up to this point.  16 So I would like to get involved representatives from not  17 only the commissioned divisions, but I'd like also to  18 involve some of the associations, DPSOA, TSTA.  19 There are a lot of associations out there.  20 And I'd like to get them involved as the stakeholders  21 who are affected by it so that we ensure that whatever  22 policy comes out of this, it's something that's within  23 the bounds of the statute and is also fair to the folks  24 that it affects. So that's -- I'm coming before you  25 today to just ask for approval for that.</p>	<p style="text-align: right;">61</p> <p>1 VALERIE FULMER: -- (Inaudible)  2 requirements.  3 MR. CLOWE: -- just exactly what I wanted to  4 hear. Because my sense is that there are some people  5 who are subject to it but are in a situation that needs  6 to be examined. And I have submitted to Chief Beckworth  7 and he tells me that he is working with -- Colonel  8 Beckworth with Colonel Clark to give you some ideas  9 about people who -- perhaps who are older or people who  10 have some disabilities. I think we have one officer who  11 has an artificial hip who has performed meritoriously,  12 but in fact cannot withstand the rigors of the physical  13 readiness test. Those exceptions are things that I'm  14 delighted to hear you say you're going to look at.  15 VALERIE FULMER: Those are exactly what we'd  16 like to look at in that review group.  17 MR. CLOWE: There's a standard of  18 reasonableness here that I think we want to see  19 exercised, and the Chairman stated it eloquently last  20 meeting. But you're right on point based on what your  21 response is and I'm glad to hear it. Thank you very  22 much.  23 MR. POLUNSKY: I would second Commissioner  24 Clowe's comments. Certainly the intent is not to design  25 a test where everyone passes. But I think, you know,</p>

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1 there is some requirements that need to be made to  
 2 address some of these specific cases where people are  
 3 being caught up in standards that did not take in  
 4 consideration special circumstances. So that's what I'm  
 5 concerned about. If somebody's unfit they shouldn't be  
 6 in the Department. There's no question about that. So  
 7 we're okay with that, I believe, unless somebody's got  
 8 another idea.

9 VALERIE FULMER: All right. We'll proceed  
 10 that way then. Thank you.

11 MR. POLUNSKY: Thanks for working on this.  
 12 Very much appreciate it.

13 VALERIE FULMER: Thank you.

14 MR. POLUNSKY: Discussion and review of  
 15 pending contracts, commitments and change orders  
 16 including the following: production of current Texas  
 17 driver's license and identification card, and employee  
 18 identification cards. Chief Ybarra and Chief Brown.

19 OSCAR YBARRA: Oscar Ybarra, Chief of  
 20 Finance. Mr. Chairman, this is the one contract that is  
 21 for submission to the Commission for their review. The  
 22 Agency is prepared to answer any questions, if you have  
 23 any, regarding this contract.

24 MS. BARTH: Why is it -- how do you come to  
 25 an emergency like that?

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1 JUDY BROWN: This is a contract that's been  
 2 in place to produce our driver's licenses. And the  
 3 delay of the driver's license reengineering project has  
 4 caused us to reach the end of the contract with this  
 5 company and will put in place a six-month extension  
 6 which will allow us to move forward with the  
 7 implementation of the new driver's license system.

8 The existing contract and the new contract  
 9 under NDLS are the same vendor. The actual production  
 10 of the card, the production process, the security  
 11 features on the card change. So negotiated contract  
 12 would move forward. Each of the items listed within the  
 13 legal comments have been remedied and have full  
 14 agreement from the vendor to add those comments to the  
 15 emergency contract.

16 MS. BARTH: You have to step back. I'm  
 17 sorry. I'm still not following. How you classify this  
 18 as an emergency and not need to have this contract in  
 19 place?

20 JUDY BROWN: It's a terminology we use  
 21 because we would not open this contract for bid.

22 MS. BARTH: Okay. I understand that.

23 JUDY BROWN: It's an extension of that  
 24 contract. And therein lies the terminology of an  
 25 emergency contract.

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1 OSCAR YBARRA: That's correct.

2 MS. BARTH: Okay. We are happy with this  
 3 vendor?

4 JUDY BROWN: Absolutely.

5 MS. BARTH: We've had no amendments to the  
 6 contract during the course of the original contract and  
 7 its scope? My question is -- has to do with additional  
 8 monies of the vendor, because either scope was changed  
 9 or something changed with their handling the scope. Are  
 10 they the only ones out there? This is who we're going  
 11 to use going forward. I'm just -- I don't like  
 12 emergency contracts to start with, okay. So I'm trying  
 13 to understand, you know, why this vendor needs  
 14 \$2.3 million more.

15 JUDY BROWN: This is a per card cost.

16 MS. BARTH: Right.

17 JUDY BROWN: Every time they produce a  
 18 driver's license, we pay them a fee for production of  
 19 that driver's license. This \$2 million will pay for --  
 20 It's an estimated cost based on the number of cards we  
 21 expect to produce over the six-month period.

22 MS. BARTH: So would you come back to me or  
 23 to the Commission if in fact the expectation that we  
 24 forecasted was not enough dollars for them to execute?  
 25 JUDY BROWN: Absolutely I can do that. And,

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1 again, it's a contract that's based on the number of  
 2 licenses that they produced for us.

3 MS. BARTH: Okay.

4 JUDY BROWN: And so we build the estimate  
 5 based on our expected volume of licenses to be produced  
 6 during that six-month period. We absolutely can let you  
 7 know if we --

8 MS. BARTH: No, I'm just trying to  
 9 understand why we sort of like every six months are  
 10 doing this contract, is what I'm hearing; is that right?  
 11 Maybe I'm reading this wrong.

12 JUDY BROWN: Again, the contract that we had  
 13 with this vendor was to take us through the time that we  
 14 would implement the new contract, which is part of the  
 15 new driver's license system.

16 MS. BARTH: Okay.

17 JUDY BROWN: Because of the pushout in the  
 18 new driver's license system, the reengineering project,  
 19 it has caused us to be in a place where we need an  
 20 interim contract to continue our production of our  
 21 existing cards.

22 MS. BARTH: Okay. Would you anticipate --  
 23 when would you anticipate implementation of the new  
 24 cards? Is this another six-month contract here?  
 25 JUDY BROWN: The goal for implementation on

<p style="text-align: right;">66</p> <p>1 the new system is between April and June. We are  2 finalizing and trying to tie that date down with regards  3 to everything that we need to do to move forward to  4 implement the new system, but this extension should  5 cover that.</p> <p>6 MS. BARTH: And then would we be going out  7 with a new proposal for someone else or them as well for  8 the --</p> <p>9 JUDY BROWN: We have already gone through an  10 intensely competitive process to select the vendor to  11 produce the new cards. This -- as we went through that  12 process and did that competitive bid, we selected  13 DigiMark to produce our cards. DigiMark has now been  14 bought out by L-1. So L-1 was a competitor in the  15 process. It's a little complicated as you look at it.  16 But we actually did an RFO, got vendor responses, did  17 competitor analysis on their -- on their cards and their  18 proposals and selected this vendor to move forward.</p> <p>19 MS. BARTH: That's all I have.</p> <p>20 MR. POLUNSKY: Okay. I don't think this is  21 an action item, right?</p> <p>22 OSCAR YBARRA: Just for review.</p> <p>23 MR. POLUNSKY: Next item, discussion and  24 possible action on implementation of the IT Optimization  25 Study. Mr. Lane.</p>	<p style="text-align: right;">68</p> <p>1 discussion about that versus a public discussion unless  2 you otherwise direct me. But we are definitely not  3 where we need to be from a disaster recovery perspective  4 for our technology or our business continuity.</p> <p>5 MR. POLUNSKY: Mr. Fox.</p> <p>6 DUNCAN FOX: I would recommend that -- to  7 have this in an Executive Session discussion, you can  8 have a -- I believe you can have a discussion of  9 vulnerabilities. But I believe we would need to make  10 sure --</p> <p>11 MR. CLOWE: Could you speak up a little bit,  12 please.</p> <p>13 DUNCAN FOX: I'm sorry. It should be -- the  14 discussion of specific vulnerabilities, I believe that's  15 going to be authorized as an executive discussion. But  16 I would recommend that we post the -- post that so  17 that -- for the public notice.</p> <p>18 MS. BARTH: So are you telling me that the  19 Executive Session language you have here would not  20 permit us today to discuss that?</p> <p>21 DUNCAN FOX: We do have posted deliberations  22 about security audits, security devices, including  23 deployment implementation of security devices, which is  24 under the provision that we would apply it under. My --  25 my recommendation is that we would still post this as an</p>
<p style="text-align: right;">67</p> <p>1 BRYAN LANE: Good morning. Bryan Lane,  2 Chief of Information Management Services. Good morning,  3 Chairman, Commissioners. Last month in our Commission  4 meeting we discussed the Gartner IT assessment findings.  5 We reviewed the executive summary. And Commissioner --  6 Chairman Polunsky, you asked me to present an action  7 plan on how we were going to address some of the  8 immediate and critical needs of the IMS operation. I  9 submitted that action plan. You should have this in  10 your folder on some of the steps we're taking  11 immediately now, and then a time line that outlines the  12 transformation of IMS between now and August of next  13 year as funds become available as well as resources and  14 attrition needs are addressed.</p> <p>15 I'm open to any discussion or any question  16 you may have about this plan.</p> <p>17 MS. BARTH: I guess -- talk to me about  18 disaster recovery and business continuity, and where we  19 are today and where we think we're going to be in  20 August.</p> <p>21 BRYAN LANE: Commissioner, because of the --  22 the sense of nature of that, I -- I will share with you  23 today that we're not where we would like to be as -- as  24 an organization, because it does identify some  25 vulnerabilities. I would welcome an Executive Session</p>	<p style="text-align: right;">69</p> <p>1 independent item and then have it discussed at the  2 subsequent regularly called meeting because there may be  3 portions of it that would be appropriate for public  4 discussion.</p> <p>5 MR. POLUNSKY: Chief Lane, what if we delay  6 action on this?</p> <p>7 BRYAN LANE: There is ongoing action  8 directly regarding the disaster recovery in the contract  9 that we're under today. So if we delay action on this,  10 I still think that we could continue to move forward  11 within the bounds of our contract today, the discussion  12 with our vendor about how we strengthen that contract.  13 So we could continue that action and then discuss in  14 Executive Session some of the specific vulnerabilities,  15 Commissioner Barth, I think that you're asking me to  16 address.</p> <p>17 MS. BARTH: And I'm not intending to delay  18 action, I'm intending to -- still not quite  19 understanding why this can't be an Executive Session  20 item today, based on what I'm reading here.</p> <p>21 DUNCAN FOX: It's my recommendation. You  22 can disregard my recommendation.</p> <p>23 MS. BARTH: It's why we hired you. I mean,  24 but I just -- I am concerned.</p> <p>25 BRYAN LANE: Yes, ma'am. We are, too.</p>

<p style="text-align: right;">70</p> <p>1 MR. POLUNSKY: Well, would you suggest that 2 this be discussed in Executive Session and defer action 3 until afterward? I'm asking you, Ms. Barth. 4 MS. BARTH: I would like to hear sooner 5 rather than later the issues. But I don't know what 6 kind of action needs to be taken on them based on the -- 7 MR. CLOWE: Could I ask maybe a couple 8 questions that might help in this discussion? Chief, 9 you're appointed on an interim basis, aren't you? 10 BRYAN LANE: Yes, sir. 11 MR. CLOWE: In a broader sense, with that 12 understanding, this study has come into us. And in my 13 mind anyway, part of it is selecting the person that's 14 going to take charge of this operation, IMS, and run it 15 and bring us through the problems that we have. 16 BRYAN LANE: Yes, sir. 17 MR. CLOWE: And you are being responsive in 18 your role to the Chairman's charge of putting forth a 19 plan, and we thank you for that. But the concern I 20 have, Commissioner Barth, is that I'm not sure we're in 21 sequence here. And, you know, to go forward with this 22 plan and not have the leader, whoever that might be, 23 designated, in a sense, ties an arm behind them about 24 well, we're really going to get together, we're going to 25 do all these things and it's going to be a wonderful</p>	<p style="text-align: right;">72</p> <p>1 opportunity to lead the operation. 2 The changes in this plan, yes, need to be 3 adopted by the leadership. An that was one of the 4 Gartner's findings. However, as aggressive as this plan 5 is, what I've laid out for your working with my team are 6 things that absolutely will need to happen regardless of 7 who's leading the operation, things like disaster 8 recovery, establishing a project management office, 9 establishing policies and procedures using some of the 10 industry's best known practices such as Idle and 11 continuing to process improvement. 12 Those things are where we're fundamentally 13 failing as an operation because of lack of skills and 14 attrition issues and things we've discussed in the past. 15 So I don't see this as being a plan that could not be 16 adopted by any future leadership. But I will say that 17 the leadership team we have today and the IMS operation 18 are aware of the direction we're going and they're 19 committed to being successful. 20 So the positive movement on the culture that 21 we've talked about today in the Commission meeting, 22 those type of things are really beginning to stir some 23 positive things within my operation alone, from the 24 executive director understanding of the IMS needs to the 25 LAR requests that we put in, which is pushing \$70</p>
<p style="text-align: right;">71</p> <p>1 result. And we're doing that in some other areas as 2 well. 3 But I want to point that out. And I'm a 4 little uneasy about saying, okay, let's implement this 5 plan and let's get it going until we have designated on 6 a permanent basis the leadership to engender the 7 dedication and the loyalty of the employees and the 8 commitment. And I think it's called for here to produce 9 the results that we're looking for. And so my question 10 is one of timing and of getting the sequence correct. 11 Could you react to my comments? 12 BRYAN LANE: Absolutely. Commissioner and 13 Chairman, we have a team of 212 dedicated employees that 14 have invested their careers and their livelihood within 15 the Agency. And myself and the staff that we command, 16 are dedicated to addressing these immediate needs that 17 we have -- that have been identified by Gartner and some 18 that we also were acutely aware of such as disaster 19 recovery. 20 My personal position is I'm taking, if you 21 will, the bulls by the horns and saying we've got to 22 make some drastic changes, some bold changes today 23 regardless if I'm in this chair in six months or if I'm 24 not. My anticipation is if, you know, this is posted, I 25 absolutely would run for that opportunity and the</p>	<p style="text-align: right;">73</p> <p>1 million now for technology, to some of the 2 standardization such around project management and 3 project management office things that we're doing has 4 been very well received and recognized by the individual 5 contributors as well as the leadership. So we are 6 definitely moving in the right direction. 7 MS. BARTH: Commissioner Clowe, where I come 8 out is perhaps the Commission as a whole, once they are 9 aware of where the vulnerabilities are with respect to 10 business continuity and disaster recovery, could help 11 with the timeline. And that's where I'm at. 12 MR. CLOWE: Okay. And I'm there partially 13 with you on that as well as these other questions. 14 Could we -- Mr. Chairman could we hear from Colonel 15 Beckworth? I think you've been involved in this 16 process, haven't you, Colonel? What is -- can you help 17 the Commission in their thinking on this? 18 MR. BECKWORTH: For the record, Colonel 19 Lamar Beckworth -- Lieutenant Colonel Lamar Beckworth, 20 Department of Public Safety. Speaking to these 21 particular issues, we've had extensive discussion with 22 the IMS team along with the division chiefs and the 23 leadership with the Agency. It is very, very critical 24 that we make some decisions because a significant number 25 of our requests that we are asking for is tied to the</p>

<p style="text-align: right;">74</p> <p>1 legislative document that we are preparing and will  2 discuss more about it later on in this particular  3 meeting.  4 And so I think Chief Bryan Lane is basically  5 saying that the disaster issues are critical today. And  6 no matter who takes the leadership, those issues are  7 going to be critical for us to move forward. And I know  8 there are some certain things that are very private that  9 probably need to be discussed in our Executive Session  10 in reference to things that we can and cannot talk to  11 here. However, the disaster component is critical  12 today. It's very critical.  13 MR. CLOWE: So your overview is that this is  14 a now item.  15 MR. BECKWORTH: Yes, sir. Yes, sir.  16 MR. CLOWE: Mr. Chairman, in light of that,  17 I'd like to ask that this issue be passed until we can  18 hear those critical issues from the Chief and then  19 return to this later on in the agenda. Is there  20 objection to that?  21 MS. BARTH: I don't have any objection to  22 that.  23 MR. POLUNSKY: Okay. We'll pass this item,  24 Chief Lane, at this time.  25 BRYAN LANE: Thank you.</p>	<p style="text-align: right;">76</p> <p>1 MR. POLUNSKY: Certainly can, and I'll  2 consider that a motion. Is there a second?  3 MR. STEEN: I'll second.  4 MR. POLUNSKY: Seconded by Mr. Steen.  5 MR. CLOWE: Think you're going to win on  6 this one.  7 MR. POLUNSKY: Moved by Commissioner Barth,  8 seconded by Commissioner Steen that the RFQ for Internal  9 audit services be issued. Any discussion? There is no  10 discussion. All in favor, please say, "Aye."  11 COMMISSIONERS: Aye.  12 MR. POLUNSKY: Any against? No. Motion  13 passes. At the same time, I would like to appoint a  14 committee to -- to facilitate this. And I would have  15 Commissioner Barth chair it and Commissioner Steen serve  16 on that committee, unless there's an objection. Thank  17 you.  18 Next item on the agenda is Executive  19 Session. Commission now adjourns to Executive Session  20 which is closed to the public in accordance with the  21 Texas Government Code Sections 551.571 and 51.574. The  22 Commission will be moving to one of the rooms here so  23 it's not necessary for the audience to leave the -- your  24 seats at this time.  25 (Adjourn for Executive Session)</p>
<p style="text-align: right;">75</p> <p>1 MR. POLUNSKY: Discussion and possible  2 action on RFQ for Internal audit services. Mr. Walker,  3 and I believe Commissioner Barth is involved in this as  4 well.  5 FARRELL WALKER: Farrell Walker, Director of  6 Audit and Inspection. Commissioner -- Mr. Chairman,  7 Commissioners, chairman -- or Commissioner Barth and I  8 have discussed issuing a new RFQ for internal audit  9 services for the balance of this year and through next  10 fiscal year. We'd like to proceed on that basis and  11 with the intention of having consulted onsite by  12 February of '09.  13 MR. POLUNSKY: Commissioner Barth.  14 MS. BARTH: I have requested this item.  15 Mr. Walker is not fully staffed, and we've had some  16 issues with staffing in this area. And I felt like a  17 couple of the audits that we would like to address in  18 this area would be better served to use an outside  19 resource. That's why we requested it.  20 MR. STEEN: Mr. Chairman, if I could jump  21 in. Coming from the TABC, we used an outside interim  22 auditor, and I'm very much for that. I like that system  23 as opposed to using employees.  24 MS. BARTH: So I move to request an RFQ for  25 Internal audit services.</p>	<p style="text-align: right;">77</p> <p>1 MR. POLUNSKY: The regular session of the  2 Texas Public Safety Commission is reconvened in  3 accordance with Chapter 551 of the Texas Government  4 Code, the Open Meetings Act. A quorum of the Board is  5 still present. The meeting is reopened. It is 2:22  6 p.m.  7 I'm going to skip over some of the items on  8 the agenda. Go to item five, three, request for  9 proposals for executive search firm services for  10 executive director and management positions. Ms. Logan.  11 PAULA LOGAN: Paula Logan, I'm the Human  12 Resources director for the Agency. We signed -- we  13 finished the procurement process and signed a contract  14 to hire the executive search firm. The award was to  15 Korn Ferry. And these are two representatives from Korn  16 Ferry that will be working on our project. This is Eric  17 Nielson from their Houston office, and Charles Ingersoll  18 with their Washington, D.C. office.  19 MR. POLUNSKY: All right. Ms. Logan, before  20 we go forward on that, it is my understanding that the  21 contract was signed this morning. However, before we go  22 forward on that, I want to make sure that the Commission  23 as a whole is in concurrence with the action taken by  24 the committee.  25 PAULA LOGAN: Okay.</p>

<p style="text-align: right;">78</p> <p>1 MR. POLUNSKY: Just because I think it's 2 prudent for us to discuss this matter in open session 3 and take whatever action is necessary as an entire 4 Commission. So is there discussion on this or would 5 anybody like to make a motion at this time? Or would 6 you like to, as chair of the committee, Commissioner 7 Clowe, would you like to make any comments prior to 8 taking any action? 9 MR. CLOWE: I would like to -- thank you, 10 Mr. Chairman. I would like to thank all of the 11 individuals who have worked on this process. There was 12 an effort headed up by Paula Logan as well as 13 individuals from the General Counsel's Office 14 purchasing, and their work was exemplary. 15 There were also outside individuals who 16 served on the initial selection committee and scored the 17 responses to RFQ. Then there was Commissioner Barth, 18 and an advisor to the committee, Mr. Wayne Mitchell, and 19 myself who interviewed the top respondents and scored 20 them. And Korn Ferry was the successful company. 21 We feel that in this process Korn Ferry has 22 an understanding of our vision and the search will be 23 well conducted by them. But we are eager for the 24 members of the Commission and other stakeholders to meet 25 with them and help them in formation of this search</p>	<p style="text-align: right;">80</p> <p>1 MR. POLUNSKY: Any against? No. Motion 2 passes. All right. Thank you. You're officially 3 selected. 4 PAULA LOGAN: I'll just let you go ahead and 5 give them a little bit of information about your firm 6 and the search process. 7 ERIC NIELSON: Well, again, my name is Eric 8 Nielson. I'm the managing director of the Houston 9 office and senior plan partner within the firm. As is 10 often the case, we engage various offices to conduct a 11 project which is why we reached out to our Washington 12 office. The fundamental understanding of this was that 13 it was going to go well beyond just the other 14 organizations that look very similar to this. And so 15 I'll let Charlie introduce himself and describe a little 16 bit more about our thought process there. 17 CHARLIE INGERSOLL: My name is Charlie 18 Ingersoll. I'm a senior client partner in the 19 Washington, D.C. office and -- and the sector leader for 20 our government practice. And it's good to be here in 21 Austin this afternoon. The search strategy, as we 22 thought about it and discussed in our conversation with 23 you all, is that we'd like it to be a national in scope. 24 We want to look at the very best law enforcement 25 organizations in the country. Obviously we're -- we're</p>
<p style="text-align: right;">79</p> <p>1 including the job description and the outreach to 2 individuals, both internal and external, that might 3 possibly be candidates that will take us to the 4 selection of the best qualified candidate. 5 Commissioner Barth, would you add anything 6 to what I've said? 7 MS. BARTH: No. I just commend Paula, your 8 group, in working so rapidly and pass the comment to 9 Commissioner Clowe which (Inaudible) 10 MR. CLOWE: That having said, I'll move that 11 the Commission affirm the decision to retain Corn Fairy 12 as a search firm for the position of executive director 13 and other positions as identified. 14 MR. POLUNSKY: There's a motion by 15 Commissioner Clowe. Is there a second to Commissioner 16 Clowe's motion? 17 MR. STEEN: Second. 18 MR. POLUNSKY: Seconded by Commissioner 19 Steen. Any discussion? And what we're doing here is as 20 Commissioner Clowe stated, affirming the action of the 21 committee that went forward this morning and chose Corn 22 Fairy and went forward on a contract. We are affirming 23 that to make it an official action. Discussion? There 24 is no discussion. All in favor please say, "Aye." 25 COMMISSIONERS: Aye.</p>	<p style="text-align: right;">81</p> <p>1 going to also look -- look at -- look forward to -- to 2 an applicant both internally and -- and outside of -- of 3 the Department and -- and both other law enforcement 4 agencies potentially, obviously, within the state. We 5 are also going to look for folks within the military and 6 other organizations as we see fit. 7 We look forward to working with you all to 8 come up with a list of stakeholders in which we should 9 reach out to because we think it's really important 10 before we go out into the marketplace to do a lot of 11 listening. And we look forward to having those 12 conversations over the next couple of weeks and into 13 early January, and hope to have a position description 14 back to you sometime in mid-January or so to have you 15 all review and hopefully improve so that we can go out 16 in the marketplace with our hope -- with our hope to 17 come to you again sometime in the end of February or so 18 to review the list of candidates and to get your counsel 19 on who you'd like to interview sometime in March. 20 And obviously, we will -- as we start to 21 finish up the meetings, we can put some hard dates on 22 those. But that was our initial thinking. We'd be glad 23 to answer any questions that you might have about the 24 process or the search at this time, if it's appropriate, 25 or we can conclude our remarks.</p>

<p style="text-align: right;">82</p> <p>1 MR. POLUNSKY: There may be questions. But  2 let me reiterate that I think it's very important that  3 you come in contact with all of the Commissioners.  4 Certainly the three that have not been part of this  5 process up until now so that you get a general sense of  6 direction philosophy, thought process, and so on as to  7 how the five of us collectively would like to see you  8 all go forward and the type of candidates that we're  9 looking for.  10 So I would encourage you strongly to very  11 shortly come into contact with the other three in  12 addition to the two that you've been working with so  13 that you have a collaborative sense here as to where  14 we'd like to go with all this.  15 CHARLIE INGERSOLL: Well, we certainly look  16 forward to setting up a meeting with -- individually  17 with all of you, either in person or by telephone  18 whatever is the most convenient to you all.  19 MR. POLUNSKY: Are there questions?  20 Mr. Steen.  21 MR. STEEN: And you're prepared to commit  22 the resources that -- that are needed to fast track  23 this. How long would a search like this normally take?  24 CHARLIE INGERSOLL: It should take somewhere  25 between 90, 120 days would be the ideal. So -- and we</p>	<p style="text-align: right;">84</p> <p>1 CHARLIE INGERSOLL: I would think that -- I  2 would think that the earliest would be sometime in  3 March.  4 MR. STEEN: In March.  5 CHARLIE INGERSOLL: That would be the  6 earliest. In late February -- and it could be -- you  7 know, it could be sooner if things move along and we get  8 the quality candidates that we're anticipating and hope  9 we could potentially get a little bit earlier in  10 February. But we're hoping to get you, the selection  11 committee, a group to look at to narrow it down to a  12 list of -- you know, a larger list which they will  13 interview and then narrow down to a shorter list, which  14 I guess all of you will interview. It's my  15 understanding. Though, obviously the process can be --  16 can be altered to however you'd like it to be. But we  17 have some thoughts on how that should be set up.  18 MR. STEEN: Thank you.  19 MR. POLUNSKY: Mr. Clowe.  20 MR. CLOWE: I think, Commissioner Steen, you  21 hit exactly the right balance there. The resources  22 devoted to the search, but not so much time pressure  23 that we don't get the best qualified candidate. And we  24 had lengthy discussions with you gentleman about that.  25 And we got basically the same answers that you just got</p>
<p style="text-align: right;">83</p> <p>1 absolutely are putting all the resources behind us that  2 are required, obviously in -- within Texas and  3 nationally.  4 MR. STEEN: We want to do a thorough job on  5 this but it's really important that we get this  6 accomplished at the earliest possible date. And so  7 it -- what I'm hearing you say is that you took us to  8 March where you come back with some candidates. Does  9 that -- and Commissioner Clowe, you might jump in --  10 does that mean that we could expect maybe to make the  11 decision at the March meeting?  12 PAULA LOGAN: I think the first slate of  13 candidates that they're going to bring back is kind of a  14 long list. But if I understand, the committee may  15 interview and then reduce the altitude so there'll be a  16 little bit of time after they bring that long list in  17 before the whole Commission, assuming that we don't  18 change the process somewhere along the way, would maybe  19 in later March or early February you'd be -- I mean,  20 early April you would be voting -- interviewing those  21 final -- I guess, for lack of a better word, finalists  22 candidates and, you know, selecting one for.  23 MR. STEEN: Best possible case, when could  24 we vote on this? When would be, you think, we would be  25 ready to vote on it as a Commission?</p>	<p style="text-align: right;">85</p> <p>1 about the timing. The sense is, that I have from the  2 Chairman, is that Commissioner Barth and I and  3 Mr. Mitchell will continue to work with Corn Fairy. And  4 I assume, Mr. Chairman, you want me to be the contact  5 person for the Board?  6 MR. POLUNSKY: Yes, sir.  7 MR. CLOWE: And we'll do everything we can  8 to support them. Their first move is to talk with the  9 Commission members and the stakeholders. I named the  10 colonels as stakeholders. I think if you can make  11 yourself available to them -- I appreciate the fact that  12 Christmas, New Years are here, but these are our first  13 and most important visits that the Chairman pointed out,  14 to get the collegial feeling from the Board about their  15 wants and desires. Then the other stakeholders will be  16 visited. And that really focuses them in on where their  17 search should be directed, and it saves time and makes  18 their work more productive.  19 Paula Logan, today, I think, is going to  20 give them a draft of a job description that will be  21 furnished to each Commissioner. And we invite your  22 involvement and -- and comments on that. But that also  23 is part of getting the necessary work done. I like the  24 fact that you as the manager and officer of the Houston  25 office is here. It's important that we have a Texas</p>

<p style="text-align: right;">86</p> <p>1 based entity conducting this search. We like to keep  2 our dollars in Texas. But we also like a nationwide  3 aspect, and your location in the nation capital gives  4 you a broad view. I hope the inauguration doesn't cause  5 you to get locked up for a week in D.C.  6 I also want to say at this time how much we  7 appreciate the other respondees who were not successful  8 in this process. Three others came and met with us,  9 spent their time and money to be interviewed, make oral  10 presentations. And there were other companies that  11 responded to our RFQ. We're appreciative of that and  12 feel like we had a really good quality feel to choose  13 from. We're going to be now waiting for you to contact  14 us and move forward, and expect you to carry the ball.  15 CHARLIE INGERSOLL: Thank you, sir.  16 MR. POLUNSKY: Needless to say, this is an  17 extremely important task that you have before you. The  18 direction of the Department really would be dependent on  19 the type of leadership that is selected as we go  20 forward. So we are -- we have high hopes that you can  21 provide us with quality candidates which we can choose a  22 successful finalist or individual to take over the  23 position of director. If not, Colonel Clark certainly  24 may be a candidate for that position. So we have high  25 hopes and convey upon you the high level of</p>	<p style="text-align: right;">88</p> <p>1 the executive search, it may be two or three weeks after  2 that before we have finalized the award, and then we'll  3 have to negotiate the contract. But assuming that the  4 Comptroller's able to post this as soon as possible,  5 we're hopeful to have a firm up and ready to go by the  6 middle of March -- I mean, the middle of February.  7 Sorry.  8 MR. STEEN: And what's the issue with the  9 Comptroller's office in terms of expediting?  10 PAULA LOGAN: For contracts that are over a  11 certain amount before they can be posted to the public  12 for the bids, they have to be reviewed by the  13 Comptroller's Office. And for contracts as large as  14 this one, they actually have a special committee that  15 has to review it as well. And so that process can take  16 anywhere from days to weeks depending on what their  17 workload is. But we did specify that this was an  18 essential need contract, and if they could rush our  19 proposal through we would appreciate it.  20 MR. STEEN: Thank you.  21 MS. BARTH: Would you kindly tell me how the  22 process was going to work with respect to the RFQ's  23 coming to you and then what happens?  24 PAULA LOGAN: I don't know that we've  25 completely finalized that. But we -- I think we were</p>
<p style="text-align: right;">87</p> <p>1 responsibility that we feel that we've instilled upon  2 you all to come forth and -- and do a national search so  3 that we have the very best and brightest people out  4 there to choose from.  5 ERIC NIELSON: We understand that and we  6 look forward to this engagement. We know that it's  7 critical.  8 MR. POLUNSKY: Thank you, sir. I believe  9 that's it. I believe you have a plane to catch. Back  10 to number one, item five: Discussion and possible action  11 concerning the organization structure study of the  12 Department and procurement of a project manager to  13 implement organizational challenges. That will be  14 Ms. Logan as well.  15 PAULA LOGAN: The project management RFP was  16 finalized last week and it was sent to the Comptroller's  17 Office for their review prior to posting. We asked them  18 to rush that process. We're hopeful that sometime very  19 close to the first of the year they will post that on  20 their website, and we will begin taking proposals. I  21 believe it's scheduled to be posted for three weeks. So  22 we're hopeful that by the end of January we will be in  23 the process of assessing the proposals and determining  24 who may be selected for the vendor.  25 If we do the process the same as we did for</p>	<p style="text-align: right;">89</p> <p>1 thinking that it might happen the very similarly to the  2 way we did the executive search contract, with somebody  3 reviewing written proposals and then having oral  4 presentation of the top vendors.  5 MR. CLOWE: I think this is a good time to  6 ask the Chairman to reiterate his instructions. And I  7 agree with Paula. It's your direction to us,  8 Commissioner Steen and I are oversighting this. And  9 depending on how many respondees we have, there could be  10 a selection committee that would grade those responses  11 that are qualified. And then Commissioner Steen and I,  12 and perhaps some other individual who's well qualified,  13 might take oral interviews and then make a  14 recommendation to the Board for the selection of the  15 PMO.  16 MR. POLUNSKY: Well, I think that that's a  17 very good process and it's essentially served as well  18 with respect to our previous selection. Mr. Steen, what  19 do you think?  20 MR. STEEN: First place, I want to say  21 Commissioner Clowe's done a great job of moving this  22 along. He's really the one that's been pushing this.  23 The thought I had earlier, you were talking is perhaps  24 we could -- would that be helpful to you if we  25 contact -- from the Commission' point of view, if we</p>

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1 contacted the Comptroller's Office to urge them to  
 2 expedite it?  
 3 PAULA LOGAN: That's a little outside my  
 4 balliwick. But I --  
 5 MR. POLUNSKY: I don't think that that would  
 6 be harmful.  
 7 Accounting seems to be nodding, yes, that  
 8 would be helpful.  
 9 MR. STEEN: I don't want to do anything  
 10 that's harmful. But I think we could talk to people and  
 11 maybe try to get it expedited.  
 12 MS. BARTH: I would like to understand,  
 13 Commissioner Steen, are you comfortable with the  
 14 process?  
 15 MR. STEEN: Pardon me?  
 16 MS. BARTH: Are you comfortable with the  
 17 selection process?  
 18 MR. STEEN: Yes.  
 19 MS. BARTH: That's been lined out?  
 20 MR. STEEN: I am.  
 21 MR. POLUNSKY: All right. Therefore, since  
 22 you both are comfortable with the process, I would  
 23 assume everyone else is as well or not? Is everybody  
 24 okay with it? Then I would ask the two of you to  
 25 constitute this committee, go forward, and go through

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1 the process as set out by Commissioner Clowe so that we  
 2 can fast track this as best we can. Thank you,  
 3 Ms. Logan.  
 4 Internal audit and risk assessment services  
 5 contract. Mr. Walker.  
 6 FARRELL WALKER: Farrell Walker, Director of  
 7 Audit Inspection. Mr. Chairman, Commissioners, I'm  
 8 happy to report that all ten of the projects that we  
 9 outlined in our contract with Clifton Gunderson have  
 10 been completed. You have been given nine of those  
 11 projects. The final -- the final one will be delivered  
 12 sometime this week is my expectation.  
 13 The risk assessment that we contracted with  
 14 them has also been completed. I recently received a  
 15 copy of that final report and will be sharing that with  
 16 you before long. And that really concludes the work  
 17 that we have planned for them so far this year.  
 18 MR. POLUNSKY: Discussion? Thank you,  
 19 Mr. Walker.  
 20 FARRELL WALKER: Yes, sir.  
 21 MR. POLUNSKY: Next item would be discussion  
 22 and possible action recording the ongoing Sunset review  
 23 recommendations an other legislation affecting the  
 24 Department and the Public Safety Commission.  
 25 Mr. Kelley.

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1 MICHAEL KELLEY: Mr. Chairman, Commissioners  
 2 and Colonels, my name is Michael Kelley. I'm the  
 3 administrative liaison. Today I'd like to provide you  
 4 an overview. I'm going to go through a few items as  
 5 we -- to give you an update on where we are getting  
 6 ready for the legislation session. First of all, I'd  
 7 like to go over a little bit about the session itself;  
 8 go over the DPS legislation that we're working on  
 9 getting drafted at this time; give you a quick update on  
 10 what's happening with Sunset review at DPS; do a  
 11 thumbnail sketch about what we can get -- what we need  
 12 to do to get ready for the budget process; and then I'd  
 13 like to discuss the nomination process for the four  
 14 Commissioners who are up for the nominations.  
 15 First of all, talking about the legislative  
 16 session, I'd first like to identify some of the key  
 17 staffers who we've been working with who are here at the  
 18 meeting today, if you could so allow me. Candice  
 19 Hargenrader, Katy Sellers, Adam Berkland, and then over  
 20 here, Kyle Mitchell in the Governor's office, have all  
 21 been very helpful working with on preparing the  
 22 legislation that we'd like to see for the next session  
 23 and working with us on budget issues.  
 24 We earlier had Mike Myer from the Senate  
 25 Finance Committee was here as well, and Pete Winkler

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1 with Senator Hager's office was also here earlier but  
 2 they both had to leave. They've been meeting with my  
 3 office and was coming over and visiting with our agency  
 4 to help us get us ready, so I just want to make sure we  
 5 recognize them.  
 6 The key dates to remember for the session,  
 7 we will start on the 13th of January, which is coming up  
 8 little less than a month. That -- we will go for  
 9 140 days until June the 1st. Another key date in that  
 10 is the 13th of March is the bill filing deadline. So  
 11 any legislation we would like to see introduced needs to  
 12 be done by the 13th of March. And we believe, based on  
 13 our current record -- and I'll show you -- I'll go over  
 14 the bills in just a moment -- we should have all of our  
 15 legislation in, well, by -- at least by February.  
 16 The next key date would be the 21st of June.  
 17 That's the last date that the Governor can sign or veto  
 18 legislation that was enacted within the last ten days of  
 19 session. Since most bills really do get pushed back to  
 20 the end, that is a -- that's a critical time when we'll  
 21 need to be looking at what bills were pushed through,  
 22 which ones might the Governor want to veto, and which  
 23 bills are we interested in to make sure the Governor  
 24 understands if we don't want them to be vetoed. So any  
 25 questions on the preparation on the session?

<p style="text-align: right;">94</p> <p>1 The next is Interim committee reports. The  2 lieutenant governor and speaker appointed committees in  3 the House and Senate to look at various issues, and we  4 as an agency went and testified before some of these  5 committees. Only two committees who have any kind of  6 oversight of DPS have released a report so far. That  7 would be the Senate Transportation of Homeland Security  8 Committee, and the House Transportation Committee. And  9 I've e-mailed out to the leaders to let you guys know  10 once it was available.</p> <p>11 As the new reports come online I will send  12 them out. What I'm getting back from the division  13 chiefs is input based on those reports about any  14 concerns they've got about the recommendations, or also  15 if there's any discrepancies they want to report. So  16 any of the divisions that have that, know to get back  17 with me and we're getting that information back to the  18 Chairman and their committee staffs.</p> <p>19 The next issue I'd like to discuss is what's  20 going to happen as far as the speaker and lieutenant  21 governor, how does it impact us. At this current time,  22 we've got -- we've got seven members who filed to run  23 for speaker, and there's about four more who say they  24 may actually run. So what this means for us and the  25 House of Representatives is there's no guarantee that</p>	<p style="text-align: right;">96</p> <p>1 of Homeland Security, and I still believe Senator  2 Whitmire will be on Criminal Justice. But one area it  3 might impact is nominations, and I'll go over that in  4 just a moment.</p> <p>5 Next I'd like to discuss with you the DPS  6 legislation that we're seeking for next session. This  7 is the -- this was updated as of this morning meeting  8 with the staffers I mentioned to you earlier that list  9 all the bills that you approved in October for us to  10 seek. This was updated, again, as of this morning with  11 the staffers that are here.</p> <p>12 What -- what we're doing in my office is  13 working with -- we're working with Senate Transportation  14 of Homeland Security. Chairman Corona agreed to carry  15 all the legislation that's on this list for -- to offer  16 them out of the Senate. I went and met with him in his  17 district office in Dallas, had a good meeting to be able  18 to lay out what you approved in the October meeting.  19 And he's working to get all these bills drafted.</p> <p>20 At the same time, on the House side,  21 Chairman Joe Driver's working to get these same bills  22 drafted. What this chart provides you is which DPS  23 division bureau and section is responsible, and then  24 where we are in getting these bills drafted. The  25 legislative counsel, which is the attorneys that work</p>
<p style="text-align: right;">95</p> <p>1 the committees we've been working with up into this  2 point may exist. The leaders, the chairman may not be  3 there. We don't know because the leadership is picked  4 on the first day of session. What happens is the  5 Secretary of State convenes the House, they vote and  6 choose a speaker.</p> <p>7 So what we're going to have prepared for is  8 changes one way or the other, regardless if Speaker  9 Craddick stays, there could be changes in who the chair  10 of the committees are. And so we're going to need to be  11 prepared to immediately go meet with those new chairmen  12 if they are part of our oversight committee, such as  13 House appropriations, House transportation. So -- and  14 House law enforcement. So that's something to keep in  15 mind. As the session starts, we're also going to face  16 change down there.</p> <p>17 Next is the Senate. Senator Briber was  18 defeated by Wendy Davis. And then last night we had  19 election. Joan Huffman won -- won the seat for Kyle  20 Janek's seat. And so now we've got two new members.  21 And so some of the committee membership and maybe some  22 chairs, because Briber was chair of Administration, that  23 may move some things around in the Senate. I don't  24 foresee that really changing. Like Chairman Corona  25 still -- I believe he'll still be Senate Transportation</p>	<p style="text-align: right;">97</p> <p>1 for -- for the lawmakers downtown, are -- is the agency  2 that's drafting the bills. But they're also drafting  3 hundreds of other bills at this same time, so we're kind  4 of at their mercy right now as to getting these filed to  5 get them drafted so they can be filed.</p> <p>6 But I will say the divisions have worked  7 very hard, these points of contact have, to make sure  8 that when these drafters call that we give them the  9 input that they need so we can get these drafted right  10 away.</p> <p>11 Next is the -- I'd like to go over with you  12 the Sunset review. The Sunset Advisory Commission  13 completed its interim committee meetings as of last  14 night. They ended so they will not -- they will no  15 longer meet to consider any other issues with DPS. It  16 does not mean that the DPS Sunset, that there's still  17 not a concern about Deloitte. In fact, one of the  18 reasons we were asked not to be at the -- the meeting  19 yesterday is their -- they -- the Commission wants to  20 wait and hear what you as the Commission have to say  21 about what of the Deloitte report do you want to see  22 implemented in the next coming two years, in the next  23 biennium.</p> <p>24 So part of what we'd like to hear today, at  25 least I know we've discussed -- I've discussed</p>

<p style="text-align: right;">98</p> <p>1 individually with some of the Commissioners, I guess is  2 to be able to get feedback back to the Sunset staff.  3 And we have here today Amy. Amy Trost, if you'll please  4 stand, and then Ken Martin with the Sunset Advisory  5 Commission who are here to take the feedback you have  6 about what you're interested in seeing in Deloitte to go  7 back to their members.  8       The next part of this process is that a  9 member of the House and a member of the Senate,  10 typically someone who's on the Sunset Commission, will  11 file the DPS Sunset bill. The decision is typically  12 made by the lieutenant governor to pick the senator who  13 carries it and the speaker to pick who's going to carry  14 it in the House. As I mentioned earlier, we're not sure  15 who the speaker's going to be so that may delay the  16 process if finding out which House member is going to  17 carry the Sunset bill on the House side. But as we --  18 we've learned, Senator Hinojosa out of Corpus Christi,  19 McAllen, down in south Texas, he's on the Commission and  20 he's shown an interest in carrying that. Although we  21 have not heard any -- any final definite agreement with  22 the lieutenant governor that he is the one. But we  23 assume he will be the one to carry this.  24       Also to consider on the -- on the -- for the  25 Sunset bill, we've learned that Government Code 411,</p>	<p style="text-align: right;">100</p> <p>1 from us with an update on our LAR based on the Deloitte  2 report which you want to see funded out. And we've had  3 requests for you to rank in number order what budget  4 items you would like to see funded in priority order.  5 The concern is there's going to be a limited amount of  6 dollars available to DPS at the same time that the  7 legislature's trying to take DPS off the fund six as its  8 source, putting us under general revenue.  9       So that's one issue. I know we've got  10 budget coming up after me a little bit down on the  11 agenda, but I will say that's the one thing I'm hearing  12 back from all the lawmakers downtown is they would like  13 your input, some more guidance and clarification on what  14 do you want to see funded out of the Deloitte report;  15 what are your priorities so in case they have to find a  16 cutoff point they know which items you would like to see  17 funded as the top priorities.  18       As far as what you can do as a Commission  19 during the session to help us out as an agency, the --  20 most of the decision making is going to be made. And  21 when the subcommittees or the House appropriations, and  22 it's a subcommittee on criminal justice, which Article  23 5, and a subcommittee Article 5 and the Senate Finance  24 will meet sometime around February to sit down and do a  25 markup of our legislative appropriations request. It is</p>
<p style="text-align: right;">99</p> <p>1 which is the DPS Sunset, and Occupations Code 1702,  2 which is the Texas Private Security Act, that's the Act  3 that regulates these groups you heard from today in the  4 public comment, those will be grouped in together into  5 one bill that will be considered the DPS Sunset bill.  6 Because the private security Board Sunset date will go  7 away and will match this DPS Sunset date from here  8 forth.  9       A separate bill will be filed for the -- for  10 the Polygraph Examiner's Board which will completely  11 remove that Board away from DPS and push it out into the  12 Texas regulation -- Texas License Regulation. So  13 that'll go to a separate division. So that will be a  14 separate -- that will be a separate bill from the DPS  15 Sunset legislation.  16       As far as the budget process, I want to make  17 sure you understand where we are and what -- what I'm  18 hearing from the lawmakers downtown as to what they need  19 to hear from you on the budget. We presented as an  20 agency the legislative appropriations request for the  21 next two years, for -- for the next biennium, 2010/2011.  22 That was done back this summer.  23       Now the Legislative Budget Board, Governor's  24 Office of Budget Planning policy, the House  25 appropriation Senate finance is waiting to hear back</p>	<p style="text-align: right;">101</p> <p>1 at that meeting when most -- most of the decisions are  2 going to be made. It's going to be done in a  3 subcommittee which will then be passed by the full  4 committee and the full House and the full Senate  5 respectively.  6       My point being, I think it's really  7 important that the Commission be represented when those  8 subcommittees meet, and they usually meet around  9 February, because they need to know that you guys are  10 watching and you're there to sell all the different  11 budget items that we're trying to get through this next  12 session. Because after that, once they line out what  13 they want to see, it's hard to add items back in later  14 because they're going to have their mind wrapped around  15 the numbers that they've already presented out of the  16 subcommittee. And we will keep you posted through that  17 process as we go through.  18       The last thing I'd like to discuss with you  19 is the nominations process. Chairman Polunsky was  20 approved during the last nomination cycle. So he's the  21 only one out of the five of you who's been approved. So  22 now the other four of you will be up for the Nominations  23 Committee. Senator Jackson through -- I've talked to  24 Robert Haley, the clerk of the Nominations Committee,  25 he's talked to Senator Jackson he has no problem trying</p>

<p style="text-align: right;">102</p> <p>1 to get you guys up early in the session. But his point  2 is like what I made earlier, he may not be the chairman  3 because he's not sure if he's going to move over to  4 Administration or if someone else -- they're going to  5 shift around.</p> <p>6       Regardless of who it is, we will continue to  7 work with them. And we think Robert Haley will stay as  8 the -- the director and clerk of that committee. He  9 will continue to push to have you guys come up earlier  10 in the session, which I know some of you have asked me  11 to do that, and I highly recommend we try and get your  12 approval done sooner than later so we can then focus on  13 Sunset an budget and other issues.</p> <p>14       One of the things that they -- I worked with  15 Lauren Graber in the Governor's office to verify that  16 they want our agency to do like we've done in the past,  17 and that is to work with you in this nominations  18 process. So I offer to you that I will help you go meet  19 with which seven members, whoever they're going to be  20 once we finally know after the session starts. Whoever  21 those seven members of the Nominations Committee, I  22 would recommend you go meet at least with their staffers  23 if not with them to make sure that they're comfortable  24 with each one of you individually.</p> <p>25       And more importantly, make sure that you</p>	<p style="text-align: right;">104</p> <p>1 what some of the other commissioners, that might help  2 you to get a better idea about what you might see.</p> <p>3       The last thing is that last night Colonel  4 Clark and I verified that we are going to put together  5 some factual information based on these questions we  6 know you're likely to be asked, so you will have a list  7 of information with the latest facts about DPS so you'll  8 have them at your fingertips whenever that committee  9 meets. So we will update and have that information for  10 you at that time. And subject to your questions,  11 that's -- that's my report.</p> <p>12       MR. POLUNSKY: Mr. Kelley, what type of  13 update will you be providing the Commissioners as we go  14 forward with respect to the legislation filed in status  15 of that legislation? Of course, right now we're only  16 talking about legislation filed. But there have been a  17 number of bills filed and that can be identified and  18 communicated forward to the other Commissioners.  19 What's -- what do you do on that?</p> <p>20       MICHAEL KELLEY: Are you asking about the  21 bills we're asking for or about the bills that impact  22 DPS from the --</p> <p>23       MR. POLUNSKY: Any bills that impact DPS, I  24 think, would be of interest to the Commissioners.</p> <p>25       MICHAEL KELLEY: Okay. What we've done is</p>
<p style="text-align: right;">103</p> <p>1 visit with your hometown state senator and they know  2 that you're coming up because they actually have to  3 introduce you before the committee. And I will help  4 work with you on that process. And any time you want to  5 come in to town and go meet with those officials, I'd be  6 glad to meet with you and we'll go do that as we've done  7 in the past with other commissioners.</p> <p>8       Next, Lauren asked me to contact Becky Levy  9 in the -- over in the Ethics Commission to verify that  10 they have everything on file for your personal financial  11 statements. All of you have your 2008 statements. She  12 just wants you to be reminded that April 30th is the  13 deadline for you 2009 statements. But as far as the  14 committees were involved, Senator Jackson said as long  15 as your 2008 is up to date, that's all he's concerned  16 about for your appointment.</p> <p>17       The last thing I'd like to do is the last  18 few sessions we've got a reference -- this is namely for  19 the four of you who have not been approved yet. But  20 this is the last two sessions. This shows you where on  21 the website on the media website the nominations from  22 the 79th and 80th session. That way if you want to go  23 through and take a look at the actual hearings, kind of  24 get an idea what kind of questions were asked when  25 Chairman Polunsky was before the -- the Committee and</p>	<p style="text-align: right;">105</p> <p>1 the Office of Audit Inspection oversees making sure that  2 we do an analysis of all the bills that do come through.  3 And I make -- Chief Schexnyder is right next door to my  4 office and we visit regularly on these issues. I -- I  5 can continue to work with him. And we have the Telcon  6 System, which you guys have access to, to keep a track,  7 and you can see what bills we're tracking from DPS.</p> <p>8       The easiest way since we're -- since there's  9 so many, literally hundreds of bills, that impact DPS  10 one way or the other, is to get on Telcon and actually  11 track through the system, because you can see what our  12 analysts have said about the bills and watch which --  13 where they are in the process. I don't mind helping  14 update you on that, but we're talking hundreds of bills  15 that we're tracking at one time versus the bills that  16 we're asking for, which I will regularly update you on  17 through this process by continuing to update you on this  18 chart. I -- whatever your preference is.</p> <p>19       I believe in the past it's been easier to  20 log in to Telcon and see where we are, what bills are  21 coming up, which ones we are tracking as an agency, what  22 division's tracking it, and what we've said about the  23 analysis of that legislation.</p> <p>24       MR. POLUNSKY: Okay. Here's what I would  25 like to see you do.</p>

<p style="text-align: right;">106</p> <p>1           MICHAEL KELLEY: Okay.</p> <p>2           MR. POLUNSKY: I would like to see you</p> <p>3 through Telicon on a consistent basis, at least once a</p> <p>4 week, if not more frequently, identify the bills that</p> <p>5 DPS has asked be introduced and the status of those</p> <p>6 bills in one category.</p> <p>7           MICHAEL KELLEY: Okay.</p> <p>8           MR. POLUNSKY: And then in a second category</p> <p>9 list all bills that have any relevance to DPS that we</p> <p>10 should be interested in. Quite frankly, I would prefer</p> <p>11 that you all spend the time doing that as opposed to us</p> <p>12 going through it and --</p> <p>13           MICHAEL KELLEY: Sure.</p> <p>14           MR. POLUNSKY: -- doing our own search. I</p> <p>15 think that's more your responsibility.</p> <p>16           MICHAEL KELLEY: Yes, sir.</p> <p>17           MR. POLUNSKY: So --</p> <p>18           MICHAEL KELLEY: On Telicon, the bills are</p> <p>19 listed out when you do -- when you log in to Telecon, it</p> <p>20 lists out all bills that are impacting DPS. But we can</p> <p>21 put that together in one format for you to see.</p> <p>22           MR. POLUNSKY: I -- I know how it works.</p> <p>23 But I want it coming from you --</p> <p>24           MICHAEL KELLEY: Yes, sir.</p> <p>25           MR. POLUNSKY: -- on a regular basis.</p>	<p style="text-align: right;">108</p> <p>1           (Commissioner Brown shaking head side to</p> <p>2 side)</p> <p>3           MICHAEL KELLEY: I'll make sure that they</p> <p>4 have that as well.</p> <p>5           MR. POLUNSKY: But -- but you have -- I</p> <p>6 don't know how many bills have been -- have been</p> <p>7 introduced since the day after the election, but I'm</p> <p>8 sure there's quite a number.</p> <p>9           MICHAEL KELLEY: There are several hundred.</p> <p>10           MR. POLUNSKY: Yeah. And I'm not seeing</p> <p>11 anything coming out of the Department that would</p> <p>12 identify bills that affect DPS in one manner or another.</p> <p>13           MICHAEL KELLEY: Okay.</p> <p>14           MR. POLUNSKY: So I think it would be</p> <p>15 helpful for you to provide that information or that list</p> <p>16 of bills expeditiously.</p> <p>17           MICHAEL KELLEY: Yes, sir. Will do that.</p> <p>18           MR. POLUNSKY: With respect to hearing</p> <p>19 before subcommittees and such, certainly I'll be</p> <p>20 available to do that, but I would encourage any and all</p> <p>21 of the other Commissioners to participate as much as</p> <p>22 they can. If there are Commissioners that really want</p> <p>23 to get fully engaged in all of that, please let me know</p> <p>24 and no problem. You'll be --</p> <p>25           MICHAEL KELLEY: Great.</p>
<p style="text-align: right;">107</p> <p>1           MICHAEL KELLEY: Yes, sir. Will do. And</p> <p>2 once the session starts and once we keep going, my</p> <p>3 intent was actually on a more frequent, maybe more than</p> <p>4 just weekly, to let you know especially when there's</p> <p>5 major changes. Once we hit May when bills start getting</p> <p>6 amended, dying, I'm probably going to keep you informed</p> <p>7 on a much more frequent basis, especially on the bills</p> <p>8 that we're trying to see enacted. So I'll start off on</p> <p>9 a weekly basis, especially at the beginning when there's</p> <p>10 not that many committee meetings. But as needed, I'll</p> <p>11 increase those updates to you. Would you prefer them by</p> <p>12 e-mail?</p> <p>13           MR. POLUNSKY: I think e-mail would be fine</p> <p>14 unless somebody has a preference other than e-mail.</p> <p>15           MICHAEL KELLEY: Okay. If I could get</p> <p>16 then with -- I don't have Commissioner Brown's or</p> <p>17 Commissioner Steen's e-mail. I'll get with you after</p> <p>18 and I'll make sure that we -- we provide that to you as</p> <p>19 well.</p> <p>20           MR. POLUNSKY: Yeah, by the way, I don't</p> <p>21 think the Public Information Office has their e-mail</p> <p>22 either. They should be receiving whatever --</p> <p>23           MICHAEL KELLEY: The clip updates.</p> <p>24           MR. POLUNSKY: Clips and so on. Are you</p> <p>25 receiving that now?</p>	<p style="text-align: right;">109</p> <p>1           MR. POLUNSKY: You'll be included.</p> <p>2           MICHAEL KELLEY: I know having worked over</p> <p>3 on the Senate, when -- when lawmakers see the governing</p> <p>4 board members present, they take -- they take the agency</p> <p>5 a little more seriously than when just staff is there.</p> <p>6 I mean, it helps to see the director and the governing</p> <p>7 board present. I think it gives that emphasis they need</p> <p>8 to know that this truly is a priority and that you guys</p> <p>9 are there to support what we're doing.</p> <p>10           MR. POLUNSKY: Well, I think I speak for the</p> <p>11 entire Commission. I mean, we are very, very interested</p> <p>12 in what's going to be taking place at this next session.</p> <p>13 This is a -- kind of water shed session for the</p> <p>14 Department of Public Safety, in my opinion. There'll be</p> <p>15 any number of bills, I think, that will be very, very</p> <p>16 important for us to be involved in and that will really</p> <p>17 kind of mold who we are, what we do, and where we go in</p> <p>18 the future. So we, you know, we will be fully engaged.</p> <p>19           MICHAEL KELLEY: Yes, sir.</p> <p>20           MR. POLUNSKY: There'll be -- there'll be no</p> <p>21 concern of absence here. You'll see more of us there</p> <p>22 very frequently if not all the time.</p> <p>23           MICHAEL KELLEY: Great.</p> <p>24           MR. POLUNSKY: Because as I said, this is --</p> <p>25 this is going to be monumental session for DPS. A lot</p>

<p style="text-align: right;">110</p> <p>1 the of issues that run the gambit. Certainly pay  2 raises, things of that nature, are areas and issues  3 that, you know, we want to be engaged in and assist in  4 in any way possible.  5       MICHAEL KELLEY: Yes, sir.  6       MR. POLUNSKY: Certainly, I mean, it's  7 Governor Dewhurst's selection. But if he does in fact  8 select Senator Hinojosa, that'd be wonderful. He has  9 indicated to me that this is something he would be  10 interested in. And he also has articulated a strong  11 support for the Department. So I'm very hopeful that he  12 is the one who is selected to carry our Sunset bill in  13 the Senate. And we will work with him if he is the  14 selectee. And if not, whoever it might be, in the  15 Senate and whoever is the individual in the House very  16 closely.  17       MICHAEL KELLEY: Yes, sir.  18       MR. POLUNSKY: Are there any questions for  19 Mr. Kelley while he's here?  20       MS. BARTH: I have a question.  21       MR. POLUNSKY: Yes.  22       MS. BARTH: Is my understanding that you  23 expected us to give you feedback today in the Deloitte  24 study as a priority?  25       MICHAEL KELLEY: We had the budget on agenda</p>	<p style="text-align: right;">112</p> <p>1       DUNCAN FOX: The General Counsel's office  2 does the initial review and assignments as new  3 legislation that comes in. As bills filed we receive  4 the bill, we assign the particular division to who we  5 think is most effective as a monitor. The monitor works  6 with the analyst from the audit inspection to prepare  7 the analysis which we review.  8       MS. BARTH: Is that typically how other  9 agencies do it.  10       DUNCAN FOX: Other agencies do it in  11 different ways. Some -- some agencies have large --  12 have larger legislative liaison offices where they do  13 some of the work or do majority of the work. I've --  14 when I've been communicating with -- through other  15 agencies, that's the most -- the typical -- most typical  16 practice.  17       MS. BARTH: Does that stay in the General  18 Counsel office under the legislative side of it? I'm  19 trying to understand how inspection comes into play  20 here.  21       DUNCAN FOX: The inspection audit section,  22 the -- they're -- they're individuals have carried in  23 the past the responsibility for doing the analysis. And  24 I think that -- that probably the historic perspective  25 was that that office historically was the inspection in</p>
<p style="text-align: right;">111</p> <p>1 coming up. We've got presentation today. I know Chief  2 Ybarra's got information about costing out of possible  3 changes that would be needed in order to pay for the  4 Deloitte study, and that was the feedback we got from  5 the Governors office and the LBB, that they wanted to  6 get more feedback about what items should we go ahead  7 and add into the LAR since the -- they're starting to  8 write the legislative budget estimate which is the first  9 draft of the state budget.  10       MS. BARTH: So you'd expected us today to  11 tell you what items; is that right?  12       MICHAEL KELLEY: Just to kind of give us  13 some guidance on which items do you think we ought to go  14 and add in the LAR for the legislature to consider  15 funding.  16       MR. POLUNSKY: I don't think that's going to  17 happen today.  18       MICHAEL KELLEY: Okay.  19       MS. BARTH: I guess the next question I  20 have, where does General Counsel come into play on  21 reviewing legislation? Is it just the audit inspection?  22       MICHAEL KELLEY: General Counsel actually --  23 well, do you want to answer, Duncan?  24       DUNCAN FOX: Sure.  25       MICHAEL KELLEY: Okay.</p>	<p style="text-align: right;">113</p> <p>1 planning section, part of the planning work of that  2 particular service. And that's how -- that's how the  3 historic practice was. And it's just kind of, at this  4 stage, that's probably (Inaudible)  5       MS. BARTH: I would urge us to rethink that  6 approach. It would seem to me that we wouldn't want  7 much more involvement in General Counsel's office.  8 Maybe I don't understand what the inspection board is,  9 job description on a day-to-day basis. I'm trying to  10 understand how legislation --  11       DUNCAN FOX: What the -- the role of -- we  12 assign a particular division. So we have a particular  13 bill, say, dealing with criminal history record  14 information, some particular topic. That gets filed.  15 We receive that bill. I would look at that bill right  16 now and I identify this as a bill that's affecting the  17 administration division. So it gets assigned to them as  18 their subject matter experts.  19       Same time, my attorney who handles CHRI  20 information looks at it to make sure that we're not  21 seeing any particular issues that are of concern to the  22 General Counsel function. Administration has a lawyer  23 who specializes in CHRI, Criminal History Records  24 Information. That person will write an analysis that  25 goes into our Telcon System. And they write their</p>

<p style="text-align: right;">114</p> <p>1 analysis. And then that is essentially the analyst from  2 office of inspection will usually put that together in a  3 format. And sometimes they'll just take it and put it  4 in there. Sometimes there's other divisions who are  5 also affected it, so there's not a bill that's just  6 CHRI, but it may affect another entity and in which case  7 their function is kind of as a manager to (Inaudible)  8 MS. BARTH: It seems to me we'd have better  9 use of inspection time than kind of acting as a  10 clearinghouse. Is that how I'm understanding it?  11 DUNCAN FOX: That's -- that's closer to  12 what -- how I would describe it. And chief -- Major  13 Schexnyder can speak to this as well as what our process  14 is.  15 MR. POLUNSKY: Do you have a legislative  16 attorney per se?  17 DUNCAN FOX: We do not have an individual  18 attorney appointed to legislature. All of our lawyers  19 carry bills that are assigned closely to their  20 particular areas.  21 MR. POLUNSKY: All right. But you don't  22 have any overseer or someone who would serve as a  23 clearinghouse for all this?  24 DUNCAN FOX: No, we do not.  25 MR. POLUNSKY: You might want to consider</p>	<p style="text-align: right;">116</p> <p>1 that. But in reality, they may draft the first version  2 of the budget based on our -- their current numbers.  3 But we could have that information to them for full  4 consideration when they go to the subcommittee by  5 February.  6 MS. BARTH: But our current numbers have  7 nothing in there for Deloitte; is that correct?  8 MICHAEL KELLEY: That is my understanding  9 based on -- we -- these were prepared in the summer  10 before the Deloitte was done. So there's nothing to  11 reflect the -- the changes.  12 MR. POLUNSKY: Mr. Clowe, do you have any  13 ideas, or suggestions, or recommendations?  14 MR. CLOWE: I think this is a very important  15 item. And the information on the LAR, as I understand  16 it from Colonel Beckworth is just coming in currently  17 updates. And I just wonder if maybe the Commission  18 shouldn't plan a work session between now and the end of  19 this month to take information from staff and create the  20 ratings that Sunset is asking for and give them our  21 priority.  22 MR. POLUNSKY: I -- I think it would be a  23 good idea to have a work session where we could identify  24 those items. I'm not quite sure that this can be sure  25 before the end of the month. Maybe the first week in</p>
<p style="text-align: right;">115</p> <p>1 that. I think maybe.  2 MS. BARTH: Yeah, I mean, I'm trying to  3 figure out what the role is of inspection, and it seems  4 to me that they should be spending their time on the  5 inspection side and not taking notes back and forth on  6 legislative bills. But maybe I'm reading this wrong.  7 MR. POLUNSKY: Well, I think they should  8 serve as a support function. But I think there should  9 be a lawyer in the General Counsel's office that is  10 overseeing all of this.  11 DUNCAN FOX: I'll work on that.  12 MS. BARTH: I want to go back then to the  13 Deloitte study.  14 MR. POLUNSKY: Yes, ma'am.  15 MS. BARTH: How are we going to give  16 feedback in order for Mr. Kelley to give feedback on  17 priorities?  18 MR. POLUNSKY: How quickly do you need to  19 provide this feedback?  20 MICHAEL KELLEY: The first draft of the  21 state budget will be done in January. I know the first  22 meeting, like I said, will be February when the  23 subcommittees meet. Really, January will be about the  24 latest when we could probably get it to them for them to  25 fully consider. They're hoping to get that sooner than</p>	<p style="text-align: right;">117</p> <p>1 January.  2 MR. CLOWE: As long as it's timely, sure.  3 MICHAEL KELLEY: I believe that would be  4 timely enough, what they're looking for. Again, they  5 would go ahead and draft the first draft of the budget.  6 But at least we could get it to them by the time they do  7 the markup and subcommittee.  8 MR. CLOWE: You see, the problem, Michael,  9 is that we don't have the information in-hand at this  10 point in time.  11 MICHAEL KELLEY: Yes, sir.  12 MR. CLOWE: I think each commissioner has a  13 list in their mind of priorities. I certainly do. But  14 I don't have the accompanying numbers to go with that.  15 MICHAEL KELLEY: Yes, sir.  16 MR. CLOWE: And we need that from staff --  17 MICHAEL KELLEY: I know Chief Ybarra is  18 planning on presenting you some numbers today, so maybe  19 that would help. I don't mean to jump the gun on him,  20 but that was part of what Colonel Beckworth had --  21 MR. CLOWE: Well, I think it would help.  22 But then we've got to think about it, ask questions, and  23 we've got to work that into what we see as our, what you  24 might call soft priorities.  25 MICHAEL KELLEY: Yes, sir.</p>

<p style="text-align: right;">118</p> <p>1 MR. CLOWE: You know, in my mind, I'm 2 thinking the people come first. And we ought to be 3 concentrating on needs for compensation for people. 4 MICHAEL KELLEY: Yes, sir. 5 MR. CLOWE: But then right behind that, 6 there's some critical needs, IMS, Driver License 7 Division, other areas that I want to see what the price 8 tags are on those as a result of the Deloitte study and 9 what the chief has done. I don't have that in hand as 10 the Chairman says today. 11 OSCAR YBARRA: Oscar Ybarra, Chief of 12 Finance. I don't have those costed out, either, sir. 13 The direction I was going were the exceptional items was 14 that we have received these questions from downtown as 15 to what direction the agency's going with the Deloitte 16 study. My question today was going to be how -- how our 17 exceptional items may be effected and what guidance we 18 may have -- we may get from the Commission. And if not, 19 If we don't have that yet, then what strategy would we 20 use going into session. 21 As I went the back to my -- to my calender, 22 I believe the first budget hearing is going to be 23 scheduled right around early February. And that's when 24 the Agency makes its mark on it budget and its 25 exceptional items. If we don't have the decisions made</p>	<p style="text-align: right;">120</p> <p>1 rest of the Commission, what do y'all think? 2 MR. STEEN: Let me ask Mr. Kelley, what's an 3 outside date what's the latest you could get it? 4 MICHAEL KELLEY: Like Chief Ybarra's saying 5 early February's when the committees -- subcommittee, 6 usually meet. If we could get it by the end of January, 7 I think that would be timely enough. They understand -- 8 the lawmakers know about the Deloitte study. They 9 understand that we're going through changes here. They 10 have to put a -- they have to pen to paper on the 11 numbers because they have to make a budget decision in a 12 timely manner. So if we could have it by the end of 13 January, I think that would be timely enough. 14 MR. STEEN: All right. So then we don't 15 have to do it during the first week of January which is 16 going to be a difficult time to get people together. 17 MICHAEL KELLEY: The earlier the better. 18 But as long as you have it by the end of January, I 19 think we'll be okay. 20 MR. STEEN: Mr. Chairman, I think we should 21 probably set a date, unless you're going to try to do it 22 in conjunction with the January meeting. 23 MR. POLUNSKY: I -- I would prefer to have a 24 separate meeting. 25 MR. STEEN: Set a date before we leave</p>
<p style="text-align: right;">119</p> <p>1 yet, then what strategy, what kind of guidance are we 2 taking as far as presenting what we have now to the 3 Senate or the House. That was going to be my question. 4 MS. BARTH: Well, what do we have now on the 5 Deloitte study? 6 OSCAR YBARRA: Right now, I think, from the 7 last meeting is the two things we're talking about is 8 the hiring of a director and a program manager. That's 9 where we left it. We can't cost anything out until some 10 decisions are made. There's no doubt on that. We 11 haven't moved on that yet because the Commission has yet 12 to do that. So what we're waiting on is if you're going 13 to make some decisions, it would be best for us to get 14 that information as soon as possible so that we could 15 get your approval on these things and put them in our 16 exceptional items and present them to these decision 17 makers. 18 MR. POLUNSKY: Well, I mean, we certainly 19 need to do that. There's no reason to go through all of 20 this process of getting a Deloitte study and not moving 21 forward on some of the key recommendations that should 22 be implemented. So I would -- you know, I would agree 23 again with Commissioner Clowe that the work session 24 would be appropriate, and, you know, relatively soon. 25 In my mind, the first week in January. What about the</p>	<p style="text-align: right;">121</p> <p>1 today. 2 MR. POLUNSKY: That's what I'm trying to do. 3 I -- I -- I would suggest that we have a separate 4 workshop meeting that is devoted exclusively to this 5 issue. So is the first week in January not convenient 6 to you or do you not like that idea or what? 7 MR. STEEN: My calender's in my truck. 8 MS. BROWN: You're talking about the first 9 full week, I'm assuming, the 5th? 10 MR. POLUNSKY: Well, I think it should 11 probably, you know, around the fist week in January. I 12 wouldn't want this to linger on much beyond that. We 13 need -- we need to be moving forward on this anyway. 14 But beyond that, we need to be getting this information 15 to the legislature so that we don't get left out. 16 OSCAR YBARRA: Yes, sir. 17 MR. POLUNSKY: So that's where I would like 18 to go with it. John, I mean, if you can get me whatever 19 dates you have a problem with. Carln, same with you. 20 Ada, and so on. I mean, I'm going to be available. 21 MS. BROWN: I have a trial that week so I'm 22 going to be out two days. 23 MR. POLUNSKY: If you could get it -- you 24 want it before we leave today? If that's the case, I 25 guess you're going to go outside and have to look in</p>

<p style="text-align: right;">122</p> <p>1 your truck.</p> <p>2 MR. CLOWE: We need a break anyway.</p> <p>3 MR. STEEN: Can we take a break? I'll go</p> <p>4 check. But I think it would be -- it's so difficult for</p> <p>5 Ms. Wright to try to do it after the fact, to try to</p> <p>6 call everybody to coordinate. If we could do it today,</p> <p>7 it'd sure be a lot simpler.</p> <p>8 MR. POLUNSKY: Let's take a ten-minute</p> <p>9 recess, but let's do this quickly because we're going to</p> <p>10 be here for a long time if we don't.</p> <p>11 (BREAK)</p> <p>12 MR. POLUNSKY: The Public Safety Commission</p> <p>13 meeting is now reconvened. It is 3:45. I'm going to go</p> <p>14 back to item 3E, discussion and possible action on</p> <p>15 implementation of the IT optimization study. And that</p> <p>16 will be Chief Lane again, actually.</p> <p>17 BRYAN LANE: Bryan Lane, Chief of IMS.</p> <p>18 MR. POLUNSKY: Would any Commissioner like</p> <p>19 to discuss this?</p> <p>20 MS. BARTH: Well, I would like to pose to</p> <p>21 ask you, Chief Lane, to put together a dollar figure</p> <p>22 within the next ten days to two weeks to get with Oscar</p> <p>23 to identify those resources necessary to address the</p> <p>24 issues discussed.</p> <p>25 BRYAN LANE: Yes, ma'am.</p>	<p style="text-align: right;">124</p> <p>1 your deadline.</p> <p>2 BRYAN LANE: Perfect. January 8.</p> <p>3 MR. POLUNSKY: Okay. There's a motion that</p> <p>4 Commissioner Barth has made and it has been seconded by</p> <p>5 Commissioner Steen. Discussion? There is no</p> <p>6 discussion. All in favor, please say, "Aye."</p> <p>7 COMMISSIONERS: Aye.</p> <p>8 MR. POLUNSKY: Any against? No. Motion</p> <p>9 passes. You have your marching orders.</p> <p>10 BRYAN LANE: Yes, sir.</p> <p>11 MR. STEEN: Thank you, Chief.</p> <p>12 MR. POLUNSKY: Okay. Update report,</p> <p>13 discussion and possible action regarding the DPS Working</p> <p>14 Group on DPS promotional process. That would be Major</p> <p>15 Matthews.</p> <p>16 CAREY MATTHEWS: Carey Matthews, Texas</p> <p>17 Highway Patrol. Good afternoon, Commissioner and</p> <p>18 Mr. Chairman. You have the reports in front of you.</p> <p>19 Both the reports for our recommendations for the</p> <p>20 commissioned process as well as the noncommissioned</p> <p>21 process. Also today I took the liberty and have a lot</p> <p>22 of the Working Group members here that have contributed</p> <p>23 significantly to all of these reports and making these</p> <p>24 recommendations. And hopefully you will find that these</p> <p>25 recommendations are sound and will make great</p>
<p style="text-align: right;">123</p> <p>1 MR. STEEN: And I'll second.</p> <p>2 MR. POLUNSKY: I don't know if we need a</p> <p>3 motion on that.</p> <p>4 MR. STEEN: I'd like to be on record as</p> <p>5 supporting that.</p> <p>6 MR. POLUNSKY: Oh, okay.</p> <p>7 MR. STEEN: Because I think there's some</p> <p>8 urgency with it.</p> <p>9 MS. BARTH: I do want to sense the urgency</p> <p>10 of it. So I -- I will ask you to obviously work with a</p> <p>11 sharp pencil. But -- but I would like to see numbers,</p> <p>12 where we're going to get the funds and how it's going to</p> <p>13 get implemented in a very timely fashion.</p> <p>14 MR. POLUNSKY: All right. Ms. Barth. So</p> <p>15 could you -- could you state that one more time, please.</p> <p>16 MS. BARTH: Move to ask Chief Lane to come</p> <p>17 up with figures with respect to those items that need</p> <p>18 addressing, to get with the CFO to identify sources</p> <p>19 funding and be prepared to implement immediately</p> <p>20 thereafter, which would be approval by the -- I guess</p> <p>21 the Commissioners.</p> <p>22 MR. CLOWE: The Commission is talking about</p> <p>23 meeting on January the 8th. And if they meet, that</p> <p>24 could be on the agenda as an action item.</p> <p>25 MS. BARTH: That's a great idea. So there's</p>	<p style="text-align: right;">125</p> <p>1 significant strides in our promotional system to carry</p> <p>2 us well into the future.</p> <p>3 MR. POLUNSKY: Major Matthews, in that</p> <p>4 light, would you mind introducing the members of the</p> <p>5 committee who are here today. And if there are some who</p> <p>6 are not, could you name those who --</p> <p>7 CAREY MATTHEWS: Yes, sir. What I'd like to</p> <p>8 do is I'll just run through the list, and if you're</p> <p>9 here, would you please stand and be recognized. Captain</p> <p>10 Lisa Shepherd, Captain Kennis Miles, Lieutenant Sonia</p> <p>11 Garcia, Lieutenant Gerald Brown, Lieutenant Orlando</p> <p>12 Alaniz, Sergeant Bryan Hawthorn, Sergeant Rebecca</p> <p>13 Linton, Sergeant Matt Lindeman, Sergeant Laura Simmons,</p> <p>14 Sergeant Tomas Lopez, Sergeant Jeff Maker, Sergeant</p> <p>15 Scott Stevenson, Sergeant Robert Wilson, Trooper Cynthia</p> <p>16 Sparks, Corporal Bonny Coons, Trooper Roger Martin,</p> <p>17 Corporal Eric Burse, Trooper James Bishop, Trooper</p> <p>18 Rosarlo Lopez, Lieutenant Freddy Hobbs.</p> <p>19 On the noncommissioned side, Paula Logan as</p> <p>20 a subcommittee chair, Elaine Keith, Mimi Herklotz,</p> <p>21 Dennis Tobias, Tommy Gonzales, and Charles Mott. I</p> <p>22 thank you for the opportunity to introduce them. They</p> <p>23 all contributed significantly on our recommendations,</p> <p>24 put a lot of hard work and effort into these processes.</p> <p>25 MR. POLUNSKY: I would wholeheartedly concur</p>

<p style="text-align: right;">126</p> <p>1 with that. And on behalf of the Public Safety  2 Commission, I would like to thank each and every one of  3 you for all the time and effort that you put into this  4 project and this endeavor. Needless to say, it is  5 extremely important. This is an issue that I've  6 referenced in the past, and it's one that I hear time  7 and time again when I speak to our people in the field  8 as to issues that are of concern to them.</p> <p>9 And the perception by some that the process  10 in the past has been inequitable. And I think that the  11 recommendations that have come out of the study and this  12 group will go a very, very long way in removing those  13 feelings that there are inequities in our promotional  14 process. So again, I cannot thank you enough for the  15 time and effort that has been put into this particular  16 project. Thank you all very much.</p> <p>17 CAREY MATTHEWS: With that, I'll answer any  18 questions you might have. Otherwise, the reports are  19 there for you.</p> <p>20 MR. POLUNSKY: Mr. Clowe.</p> <p>21 MR. CLOWE: Major, I've read this report and  22 I'm very impressed with it. I think it's just what the  23 Commission was looking for and wanted. I would add my  24 congratulations to that of the Chairman. And I have  25 some questions regarding moving forward. In your</p>	<p style="text-align: right;">128</p> <p>1 at when we developed that number is over fiscal year  2 last year we promoted 204 individuals that were required  3 to relocate last year due to promotions. And of those  4 204, we looked at their rank and salary structure and  5 et cetera to come up with a number that we were asking  6 for for a relocation benefit. So if we provided the  7 relocation benefit that we are asking for, which is a  8 \$6,000 lump sum stipend or benefit based upon  9 relocations, then that number would be about  10 \$1.2 million fiscal impact last year on the Agency.</p> <p>11 MR. CLOWE: Mr. Chairman, as one  12 commissioner, I'm eager to move ahead with this and  13 quantify the cost. And we heard that Sunset would like  14 to hear from us on costing out parts of the Deloitte  15 study. I consider this parts of that and also parts of  16 the Sunset committee recommendations are covered in this  17 study. I wonder if we might refer the two studies as  18 they are now to the Colonel and Lieutenant Colonel and  19 ask them to work with the Major and with the Chief and  20 come to the meeting that I believe you're going to set  21 in early January with price tags on these various policy  22 changes that the major says the colonel can implement  23 with the Commission's permission and approval so we can  24 consider it at that time.</p> <p>25 MR. POLUNSKY: I think that is a very, very</p>
<p style="text-align: right;">127</p> <p>1 opinion, or did you deal with how much of your report is  2 covered by rules of the Commission, how much is covered  3 by policy, set forth by the executive director. And if  4 any part, what part is covered statutorily and requires  5 legislation to implement.</p> <p>6 CAREY MATTHEWS: Well, obviously especially  7 the -- the recommendations that we made in  8 recommendation number two which especially deal with  9 incentives. And those incentives obviously would  10 require legislative action and would have a fiscal  11 impact upon the Department. So therefore, those would  12 require some legislative action.</p> <p>13 However, the majority of the other  14 recommendations, especially on the commissioned side,  15 most of those recommendations could be enacted by  16 leadership of the agency simply by policy changes.</p> <p>17 MR. CLOWE: And you gave us some benchmarks  18 for compensation and money related incentives.</p> <p>19 CAREY MATTHEWS: Yes, sir.</p> <p>20 MR. CLOWE: Has any work been done to  21 quantify those so we can get a handle on what the  22 incremental and total cost of this plan are?</p> <p>23 CAREY MATTHEWS: We gave you the best  24 numbers that we could give you, especially on the  25 incentive regarding relocation benefits. What we looked</p>	<p style="text-align: right;">129</p> <p>1 good idea, and I would ask the Colonel to implement  2 that.</p> <p>3 MR. CLARK: Will do that, sir.</p> <p>4 MR. POLUNSKY: Are there any other questions  5 for Major Matthews?</p> <p>6 CAREY MATTHEWS: Thank you, sir.</p> <p>7 MR. POLUNSKY: You did a good job. In all  8 seriousness, this is a -- this is a very constructive  9 piece of work that has been put together here. And this  10 group really should be commended. This is not just lip  11 service. This is what I like to see happen. And I  12 think the other Commissioners do as well. Our people  13 get together and participate in reforms that we're  14 trying to get done here so that, you know, we're a  15 better place.</p> <p>16 CAREY MATTHEWS: Thank you, sir.</p> <p>17 MR. POLUNSKY: This is a perfect example of  18 that.</p> <p>19 CAREY MATTHEWS: Thank you, sir. We  20 appreciate the recognition. I know that the entire  21 group worked very diligently and very hard on what  22 you've tasked us with, and we believe we've come up with  23 some great sound recommendations.</p> <p>24 MR. STEEN: Major, I want to say, too, it's  25 an excellent product. Very, very impressive report.</p>

<p style="text-align: right;">130</p> <p>1 And the thing that really brought it home to me, I  2 really like the quotes you put in there about the  3 hardships people have had. Those were really  4 compelling.</p> <p>5 CAREY MATTHEWS: Thank you, sir. One of the  6 best things that we believe that we did is involve the  7 entire Agency and our members through an electronic  8 survey. That was one of the quotes that we got more  9 than anything was thank you for giving us the  10 opportunity to be heard. So we felt like that was a  11 long stride that we made just through the process itself  12 of being able to have that input from our membership.</p> <p>13 MR. STEEN: You know, sometimes in  14 discussing all this, the human element gets overlooked,  15 and the impact on families. I just complement you on  16 that.</p> <p>17 MR. CLOWE: Going to do the best job we can  18 of showing you the money.</p> <p>19 MS. BARTH: I just want to say I agree. I  20 really appreciate the involvement of the entire Agency.  21 Cross section of people. It's just real important to me  22 to make sure that we're hearing from one end of the  23 state to the other, the commissioned and  24 noncommissioned. So really do have a fond appreciation  25 for getting voices from everybody and all the people</p>	<p style="text-align: right;">132</p> <p>1 got to work on both groups. But Dennis Doblus, JoJo  2 Heselmeter, if y'all could go ahead and stand. Wayne  3 Miller. The other members who aren't here are Bryan  4 Prall who's regional supervisor from Region 7; Valerie  5 Brakefield who's the supervisor from the Houston -- or  6 the Dallas area; Cathy Bergman, the supervisor from the  7 Houston area. And technicians from Dallas, Terry Stom  8 and Ms. Rogers from the Weatherford area.</p> <p>9 The final report --</p> <p>10 MR. POLUNSKY: Thank you all very much.</p> <p>11 BOB BURROUGHS: The group was charged with  12 looking at two different issues. One was to come up  13 with work measures for the Vehicle Inspection Program,  14 and secondary was to come up with an organizational  15 structure that would make a streamline of uniform  16 command for this program from a headquarters functions  17 person who was in charge and we recommended a program  18 administrator down to the line -- the line vehicle  19 inspection technicians who actually do the audits at  20 the -- at the stations.</p> <p>21 To streamline the audit activities, as we  22 said, in our first program, we recommended in the  23 organization that the Vehicle Inspection Bureau here in  24 Austin take on the training function, take on the  25 evaluation function of the data that's provided in the</p>
<p style="text-align: right;">131</p> <p>1 that are involved.</p> <p>2 MR. POLUNSKY: Yeah. I mean, the days where  3 two or three people make all the rules, that's behind  4 us. Thank you. And by the way, the workshop meeting  5 that we are going to hold will be held on January the  6 8th. I believe that is the date that is acceptable to  7 all of the Commissioners. So Ms. Wright, could you go  8 ahead and make note of that?</p> <p>9 DOROTHY WRIGHT: Yes, sir.</p> <p>10 MR. POLUNSKY: Thank you.</p> <p>11 MS. BARTH: What's the last possible date  12 you have to post that meeting? My comment is if there  13 are other items, Mr. Kelley, that might need to be  14 brought forth, that would be the time.</p> <p>15 DUNCAN FOX: We're thinking the 29th.</p> <p>16 MR. POLUNSKY: Next item, update report,  17 discussion and possible action on recommendations of the  18 Vehicle -- Vehicle Inspection Working Group. Chief  19 Burroughs.</p> <p>20 BOB BURROUGHS: Bob Burroughs, Assistant  21 Chief of Driver's License. Mr. Chairman, Commissioners,  22 you have the final report of the Vehicle Inspection  23 Program Working Group. To follow along with the  24 previous group, there are several members of the group  25 here, and even want to commend Dennis Doblus because he</p>	<p style="text-align: right;">133</p> <p>1 two vehicle inspection data bases to provide analysis  2 for enforcement and evaluation of the program.</p> <p>3 I believe that those were the major  4 functions, what was asked for in the Sunset Commission  5 report, and I believe that our findings in our report  6 lay out a framework being able to set up an  7 organizational structure. Once the new administrator  8 who comes on board who the administrator can guide  9 through the policies and procedures for how this  10 structure be implemented.</p> <p>11 With that, we also figured out -- looked at  12 the personnel, looked at the dollars, and believe that  13 within the VI strategy as funded, there are sufficient  14 personnel in dollars to implement this report.</p> <p>15 Questions?</p> <p>16 MR. POLUNSKY: Are there questions for Chief  17 Burroughs?</p> <p>18 MR. CLOWE: So my understanding is that your  19 recommendation falls entirely within the policy purvey  20 of the direct or and the Board?</p> <p>21 BOB BURROUGHS: Yes, sir.</p> <p>22 MR. CLOWE: I'm also understanding that the  23 funding is available and it doesn't require additional  24 funding; is that correct?</p> <p>25 BOB BURROUGHS: We believe there's</p>

<p style="text-align: right;">134</p> <p>1 sufficient funding and sufficient FTEs currently within  2 the allocation for the Vehicle Inspection Program to  3 implement this finding, yes, sir.  4 MR. CLOWE: And you mentioned that this  5 coincides or is concurrent with Sunset recommendations.  6 I don't remember, without referring to it, how the  7 Deloitte study covered this area. Can you help me with  8 that?  9 BOB BURROUGHS: The Deloitte study  10 recommended the Vehicle Inspection Program be placed  11 under the -- the licensing and regulation, are about  12 five different groups that would be placed under an  13 assistant chief or chief person who would answer to the  14 deputy director for administration. And this was one of  15 the five functions that this program be moved under.  16 MR. CLOWE: But the Deloitte study didn't go  17 into the detail that you've gone into.  18 BOB BURROUGHS: No, sir.  19 MR. CLOWE: Mr. Chairman, I'm wondering how  20 we will move ahead with this, timing it with the  21 selection of the executive director or director and/or  22 the development of the project management office and do  23 it in and orderly and timely fashion. I wonder if the  24 Board has any thoughts on that.  25 MR. POLUNSKY: You have thoughts on that?</p>	<p style="text-align: right;">136</p> <p>1 MR. BECKWORTH: Yes, sir.  2 MR. POLUNSKY: Are there any objections to  3 that -- that strategy? Chief Burroughs, I would -- I  4 would begin implementation.  5 BOB BURROUGHS: Okay. Thank you.  6 MR. POLUNSKY: Update report, discussion and  7 possible action to develop an approach for transforming  8 the administration of the Driver's License Division to a  9 civilian model. Chief Brown.  10 JUDY BROWN: Good afternoon, Chairman  11 Polunsky, Commissioners. I have before you a  12 comprehensive proposal. We put together a committee in  13 the Driver's License Division. We looked at two goals.  14 One was to commission -- was to transition our  15 commissioned personnel from management positions into  16 other services within the Agency to allow us to move  17 forward with a civilian management in the driver's  18 license offices.  19 The second part of that proposal, which is  20 to me, the more significant in our ability to serve the  21 public, and that was to look at all the customer service  22 initiatives that we could potentially research within  23 the time frame and determine out of that research which  24 one of those initiatives would have the most significant  25 impact on our ability to serve the public and the</p>
<p style="text-align: right;">135</p> <p>1 MR. CLOWE: Well, my -- my reaction, having  2 read the plan, is it looks good, and I'd almost be in  3 favor of saying let's do it. I guess we ought to have  4 input from the Colonel and the Lieutenant Colonel. But  5 it looks like a push that will move us without an  6 expense forwards towards more efficiency and better  7 control. And I'm just trying to think, you know, it  8 doesn't seem to conflict with whoever's designated as  9 the new director or the development of the PMO. It just  10 almost seems like something we ought to go ahead with,  11 unless there is an objection that I'm not seeing.  12 MR. BECKWORTH: Mr. Chairman, can I speak to  13 that particular issue briefly? I concur with the --  14 your comments that we can move forward with this  15 recommendation and implement it. The one thing that we  16 probably need to do is to evaluate the workload of  17 individual technicians in the field to align that  18 accordingly to the recommendation. We can do that over  19 the next 30 days, 45 days at the most. And we'd be  20 ready to go forward with hiring a program manager and  21 implementing this program. And I, too, agree that I  22 believe it falls in line with the Sunset Commission  23 recommendation.  24 MR. POLUNSKY: So you're suggesting we go  25 forward?</p>	<p style="text-align: right;">137</p> <p>1 citizens of the state of Texas.  2 For sake of time, I'll draw your attention  3 to Chapter 5. Within that Chapter it has our  4 recommendations with regards to commissioned personnel.  5 We laid out those recommendations to the Commission in a  6 previous report as well requesting the approval for  7 transfer of 118 troopers, 10 sergeants, and 4 lieutenants  8 from the Driver's License Division to the Highway Patrol  9 Division. It is our thought that the Commission is in  10 agreement that -- that we continue to utilize those 118  11 troopers for law enforcement functions within driver  12 license offices, that they operate under the control of  13 the Highway Patrol Division.  14 We're recommending that we utilize one  15 existing captain in the Driver's License Division to be  16 transferred to Austin to act as the liaison between  17 Driver's License and Highway Patrol. During this  18 transition period, once the transition is effectively  19 completed, that captain's position would move into  20 Highway Patrol to continue as a resident expert of  21 Driver's License and to assist with the control of those  22 personnel within Highway Patrol.  23 We're recommending the approval of transfer  24 of 30 sergeants, 7 lieutenants, and three captains to  25 the Fraud Unit as well as transitioning our existing</p>

<p style="text-align: right;">138</p> <p>1 fraud troopers to sergeant investigators in the CLE 2 Division. In those proposals, that takes care of the 3 majority of the commissioned personnel within the 4 Division. What that leaves is a remainder of 22 5 sergeants, 8 lieutenants, 3 captains, major and 2 6 assistant chiefs in Driver's License that are 7 commissioned that would have to be placed in vacancies 8 or elsewhere in the Division. 9       We are seeing a good amount of turnover 10 right now in Driver's License. When -- when I talk 11 about 22 sergeants, we probably have four or five 12 vacancies now. We have vacancies in the lieutenant 13 ranks and a vacancy in the captain's rank. So, again, 14 dependent upon the time frame for the transition, those 15 people could find positions that are vacant within the 16 Agency to transfer to or we could lose some of those 17 positions through attrition. 18       As we move on in to page 51 of Chapter 5, we 19 have outlined the LAR requests that are existing. Those 20 things that would -- the first one as our priority is 21 the critical compensation salary package for our 22 technicians and examiners. Then we've asked for and 23 been approved prior by the -- by the Commission the 24 purchase of two automated mailing machines to allow us 25 to replace the antiquated equipment, continue to mail</p>	<p style="text-align: right;">140</p> <p>1 that population growth. We've looked at the number of 2 offices who have an existing window or an existing lane 3 within the offices that would not potentially require 4 office modification. That number is 95. 5       We feel like approximately 84 personnel 6 would bring us up to current with regards to population 7 growth. If we filled all existing lanes, that would be 8 95. It would give us very little latitude, but some 9 latitude for growth. And then as we work with the 10 legislature into the future, we need to look at an 11 opportunity to keep pace with population growth. 12       If you look at all the customer service 13 initiatives that we recommended along with the civilian 14 managers, we're looking at a total of a request of 36 15 million in the first year and 32 million in the second. 16 We recognize that -- and -- and that is inclusive of the 17 existing LAR initiatives. We recognize that that is a 18 significant amount of money. 19       If there is support from this Commission 20 that we're allowed to move forward with this, we'll be 21 glad to work with the legislature. We'll reduce this 22 book to a -- a more final set of recommendations; work 23 with Sunset, work with the legislature to determine an 24 opportunity for financing. 25       One of the things that we have, as was</p>
<p style="text-align: right;">139</p> <p>1 our licenses on a -- on a efficient cycle look at a web 2 based appointment system to allow the public to schedule 3 appointments to do certain activities within the -- 4 within the driver's license offices. 5       Now on page 52, we begin with our 6 recommendations of our customer service initiatives. I 7 won't go through those in detail unless you have 8 questions. Those include things like allowing a cueing 9 system to be implemented in our large offices to do 10 significant building program improvements in our offices 11 where we've not been able to keep pace with the building 12 conditions; to allow us to extend hours in 11 major 13 offices throughout the state; to allow a mobile strike 14 team to allow us to add 24 additional personnel for 15 large metroplex areas to go out to the large businesses, 16 hospitals, universities and to go onto their campus and 17 issue licenses, again, in an attempt to provide a 18 solution and remove some of the population from our 19 offices. 20       We've asked for 95 additional personnel also 21 within those customer service initiatives. We did a 22 considerable amount of research looking at the 23 population growth throughout the state. We've had over 24 a 14 percent population growth since 2000. We've not 25 had additional personnel added to the division do meet</p>	<p style="text-align: right;">141</p> <p>1 discussed earlier, the opportunity to move out of fund 2 six. We've talked with the Governor's office and some 3 key legislators with regards to driver's license fees 4 and services funding for the Driver's License Division 5 and allowing us to self-fund ourselves. We feel like we 6 can do that using either a combination of our fees or a 7 portion of our fees in certain areas. We feel like when 8 we look at the -- if you look at the 68 almost \$69 9 million over the biennium for our customer service 10 initiatives, for our civilian managers, for our LAR 11 requests, if we were to increase the driver's license 12 fee by a dollar a year. So as opposed to paying a \$24 13 renewal fee, you would pay a \$30 renewal fee, we could 14 make up that money almost -- almost dollar for dollar. 15 We come up with almost a little over 70 million if the 16 volume of applicants remain as we anticipate it will. 17       So we have developed a -- an opportunity if 18 the legislative saw it within their wisdom to utilize 19 that as an opportunity to fund the initiatives, we could 20 give them the statistics and the figures to allow them 21 to consider that as well. 22       As we went into chapter 6, we did a summary 23 of the fiscal impact of each and every initiative that 24 we researched to kind of allow you to look at what we 25 recommended versus what we researched and how each one</p>

<p style="text-align: right;">142</p> <p>1 of those would look in a total capacity. The assumption  2 for cost are based on the -- based on the assumption  3 that the troopers and commissioned officers moving to  4 the other services would take their salary dollars with  5 them. And then we would -- within our request we have  6 the salary dollars for the civilian managers.  7 Be glad to answer any questions or to go  8 into any more detail in any area that you'd like for me  9 to do so.  10 MR. STEEN: Mr. Chairman.  11 MR. POLUNSKY: Mr. Steen.  12 MR. STEEN: Chief, I was looking at the  13 statement of commitment. You say that Driver's License  14 Division has experienced challenges with customer  15 services. And the first thing you mention is the long  16 wait times for citizens in driver's license offices.  17 That's something we're all familiar with. And then I  18 noticed on the -- I guess it's at the very back of the  19 Appendix B, you've measured that in different offices  20 across the state. What I think would be very effective,  21 can you tell me what the average wait time in the state  22 of Texas is?  23 JUDY BROWN: No, I cannot. And the reason I  24 tell you that, Commissioner Steen, we added those  25 charts. We are able to monitor those in very few</p>	<p style="text-align: right;">144</p> <p>1 whole lot of work that went into Appendix B. But is  2 there a way we can do it simply? Maybe you could call  3 the people in Indiana and figure out how they did it.  4 JUDY BROWN: I'll be glad to do that. One  5 of the things that we've asked for was in the confines  6 of -- of the customer service initiatives is a cueing  7 system. The cueing systems that are out there now, when  8 the person walks in the office they begin to be counted.  9 And when the transaction is complete, the ticker stops,  10 if you will. And it monitors those times.  11 It allows either from a local perspective,  12 regional or a statewide perspective, an ability to  13 monitor your wait time in every office where you have a  14 cueing system. We'll continue with the manual  15 accounting so that we can really keep a mark on where  16 we're at and where we're going. The goal for me would  17 be to get some of the automation in place so that we're  18 actually able to count those transaction times in an  19 automated format which makes them more accurate, and  20 again, allows us from a regional or a statewide  21 perspective to attack where the problem is.  22 So if we're seeing larger wait times in  23 three offices out of the, you know, 10 or 15 in Houston,  24 that we can focus on a remedy at those offices rather  25 than looking at a -- looking at a problem from a broader</p>
<p style="text-align: right;">143</p> <p>1 offices in an automated format. What we did several  2 months ago is actually begin to ask our field services  3 to monitor that manually in offices so that we really  4 could get a gauge for what those wait times are.  5 It is different from location to location.  6 And when you begin to try to average those, you skew the  7 statistical measurement. Because in a small office, in  8 Midland, Odessa, those areas, you have very little wait  9 time. And it minimizes the wait time that's actually  10 experienced in Houston, in Dallas, in some of our larger  11 offices. So I don't mean belligerently, no, we can't  12 average that. But from a true statistical averaging,  13 it's very difficult to do.  14 MR. STEEN: Well, I was going to say that I  15 know in Indiana -- I just pick that state because I know  16 the governor there -- that they did measure it somehow  17 where he was able to say at this point in time the  18 average wait time was this, and then we implemented all  19 these changes and we got it down to this. And it was a  20 very simple message to the public that we've really  21 improved in this area.  22 That's what I'm looking for, is we're at the  23 beginning of a lot of changes and we're going to try to  24 reduce those wait times. It'd be great if we could  25 measure it in a way that -- and I realize there's a</p>	<p style="text-align: right;">145</p> <p>1 perspective that we localize it and are able to -- able  2 to benefit ourselves from that.  3 MR. STEEN: I know you're going to make  4 progress. I just want a way to capture that. And  5 that's why (Inaudible) at the beginning of it. So where  6 are we today so -- so, you know, a year or two later we  7 can say look at the progress that we've made.  8 JUDY BROWN: I think we can do that. I  9 think we start manually and we move into an automated  10 system. But -- but absolutely we can do that. We'll  11 continue to monitor those so we can respond with those  12 results as well.  13 MR. STEEN: But would you look into that for  14 me about -- about coming up with some number. I mean,  15 it's great, all the work that went in here. But --  16 JUDY BROWN: I'll be glad to do that.  17 MR. STEEN: -- some number that we could use  18 as -- in terms of performance measures to say we started  19 here and look where we've gotten in two years.  20 JUDY BROWN: I'd be glad to do that. One of  21 the -- within the -- within the confines of the  22 recommendations, one of the things that we want to do  23 based on what's approved and what's funded, is that we  24 actually begin to build metrics so that we can measure,  25 we can have tools, we do have a better opportunity to</p>

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1 really measure where we're at and where we're going.  
 2 MR. STEEN: Thank you.  
 3 MS. BARTH: Can I ask you a couple  
 4 questions?  
 5 JUDY BROWN: Yes, ma'am.  
 6 MS. BARTH: With respect to the budget, it's  
 7 just amazing to me how it could swell this much going  
 8 into this type of a civilian program. Could you look at  
 9 incremental dollars if we just stayed with what we had  
 10 where we'd have to make raises to just be more  
 11 effective? I mean, I'm really trying to figure out  
 12 is -- I see this big number. But -- but I don't -- one,  
 13 it's hard for me to see this big number. Number two, is  
 14 I don't think this is big if we got, you know,  
 15 commissioned -- if we get everybody on the salary where  
 16 they probably where they should be. Am I reading that  
 17 wrong?  
 18 JUDY BROWN: If I understand your question,  
 19 when we looked at the Driver's License budget and how to  
 20 look at what our existing budget will be without  
 21 commissioned personnel, for the commissioned personnel  
 22 in our division, we moved -- we removed just a little  
 23 over \$14 million.  
 24 In looking at that, it's 89 commissioned  
 25 supervisors in the field and four in Austin. When you

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1 look at replacing those with civilians and increasing  
 2 the complement of civilians -- and that's what we did.  
 3 We didn't -- we didn't take, you know, 63 sergeants out,  
 4 put 63 supervisors, because we believe that's part of  
 5 where we're inadequate in not having enough supervision.  
 6 But we took 14 million out, and we're asking  
 7 for 14.3 the first year. But that's all the capital and  
 8 cost we'll have to equip and train. We're actually  
 9 reducing that annual salary dollars to 11 million for  
 10 the long term.  
 11 MS. BARTH: Okay. Talk to me about the IT  
 12 side of this. I don't know, conversations you've had  
 13 with Chief Lane. But are you planning to go to a  
 14 totally web based system in terms of information, as  
 15 opposed to search based system in these offices? Tell  
 16 me how this is going to work and what happens if the  
 17 system is down. Are we out of business?  
 18 JUDY BROWN: The new Driver's License system  
 19 is a web based program. We're utilizing -- we hope to  
 20 utilize, if we're approved with the request to exceed,  
 21 land lines so that we're -- we anticipate with AT&T a 99  
 22 percent up rate -- 99.9 percent up rate. So if the land  
 23 line goes down, we would lose that particular office  
 24 that's on that phone line. The technology advancements  
 25 that are in these customer service initiatives would

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1 work right into the new driver's license system.  
 2 MS. BARTH: So it -- I mean -- I guess, does  
 3 AT&T guarantee that to us? And so if it's down, we look  
 4 to AT&T to take all those complaints?  
 5 LINDA BOLINE: Jimmy, we're going to have to  
 6 fill over with one office, too?  
 7 JIMMY WISE: Yeah.  
 8 JUDY BROWN: We've got my -- both of the  
 9 project managers for the new system. So Jimmy, if  
 10 you'll --  
 11 JIMMY WISE: Jimmy Wise, Information  
 12 Management Systems. Basically, when we build the SLAs  
 13 with the contracts with AT&T, then we can get a  
 14 guarantee with that -- that percentage (Inaudible) With  
 15 the satellite issue being removed, we don't have the  
 16 latency and some of the weather conditions that could  
 17 affect us. So our response time alone is going to be  
 18 drastically improved to what we were going for.  
 19 Removing the servers out of the local, the  
 20 original plan, there was limited transactions they could  
 21 do anyway, okay. They couldn't do electricity or  
 22 anything like that. So plus we were looking at having  
 23 the overhead of trying to service 1,200 servers, both  
 24 remote data bases and synchronize them if we had to --  
 25 if we had to actually spill over.

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1 Now, from a fell over perspective, out  
 2 there, the -- it's fully mesh network. It's not just a  
 3 point to point network like, you know, that would've  
 4 been out there three or four years ago. So there's ways  
 5 that the central office with AT&T can reroute one  
 6 destination to another, okay. We're looking at having  
 7 them manage the network initially. That's part of the  
 8 request as well so that later on then we can bring in  
 9 our local resources and then slowly migrate to in-house.  
 10 But we don't have the expertise to manage it right now  
 11 or the number of FTEs that it be required. So --  
 12 MS. BARTH: That's built into your budget?  
 13 JUDY BROWN: It's built into the request to  
 14 exceed and the LAR request, yes, ma'am.  
 15 MS. BARTH: The number of IT people you  
 16 would need as well?  
 17 JUDY BROWN: What we did is we built in AT&T  
 18 to service that.  
 19 JIMMY WISE: Right. Yeah.  
 20 MS. BARTH: So no onsite or, I guess, Austin  
 21 people overseeing that or --  
 22 JIMMY WISE: Yes, it would be onsite. AT&T  
 23 folks onsite as well as remote support in the outer  
 24 offices.  
 25 MS. BARTH: Okay.

<p style="text-align: right;">150</p> <p>1 JIMMY WISE: I mean, AT&amp;T themselves would 2 actually be performing the network support. 3 MS. BARTH: And talk to me about the current 4 system we have. Given we didn't get these dollars, talk 5 to me about the current system we have and the data base 6 and issues we have today in terms of people coming in 7 and the information on the people. 8 JUDY BROWN: Talking about our Legacy 9 System? 10 MS. BARTH: Yes, our Legacy System. 11 JUDY BROWN: Okay. Now, know that the NDLS 12 we have significant support moving forward with NDLS. 13 As I said, we've got the issue with the communication 14 request to exceed those budget dollars. The existing 15 system is server based. And so when you begin -- if I 16 if I understand where you're going with your question, 17 when you begin a process in an office and don't complete 18 that process, that information resides on that server. 19 MS. BARTH: Right. 20 JUDY BROWN: If that server goes down or 21 that office is closed, that information cannot be 22 imported over to another office's server, so it becomes 23 a manual process. With the new system, there will be 24 nothing that you can go into office "A" and begin your 25 transaction, and you can finish it in any of the other</p>	<p style="text-align: right;">152</p> <p>1 MS. BARTH: So by going to this web based -- 2 I just want to make sure, we go to this web based 3 system, if I started out one place, it doesn't matter 4 where I finish, the data is -- is held in -- 5 JUDY BROWN: Here. Yes. Yes, ma'am. 6 MS. BARTH: Okay. That's a lot of money. 7 MR. POLUNSKY: Chief Brown, let me get back 8 to cost associated with civilianizing the Division, your 9 numbers as to what additional funds would be needed in 10 order to accomplish that. Help me with this. Doesn't 11 that run afoul or is somewhat contradictory to what the 12 Sunset Commission staff is suggesting and possibly the 13 Governor's office budget people as well? 14 JUDY BROWN: Yes, sir. It does run afoul of 15 what discussions I've had with the Governor's office. 16 I've not directly had these discussions with any Sunset 17 personnel. If we take the commissioned officers in 18 Driver's License, specifically the 118 troopers, and we 19 move them to Highway Patrol, expecting them to continue 20 their law enforcement services in a DL office, the 21 question is do I ask for funding for my civilian 22 managers and pass the salary dollars along with those 23 commissioned officers to their new respective division, 24 or do I retain their salary dollars and let the new 25 division ask for support of those dollars.</p>
<p style="text-align: right;">151</p> <p>1 200 locations. But the existing Legacy System, when a 2 transaction is not completed, it is not transmitted to 3 Austin, it is maintained on that server. Therein, 4 requires a significant intervention manually to 5 reestablish that data and complete that transaction in 6 that office or the option of a new transaction being 7 started in a new number issued, which I understand 8 occurred in your situation. 9 MS. BARTH: That's right. 10 JUDY BROWN: I apologize for that. 11 MS. BARTH: I should never bring my kids 12 over to those offices. 13 JUDY BROWN: You know, I can't get it right 14 when you go into a DL office. I'm not sure why. But 15 we're trying. 16 MS. BARTH: I'm just trying to understand 17 how that happens, and now I think I have a better idea 18 with the Legacy System of that occurring where 19 information just gets dropped, as I understand it. 20 JUDY BROWN: Well, it gets -- and you have 21 to understand, there's not -- there's -- sometimes the 22 understanding in our field offices is not exactly 23 technically accurate. The result is the same, but the 24 actual what happens with the data is not technically 25 accurate.</p>	<p style="text-align: right;">153</p> <p>1 If we move those -- jump in here wherever 2 you want, Colonel Beckworth. If we move those 118 3 personnel to Highway Patrol and we expect Highway Patrol 4 to pay their salary dollars, it's my understanding they 5 can do that out of vacancies they have now. However, 6 that takes those 118 sets of boots off the ground and 7 leaves them in a driver's license office. So if we want 8 to retain the dollars in the commissioned salary dollars 9 in Driver's License to allow us to begin moving forward 10 with civilian management, the determination then begins 11 the determination from the leadership here as to does 12 Highway Patrol ask for dollars to support those 118 and 13 however many officers we have staying in driver's 14 license offices, or do they fill vacancies which then 15 takes it into Highway Patrol's subject arena and the 16 leadership here. 17 MR. CLARK: Mr. Chairman, if I can give an 18 example of what Chief Brown is talking about, and I'll 19 let Colonel Beckworth add to this, we have -- and I'm 20 going to use approximate numbers here, and this is for 21 the benefit of the new commissioners. We have 22 approximately 3,800 commissioned officers. Now, let's 23 just take a mass disaster of monumental proportions 24 where we had to put our 3,800 commissioned people in the 25 field.</p>

<p style="text-align: right;">154</p> <p>1 Now, if we take -- and the exact number is  2 223 driver's license commissioned officers. If we take  3 those 223 -- but I'll just call it 200 -- move those  4 into existing vacancies that we currently have, I mean,  5 that sounds good. But we're trying to fill up these  6 current vacancies. Now, if we move the driver's license  7 commissioned people into those vacancies, theoretically,  8 we would only be able to put 3,600 boots on the ground  9 to address this disaster, if that's a way you can kind  10 of understand this.</p> <p>11 Of course, I know it has a big price tag to  12 it. But we would certainly hate to lose 200  13 commissioned officers that we might need. We never know  14 in Texas what we're faced with. But you might want to  15 add something to that.</p> <p>16 MR. BECKWORTH: I would just like to add  17 that going back to the decision that the agency made  18 based upon the Sunset Commission recommendation, the  19 Sunset Commission, when they made their recommendation,  20 this is the concept that they used. Their position was  21 that we would take and leave the salary behind and  22 transition the commissioned personnel to the vacancies  23 in Highway Patrol. That's why they made the  24 recommendation in the fashion that they made it, and we  25 in essence agreed to that recommendation.</p>	<p style="text-align: right;">156</p> <p>1 to replace with civilian supervisors.</p> <p>2 MR. CLARK: The number of FTEs.</p> <p>3 JUDY BROWN: The number of FTEs would need  4 to be changed, but the dollar amounts would -- would be  5 adequate.</p> <p>6 MR. CLOWE: Well, you've got some need for  7 increased compensation at the clerical level and the  8 examiner level, too, don't you?</p> <p>9 JUDY BROWN: That is correct. That is  10 seven-and-a-half-million dollars a year in our current  11 approved LAR request.</p> <p>12 MR. CLOWE: And it's important to keep that  13 in mind so that you reduce turnover. And to me, that's  14 retention of those employees and training those  15 employees is key to the improved service to people who  16 walk in.</p> <p>17 JUDY BROWN: You are absolutely correct.  18 And it's important to note that this really isn't a  19 two-pronged approach. The civilian managers can manage  20 DL offices. There's no doubt. But without some of  21 these technology and these initiatives and these  22 abilities to fill -- to fill vacant lanes and have the  23 number of employees I need to serve the state, we're  24 still going to have -- have problems. We'll be back two  25 years from now with the same complaints.</p>
<p style="text-align: right;">155</p> <p>1 And then the Governor's office of planning  2 came back with the same approach. Yes, that's the  3 direction we feel like you need to go. And also, if you  4 need those particular FTEs in Highway Patrol, then they  5 should be asked for from a Highway Patrol strategy  6 rather than Driver's License strategy. And that's the  7 decision that the Public Safety has to make and in which  8 direction do we choose to move forward on that.</p> <p>9 MR. CLARK: Does that help --</p> <p>10 MS. BROWN: Yeah, it does.</p> <p>11 MR. CLARK: -- a little bit?</p> <p>12 MS. BROWN: It does.</p> <p>13 MR. POLUNSKY: Well, it helps. But I guess  14 what you're saying is we need to provide direction as to  15 which option to go.</p> <p>16 MR. CLARK: We know what the -- Mr. Mitchell  17 is requesting through the Governor's office. And  18 Mr. Trost, if he's here, their -- their request is to  19 move those Driver's License commissioned vacancies into  20 existing Highway Patrol vacancies, leave the dollars  21 behind for Chief Brown to establish her new civilian  22 staff, which is not going to be adequate because she's  23 going to need a lot of supervisors than what she  24 currently has now.</p> <p>25 JUDY BROWN: The dollars would be adequate</p>	<p style="text-align: right;">157</p> <p>1 MR. CLOWE: Mr. Chairman, I have a question.  2 Jimmy, is that contract with AT&amp;T that guarantees  3 99.96 percent up time, does that have a provision for  4 liquidated damages?</p> <p>5 JIMMY WISE: Well, so far we haven't even  6 started the contract talks yet, okay, until we get the  7 money on the table from the request exceed approved.  8 Once we reach that point, then we will build a service  9 (Inaudible) agreement with them. And part of that would  10 be, you know, penalties for lack -- lack of performance.</p> <p>11 MR. CLOWE: Well, if that's their guarantee  12 for the money they're asking, there ought to be a  13 liquidated damages provision if they go down.</p> <p>14 JIMMY WISE: Right.</p> <p>15 MR. CLOWE: Mr. Chairman, this is an  16 interesting problem. I think it's a good presentation.  17 It's a good complete package. You've done a nice job.  18 My sense is there's just a little bit more work to be  19 done on reconciling the issues that the Chairman brought  20 to the question about Sunset and those inputs we've had  21 from the Governor's office. A suggestion I would like  22 to make is that this matter also go to the colonels and  23 that this plan be brought to us for our authorization on  24 January the 8th so we can go to Sunset, we can go to the  25 Governor's office to say here's where it fits in.</p>

<p style="text-align: right;">158</p> <p>1 You've covered the Deloitte study and Sunset 2 organizationally, as I see it. The outstanding issue is 3 the money and we need to reconcile that. I don't think 4 we're going to do that this afternoon. 5 JUDY BROWN: And I will point out to you 6 that as we begun to move these cost figures as estimates 7 into the LAR format, they'll change to some degree as we 8 move into that additional fiscal note format that we 9 have to do. It's not going to be significant. 10 MS. BARTH: How many vacant spots do we have 11 in Highway Patrol? 12 MR. CLARK: 204. 13 MS. BARTH: And how many would we be moving 14 from DL again? 15 MR. CLARK: About 223, commissioned number 16 of DL troopers. 17 MS. BARTH: That we would be moving over to 18 Highway Patrol? 19 JUDY BROWN: We're looking at moving 132 20 into Highway Patrol and 40 into CLE. 21 MS. BARTH: And how many openings are in CLE 22 currently? 23 MR. BECKWORTH: I think Criminal Law has 24 approximately seven to ten openings, in Criminal Law 25 Enforcement. One thing I'd like to add to the statement</p>	<p style="text-align: right;">160</p> <p>1 offices we needed to build over the next five to ten 2 years to keep pace with population. That's a cost that 3 we didn't put in here because it was such a significant 4 impact trying to add a building. But, again, I think if 5 you looked at all the elements that we researched, I 6 think we picked those that would have the most 7 significant and the quickest impact on our population to 8 implement. We -- included with these dollars, we 9 anticipated use of vendors so that we would not have to 10 rely on internal staff, that we could move immediately 11 forward behind getting the new system out to add some of 12 these -- some of these projects (Inaudible) money. 13 MR. CLOWE: I think it's important to 14 quantify this cost and get an understanding as best 15 possible between the Governor's office and Sunset, and 16 this Agency as to the right way to go. 17 JUDY BROWN: I provided a copy of this 18 report to the Governor's office and to Sunset today. We 19 have a meeting on Friday with Sunset to -- 20 MR. CLOWE: Good. 21 JUDY BROWN: -- allow them to go through the 22 report and provide their comments. And I feel quite 23 positive that I'll get a response back from the 24 Governor's office as well. 25 MR. CLOWE: Good.</p>
<p style="text-align: right;">159</p> <p>1 that Colonel made, in true numbers today, there are 316 2 commissioned vacancies. However, we have 108 recruit 3 school individuals over there. And that's why we 4 subtract that 108 from 316, comes to 204. 5 MR. CLOWE: Yeah, that's right. 6 MR. BECKWORTH: So keep that in mind. 7 MR. CLOWE: When's the graduation date? 8 MR. BECKWORTH: March. 9 MR. CLOWE: What it boils down to is if 10 you're going to do what you've got laid out here as a 11 plan is you need more money. It's not a push. 12 JUDY BROWN: You're right. We need 13 significant dollars and support to be able to implement 14 the customer service initiatives. As sad as it is, it's 15 a common theme that you wait in line at a driver license 16 office, that you have difficulty in a driver license 17 office. My conversation with Colonel Beckworth is I 18 need to ask for everything that I think I can 19 effectively implement that will enhance the service. 20 And if the legislature tells me no, then at least we've 21 attempted to go forward and make those modifications. 22 If I don't ask, we're -- we're absolutely going to be 23 back -- back in the same shape a year from now, two 24 years from now. 25 The Deloitte study talked about how many new</p>	<p style="text-align: right;">161</p> <p>1 MR. POLUNSKY: When you do, I would 2 appreciate it if that information could be disseminated 3 to the Commissioners so that we're totally in the loop 4 with respect to what's going on here. 5 JUDY BROWN: Be glad to do that. 6 MR. CLOWE: And I understand exactly the 7 answer you gave to Commissioner Steen, because in 8 Houston and Dallas it's -- and San Antonio it's lines 9 around the corner. In Waco you just buzz in. But I 10 wish you would call the DL folks in Indiana and find out 11 how statistically they reconciled those differences -- 12 MR. STEEN: They got it down to a number. 13 MR. CLOWE: Yeah. And ask them how they got 14 that number. And let's see if we can test the validity 15 of their system. Because that's exactly what we need to 16 be able to say to the government and to the public here, 17 we're going to do this and here's the result we're 18 anticipating. 19 JUDY BROWN: I'll be glad to do that. I did 20 reach out and talk to California. California, Florida, 21 Texas and New York are the four largest states with 22 regards to the number of driver license issuance as we 23 do an on annual basis. California's setup is so 24 different than ours that their wait time studies were -- 25 it was comparing apples to oranges. It just really</p>

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1 wouldn't cross over in looking at their studies. But we  
 2 did seek out a number of states to look at the things  
 3 that they had done to reduce their wait times. And many  
 4 of those were already incorporated in our report. We  
 5 looked at the Sunset recommendations as well. But I'll  
 6 be glad, over the -- over the next couple of weeks to  
 7 reach out and see if I can't --  
 8 MR. CLOWE: I guess the size --  
 9 JUDY BROWN: -- get some information from  
 10 Indiana.  
 11 MR. CLOWE: -- of Indiana may, you know,  
 12 make it so different from our problem. They may not  
 13 have the basic criteria that we have --  
 14 MR. STEEN: That's right.  
 15 MR. CLOWE: -- allows them to do that.  
 16 MR. STEEN: We just need to find out.  
 17 MS. BROWN: And I think there's such a wide  
 18 variety -- just thinking about my own experiences in  
 19 Dallas with the driver's license office. I lost my  
 20 billfold and went to the Gariand station, and huge long  
 21 line. And then I go to the Dallas, like, City Hall  
 22 station, two minutes. So, you know, here you're talking  
 23 about the same metroplex within the same day, and wide  
 24 variety of differences.  
 25 MR. POLUNSKY: Well, that's because the

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1 former major in Garland --  
 2 MR. STEEN: Can I ask Commissioner Clowe, if  
 3 I could put him on the spot, he's so good about  
 4 summarizing on that, where are we on this?  
 5 MR. CLOWE: Well, my sense, Commissioner, is  
 6 that we've got a really good package here. This has  
 7 fulfilled what the Commission has asked for, what Sunset  
 8 said they'd like to see, what Deloitte said they'd like  
 9 to see. And the plan is to give customers better  
 10 service. That's clearly a function of the IT and the  
 11 people training retention. It involves moving the  
 12 uniformed commissioned officers out of DL into both CLE,  
 13 Criminal Law Enforcement and Fraud. Chief Brown  
 14 indicated as well as Highway Patrol.  
 15 But the issue is it's going to take money.  
 16 And there's lacking of resolution between the directions  
 17 the, marching orders that we got, and the cost of the  
 18 result that Chief Brown is presenting them to us. I've  
 19 talked with Colonel Beckworth about this, and Colonel  
 20 Clark as well, and I think there's a little glitch still  
 21 in the communication between our folks and the other  
 22 two. I think they need to come together.  
 23 Chief Brown's got a meeting scheduled  
 24 Friday. I think she'll make progress. We don't quite  
 25 have it identified as to the best route, and I think

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1 that's going to come about. And when we meet on January  
 2 the 8th, I think we can say this is our best solution.  
 3 It's going to cost some money. Here's the hard number.  
 4 And here's where we prioritize it with Deloitte and all  
 5 the things that are recommended.  
 6 MR. STEEN: Very well done. Thank you.  
 7 MR. CLOWE: And I'm very pleased with -- all  
 8 of these reports are coming in very timely and we're  
 9 getting the price tags on them. Very timely for the  
 10 presentation to the legislature and the leadership.  
 11 MS. BROWN: If I can brag on your  
 12 department, before I lost my billfold when I renewed my  
 13 driver's license online, man that was a convenience, and  
 14 it was quick and it was easy. And, you know, kudos for  
 15 you for using technology to make things faster. I don't  
 16 know how many people are taking up on that, but it's  
 17 very customer friendly.  
 18 And I noticed one of the things in your  
 19 proposal is that people kind of do all the preliminary  
 20 things online, for their online application, so that you  
 21 show up with a confirmation number and you know exactly  
 22 what you've got to be there with. I think that's a  
 23 great way to use technology to even make people who are  
 24 going to be at the driver's license, who have to  
 25 physically come there, to make it more efficient for

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1 them. So I'm glad to see you using technology to  
 2 enhance customer service.  
 3 JUDY BROWN: Thank you. We've done a number  
 4 of campaigns over the years. The Texas online contract  
 5 calls for some advertising, and we have used that to the  
 6 fullest extent to try to entice people to use those  
 7 online services. Part of the philosophy behind adding  
 8 some of the, what I call incentives to go online, pay up  
 9 front, make your appointment online, fill out your  
 10 application online, we can at some point in time begin  
 11 to let people online, do all the prequiry. I think that  
 12 will give them incentive to begin to use online for our  
 13 services and hopefully then to move from that  
 14 transaction into the online and not even come into the  
 15 office.  
 16 MS. BROWN: I think you're going to see the  
 17 benefits of that, maybe not immediately, but five years  
 18 from now. Especially the younger people, you know, do  
 19 everything on the internet. I think that's great.  
 20 MR. CLOWE: Mr. Chairman, could I ask Chief  
 21 Brown a question regarding Driver License? It doesn't  
 22 have anything to do with this, but I have a sense the  
 23 division report's not going to make it today.  
 24 MR. POLUNSKY: I'm going to try to, but go  
 25 ahead.

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1 MR. CLOWE: Chief Brown, were you in the  
2 room earlier when we had public comment at the beginning  
3 of this meeting?

4 JUDY BROWN: Yes, sir.

5 MR. CLOWE: Did you hear the comments from  
6 the gentleman who was here, I believe, from the  
7 Philippines in regard to the temporary visitor driver's  
8 license that he had?

9 JUDY BROWN: Yes, sir.

10 MR. CLOWE: I would like to ask you this  
11 question, when those types of licenses are issued, do  
12 they not truthfully reflect that person's status as it  
13 is determined by the rules for the issuance of a  
14 driver's license?

15 JUDY BROWN: I believe they do. An asylee,  
16 by USCIS definition, is a temporary status. It is not  
17 an immigrant status.

18 MR. CLOWE: So you didn't not dream that up.

19 JUDY BROWN: I did not dream that up. You  
20 can't dream up the immigration rules and requirements.  
21 You can't get there. A permanent resident would not be  
22 marked temporary visitor.

23 MR. CLOWE: So that is a true statement on  
24 that driver's license of that person's status in regard  
25 to the rules?

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1 remedy is become a citizen.

2 JUDY BROWN: That's correct.

3 MR. CLOWE: And, Commissioner, that's  
4 exactly the thought I had. And I don't want to be too  
5 aggressive in stating it. But, you know, when I was a  
6 minor, I was a minor.

7 MS. BROWN: I didn't like that under 21  
8 either.

9 MR. CLOWE: And now that I'm old, I don't  
10 like being old. But, you know, I am what I am, like  
11 Popeye said.

12 MS. BROWN: But I think that's an important  
13 distinction you're making, it's not that we're putting  
14 incorrect information there, we're putting truthful  
15 information. And if you don't like the truth, then you  
16 change your status, correct?

17 MR. CLOWE: And that's -- you know, as I've  
18 been thinking about this and reading the newspaper, and  
19 these stories are poignant. The story related this  
20 morning was poignant. But as long as it's a true fact  
21 on that document, what else can you say.

22 MS. BARTH: And I guess I'm going to push  
23 you as well. We shouldn't have put you in an  
24 uncomfortable situation. But to respond is that what's  
25 on that gentleman's license is by law what needs to be

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1 JUDY BROWN: According to what we have read,  
2 what we have been able to ascertain through meetings,  
3 through research, even the Real I.D. requirements, an  
4 asylee would be a non-Real I.D. compliant process.

5 MR. CLOWE: Well, I thought the  
6 Commissioners asked some very poignant and very good  
7 questions, but I wanted to ask you this question. That  
8 just reflects the true status.

9 MR. STEEN: And Chief, just to clarify, you  
10 know about his particular situation, or you talking  
11 about in general what you heard today?

12 JUDY BROWN: No, I am very familiar with his  
13 situation. We drafted the letter for the Colonel's  
14 response. I have not seen the second letter, but  
15 anticipated that we would -- we would begin  
16 correspondence back and forth.

17 MR. STEEN: I just wanted that  
18 clarification.

19 MS. BROWN: I have a question for you. I'm  
20 sorry, I didn't mean to cut you off. If I'm a temporary  
21 resident and it's truthfully reflected on my card but I  
22 don't like that it says that, if I become a citizen and  
23 I show up with my papers, I get a new ID, right?

24 JUDY BROWN: That's correct.

25 MS. BROWN: Okay. So if I don't like it, my

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1 on the license; is that how I understand it?

2 JUDY BROWN: That's correct.

3 MS. BARTH: So now, if we wanted to change  
4 it, would we even be able to do that, so to speak, with  
5 respect to what the U.S. -- I mean --

6 JUDY BROWN: We could -- we could change our  
7 rule.

8 MS. BARTH: Okay. We could change our rule  
9 based on his status.

10 JUDY BROWN: Or on that asylee status,  
11 correct?

12 MS. BARTH: On that asylee status. There  
13 are so many different potential statuses an immigrant  
14 could be: a refugee, an asylee, a student, a guest  
15 worker. I mean, there's just a broad variety of how  
16 somebody can apply for legal status in this country and  
17 how the federal government deals with applying those  
18 status and giving the documents to them. We could --

19 MS. BARTH: So your -- put you on the spot  
20 again. In your opinion, we would have to address a  
21 number -- you just put --

22 JUDY BROWN: For every one we address, there  
23 would be three more outcries.

24 MS. BARTH: That's what I wanted to know.

25 MR. CLOWE: So temporary visitor covers it

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1 all.  
 2 JUDY BROWN: It -- it -- yes, it does. It  
 3 covers the statuses. We've worked our identification  
 4 policy. And, again, the identification policy is  
 5 separate from the marking of the temporary visitor. But  
 6 we've worked that policy through the years, and worked  
 7 with immigration. Done more than our due diligence to  
 8 try to understand the federal government requirements.  
 9 And there comes a point in which the federal government  
 10 has to deal with these immigrants appropriately so then  
 11 the states can respond accordingly.  
 12 MR. CLOWE: What's the Real I.D. say about  
 13 this?  
 14 JUDY BROWN: The Real I.D. would -- would --  
 15 the final rules in Real I.D. would put an asylee in the  
 16 same status that we're doing today with our  
 17 administrative rules.  
 18 MR. CLOWE: So we're basically in line with  
 19 that.  
 20 MS. BARTH: And how do other states do it?  
 21 JUDY BROWN: You know, if you'll recall back  
 22 when we were considering this, we gave some -- some  
 23 information and some charts and things. You know,  
 24 there's less than eight states that don't have some type  
 25 of temporary residence requirement on the license. I

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1 can't quote you exactly how many mark their licenses. I  
 2 was told recently that we are the only state that uses  
 3 the vertical on the license. I don't know that that's  
 4 an incorrect statement.  
 5 In the samples that we have been able to  
 6 obtain through other states and the research we've seen,  
 7 I've not seen another vertical license. We've seen a  
 8 number of different elements and different ways to mark  
 9 the license, different terminology used on a license.  
 10 But we are not the only state that's marking a license.  
 11 MS. BROWN: Can I ask just one more  
 12 question? Just so I'm clear, too. We talked a little  
 13 bit earlier about this about this sort of being wrapped  
 14 under the guise of racial profiling. You're not  
 15 instructing your people to only tell brown people to  
 16 bring their papers, or only people with blue eyes; is  
 17 that right?  
 18 JUDY BROWN: That's correct.  
 19 MS. BROWN: Everybody brings the same  
 20 papers.  
 21 JUDY BROWN: Anybody that has a (Inaudible)  
 22 citizenship or has a -- has a blank, it's not been  
 23 marked in citizenship, are being required to present  
 24 their proof of their citizenship.  
 25 MS. BROWN: So if I'm an Irish immigrant, I

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1 got to bring my papers. Thank you.  
 2 JUDY BROWN: I'll be glad, Commissioner  
 3 Brown and Commissioner Steen to provide you some of the  
 4 background data we provided to the other commissioners  
 5 with regards to this budget as we -- as we move forward  
 6 with the administrative rules.  
 7 MS. BROWN: Thank you.  
 8 MR. CLOWE: Did I see where the federal  
 9 government released 48 million to Real I.D. funding?  
 10 JUDY BROWN: They did.  
 11 MR. CLOWE: And our request currently is 102  
 12 million, isn't it?  
 13 JUDY BROWN: 104.  
 14 MR. CLOWE: 104.  
 15 JUDY BROWN: We're trying to work out the  
 16 final details of getting the 3.2 that we were promised  
 17 but not yet awarded. As soon as we can get that  
 18 bureaucratic process, we can move forward with the  
 19 application for whatever they'll give us of the 48  
 20 million. We'll ask for it all.  
 21 MR. CLOWE: If we get it, we're going to get  
 22 it in dribs and drabs.  
 23 JUDY BROWN: That's correct.  
 24 MR. CLOWE: Thank you, Mr. Chairman.  
 25 MR. POLUNSKY: Just a brief comment, that

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1 somewhat illuminates the remarks that Commissioner Clowe  
 2 made, but I think it's -- I think it is a very -- should  
 3 be a very strong complement to the Department, not only  
 4 the Driver's License Division, but the other divisions  
 5 that have stepped up here in the sense that the Sunset  
 6 Commission basically concluded their business within the  
 7 last 24 hours. Yet, just in the last three reports that  
 8 we have received on Vehicle Inspection and promotion  
 9 policies and civilianizing the Driver's License Division  
 10 and so on, I mean, we're pretty far down the road in  
 11 implementing recommendations that the Sunset Commission  
 12 staff made, you know, in conjunction with our particular  
 13 Department, and there are others as well. But areas  
 14 that we have taken the initiative on. Not even -- not  
 15 even counting what we're doing with Deloitte, which is  
 16 even much broader.  
 17 So -- so I think it speaks very highly of  
 18 the Department of Public Safety as to the initiatives  
 19 that we've taken here to -- to really get ahead of the  
 20 curve on this particular issue or set of circumstances  
 21 and recommendations that have come out of the Sunset  
 22 Commission staff and hearings and so on, because I don't  
 23 think any other department or agency in Texas really has  
 24 really grasped the recommendations and responded to them  
 25 as strongly as we have.

<p style="text-align: right;">174</p> <p>1 So I -- I would thank you and the others,  2 the many others who have stepped up and really shown  3 what the Department of Public Safety is all about.  4 JUDY BROWN: Well, and I would tell you  5 thank you for that. I have a very small work group that  6 worked on this field personnel as well as headquarters.  7 And in order to get us to this point, there were  8 countless hours and weekends and nights to get the  9 research done and bring it down to a list of  10 recommendations. But we'll be glad to move forward when  11 the time is right.  12 MR. POLUNSKY: Okay. Ms. Logan, discussion  13 on the assistant to the Commission. Probably going to  14 be a short report here.  15 PAULA LOGAN: We posted the job and it  16 closed and we've collected the applications. And I've  17 spoken with you about them and I'm just waiting for your  18 guidance on how to proceed.  19 MR. POLUNSKY: I think our last conversation  20 was that I referred to our -- to Mr. Clowe's committee.  21 PAULA LOGAN: Okay.  22 MS. BARTH: Is this a hiring report to the  23 Commissioners or is it --  24 MR. POLUNSKY: To the Commissioners.  25 MS. BARTH: Okay. Is that put in the</p>	<p style="text-align: right;">176</p> <p>1 Barth and myself?  2 MR. POLUNSKY: Yes, it is. Thank you.  3 MR. CLOWE: Is this news to you, too?  4 MR. POLUNSKY: I told her about two minutes  5 ago.  6 MR. CLOWE: Oh.  7 MR. POLUNSKY: Okay. Is there more?  8 PAULA LOGAN: Well, (Inaudible) to general  9 counsel.  10 MR. POLUNSKY: General counsel, there --  11 there is no recommendation from the legal committee.  12 I'm going to make the recommendation to the director.  13 The director -- I'm recommending to the director that he  14 retain Stewart Platt as the general counsel. Reports,  15 audit inspection --  16 MR. STEEN: Mr. Chairman, so there's no --  17 there's no motion from this Commission?  18 MR. POLUNSKY: I don't think there needs to  19 be a motion. Do you want there to be a motion?  20 MR. STEEN: I think it would be appropriate  21 since it was agendaized that way.  22 MR. CLOWE: So moved.  23 MR. POLUNSKY: It has been moved by  24 Commissioner Clowe. Is there a second?  25 MS. BROWN: I'll second.</p>
<p style="text-align: right;">175</p> <p>1 organizational structure that way?  2 PAULA LOGAN: Well, the hiring's been done  3 from y'all's perspective. And the working title, so to  4 speak, was placed in the Public Safety Commission arena.  5 I mean, I don't know that there've been specific  6 discussions about where they'll go on the org chart.  7 But that was my understanding of how y'all wanted to  8 proceed, was that this position would report directly to  9 y'all.  10 MS. BARTH: Does that mean on the  11 organizational chart that's where it's going to be?  12 MR. CLOWE: Yes.  13 MS. BARTH: I just want to make sure.  14 MR. POLUNSKY: That's exactly where it's  15 going to be, because that's the whole purpose of the  16 position.  17 MR. CLOWE: Now, you just said something I  18 don't think I've heard before. You said that this  19 process is going to go under my command?  20 MR. POLUNSKY: Congratulations.  21 MR. CLOWE: That's the first time I heard  22 that one. And where are we, Paula, on this?  23 PAULA LOGAN: I have applications and I'm  24 ready to give them to you.  25 MR. CLOWE: And would that be Commissioner</p>	<p style="text-align: right;">177</p> <p>1 MR. POLUNSKY: Seconded by Commissioner  2 Brown that the Commission recommend to the director that  3 Stewart Platt be hired as the general counsel to the  4 Department of Public Safety. Discussion on the motion?  5 MS. BARTH: I have question as to reporting.  6 MR. POLUNSKY: Yes, ma'am. Your question  7 is?  8 MS. BARTH: Who does the general counsel  9 report to?  10 MR. POLUNSKY: Under the organizational  11 chart as it's presently constituted, I believe that the  12 general counsel reports to the director.  13 MR. CLARK: That's correct.  14 MS. BARTH: So is it a motion to recommend?  15 MR. POLUNSKY: Yes.  16 MS. BARTH: That the director pursue a  17 contract with Stewart Platt?  18 MR. POLUNSKY: That's correct.  19 MS. BARTH: That's not what I heard out of  20 the motion.  21 MR. POLUNSKY: Well, I think that is what  22 the motion --  23 MR. CLOWE: That -- that was my motion.  24 MS. BARTH: Okay. I misunderstood you.  25 MR. CLOWE: I -- I think for further</p>

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1 edification there has been discussion by the Commission  
 2 that the general counsel should have a reporting  
 3 relationship with the Board. And I'd like to say that I  
 4 certainly agree with that. And I think that is  
 5 something that as this position is approached and  
 6 developed, that it be discussed because I would hope in  
 7 the future the general counsel will have a line to the  
 8 Board as well as the director, a reporting relationship  
 9 line.

10 MS. BARTH: Commissioner Clowe, would you  
 11 mind restating your motion for me?

12 MR. CLOWE: Restating it? My motion was,  
 13 the Commission affirm the Chairman's direction to the  
 14 director to employ to Steven Pile as the general  
 15 counsel.

16 MR. POLUNSKY: I would ask that you -- that  
 17 you amend that, that would be recommend to the director.  
 18 We would not direct the director.

19 MR. CLOWE: So amended.

20 MR. STEEN: It's Stewart Platt, right?

21 MR. CLOWE: Stewart Platt, P-L-A-T-T.

22 MR. POLUNSKY: There's a second by Ms.  
 23 Brown.

24 MR. STEEN: Mr. Chairman, just to make a  
 25 statement, we were the legal committee. In good faith,

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1 we couldn't reach a consensus on it. I actually have  
 2 someone else that I would favor. But in the spirit of  
 3 us all getting behind this, I'm going to vote in favor  
 4 of the motion.

5 MR. POLUNSKY: Thank you, sir. Is there any  
 6 other discussion?

7 MS. BROWN: I'd like to add, having  
 8 interviewed the candidates, certainly both very well  
 9 qualified, and that was a tough decision. And so --

10 MR. POLUNSKY: All right. I assume there's  
 11 no additional discussion. All in favor, please say,  
 12 "Aye."

13 COMMISSIONERS: Aye.

14 MR. POLUNSKY: Any against? No. Motion  
 15 passes. All right. We'll go into reports, and going to  
 16 drop down to audit and inspection. Mr. Walker.

17 MR. STEEN: Mr. Chairman, Commissioners, as  
 18 I mentioned earlier, I have to leave. See you at the  
 19 next meeting.

20 MR. POLUNSKY: See you on January the 8th.

21 MS. BROWN: Bye.

22 MS. BARTH: Mr. Walker, I'd like to move  
 23 right to the -- the audit on crash -- statewide audit of  
 24 crash reports.

25 FARRELL WALKER: All right. At Commissioner

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1 Barth's request -- Farrell Walker, Director of Audit  
 2 Inspection. At the request of Commissioner Barth, we  
 3 had two Inspectors conduct an audit of crash reports  
 4 that are created by Texas Highway Patrol. By way of a  
 5 little background, for at least six years our inspection  
 6 group has looked at crash reports in terms of their  
 7 compliance with guidelines that are given to them for  
 8 completion.

9 There's been some controversy about our  
 10 reporting. But our report was in terms -- reports have  
 11 always been in terms of compliance with those  
 12 guidelines. Our guys, in complying with Commissioner  
 13 Barth's request to look at this statewide, used  
 14 statistical methods. I applaud them for taking the  
 15 Initiative to do that. They worked with me, and we  
 16 consulted with a statistician that I know from formally  
 17 with the state auditor's office and -- to verify our  
 18 methodologies.

19 As a result of that, we -- we found the  
 20 compliance -- or the error rates that were reported in  
 21 our report, some 39 percent overall. And we sat down  
 22 with Highway Patrol and to gauge how close they viewed  
 23 our -- our evaluation. And as reported in that report,  
 24 we're within 7 percent in agreeing that in the number of  
 25 critical compliance errors in there.

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1 This is important -- in my view, this report  
 2 is important because there are a number of stakeholders  
 3 who use it. TxDot, folks who go to court, the troopers  
 4 who go to court will be questioned about the contents of  
 5 that report. So it's very important that they complete  
 6 that thing in a way that is professional and accurate.  
 7 And particularly in terms of their violation codes and  
 8 their assessment of the situation that they find when  
 9 they arrive.

10 MS. BARTH: I have to tell you, I find this  
 11 extremely disturbing because as I understand, this rate  
 12 hasn't really changed much over a number of years.

13 FARRELL WALKER: Not really. However, as we  
 14 reported in our report, in recent months, maybe past  
 15 year, the Highway Patrol division has recognized the  
 16 problem. They've taken steps to start training folks.  
 17 They've taken steps to encourage their sergeants not to  
 18 delegate things to corporals, who in the past, as I  
 19 understand it, may have reviewed these crash reports in  
 20 lieu of the sergeant.

21 And the two folks who did this -- this work  
 22 believe that they -- they are seeing some improvement as  
 23 a result of those efforts. Now, it -- and all I can  
 24 do is -- and that's just their opinion. They believe  
 25 they're seeing some --

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1 MS. BARTH: That's anecdotal.  
 2 FARRELL WALKER: That's right.  
 3 MS. BARTH: What -- as I read this, and this  
 4 is very simplistic, is one out of every three reports  
 5 has an accuracy. So seven --  
 6 FARRELL WALKER: That's -- that's a pretty  
 7 fair statement.  
 8 MS. BARTH: Well, I sure would like to see a  
 9 program to address whether it'd be better training.  
 10 I've reviewed the instructions with respect to our  
 11 police reporting crisis. And, you know, I think it  
 12 comes down to training. At least, that's not for you to  
 13 speak. I guess it would be the Highway Patrol people to  
 14 speak on that. But it's a very disturbing thing to see  
 15 this kind of error rate with so many stakeholders  
 16 involved. It's just -- something has to change here for  
 17 the positive.  
 18 And not to lecture you, because you just are  
 19 the messenger here. But with respect to Highway Patrol,  
 20 you know, I hear you on the anecdotal hearing this, but  
 21 in fact the rate may even be higher. It's a question of  
 22 what we view as critical issues on the report.  
 23 FARRELL WALKER: Right.  
 24 MS. BARTH: So perhaps someone from Highway  
 25 Patrol, not to call you on the spot, but can talk to me

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1 with respect to what's being done here.  
 2 MR. CLARK: Well, Chief Baker can come up.  
 3 But I can tell you from experience that there's one  
 4 person who can eliminate these errors, and that is the  
 5 Highway Patrol sergeant. End of story. He is the  
 6 checker of the reports. And if the sergeant does his  
 7 job, these errors will go away. And I know that Chief  
 8 Baker concurs with that.  
 9 DAVID BAKER: David Baker, Chief of Highway  
 10 Patrol. Commissioner Barth, I agree with you totally  
 11 that this is not acceptable, because the crash report is  
 12 probably the most common report that the public comes in  
 13 contact with on a day-to-day basis. And I have  
 14 expressed my concerns to my regional commanders and have  
 15 pushed my concern down to the level appropriate to  
 16 address this issue with sergeants not checking those  
 17 accident reports thoroughly.  
 18 We have implemented a training program for  
 19 new sergeants when they come in. We have a two-week  
 20 training period for new sergeants. This -- this is a  
 21 critical area that is stressed during that training  
 22 period.  
 23 MS. BARTH: Well, I sure would like to see  
 24 an objective plan that we can absolutely measure, by the  
 25 month if we have, to see if we're improving here if you

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1 do the same things.  
 2 DAVID BAKER: Yes, ma'am.  
 3 MS. BARTH: I don't know why you'd expect  
 4 any other different result. So for me it's a very  
 5 disturbing report.  
 6 DAVID BAKER: I understand. I agree with  
 7 you.  
 8 MS. BARTH: As I've looked through the  
 9 history of these crash reports, I don't think we've  
 10 improved much, if any. It's really sort of a nip  
 11 between Inspection and Highway Patrol on whether we've  
 12 improved, 1 percent, 2 percent, depending on how we look  
 13 at what's critical.  
 14 FARRELL WALKER: Well, let me -- let me say  
 15 this that in addition to the training, Major Schexnyder  
 16 has been working with all the divisions, including  
 17 Highway Patrol, on developing uniform line inspections  
 18 that will be in the future required, as I understand it.  
 19 That will help this situation as well. That's one of  
 20 the things that they'll be able to look at, make sure  
 21 that sergeants knows what he's doing and is doing what  
 22 he's supposed to do in connection with these reviews.  
 23 MS. BARTH: I would hope you would hold  
 24 these sergeants accountable by the month on the  
 25 accuracy. And we have to have inspection in there every

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1 month to improve this rate, I would recommend to the  
 2 Chairman that we do that. This is a critical part of  
 3 their responsibilities as sergeants.  
 4 DAVID BAKER: One of the most important  
 5 aspects.  
 6 MR. POLUNSKY: Can you be prepared to update  
 7 us on a monthly basis?  
 8 DAVID BAKER: Yes, sir.  
 9 MR. POLUNSKY: Is there more?  
 10 FARRELL WALKER: I'd like to call your  
 11 attention to three other reports, all of which were done  
 12 by Clifton Gunderson. The satellite contract management  
 13 report, the thing I think is important to note there, is  
 14 the success that the Department has had in managing the  
 15 contract. There is a recommendation in there that --  
 16 that makes a valid point that we're not documenting  
 17 certain things about that satellite contract in  
 18 monitoring it and the satellite network. But I think by  
 19 and large, that's a pretty positive report.  
 20 And likewise, the TLETS contract monitoring  
 21 success that IMS has in connection with that, that's big  
 22 news because in prior years when we looked at contract  
 23 management in -- in the IMS area, we wouldn't have had  
 24 these positive things to say. I -- I see this as great  
 25 progress and an example of what they're capable of doing

<p style="text-align: right;">186</p> <p>1 with the right personnel.  2 In connection with the IMS programming  3 standards, that's another issue. We have -- we have  4 issues. This report highlights what you've been told in  5 recent months about the need for the right personnel and  6 the need to build some of the infrastructure within IMS  7 to do a good job in the programming that they're asked  8 to do.  9 One of the -- one of the big issues here is  10 we have people who -- who do the programming changes and  11 promote those changes into production. There's really  12 no QA process there. There's no separation of duties,  13 as there should be, in the ideal situation. And  14 finally, the capital asset report, it brought up a big  15 issue that we have. But it's an accounting issue that I  16 can tell you as soon as this report came out, management  17 jumped on. And I'm told today by Oscar that we're  18 within nickels and dimes of having all those issues  19 resolved. They've jumped on it and taken care of what  20 was reported there. And that would conclude my report.  21 MS. BARTH: The only thing I want to add is  22 I would like to commend Colonel Clark and Beckworth with  23 respect to the attitude and responses to the audits. I  24 think there was a true recognition that they are tool,  25 but not to be set aside, so to speak. And so I really</p>	<p style="text-align: right;">188</p> <p>1 their loads down the road. But fortunately, we're --  2 we're doing a great job not letting them do that.  3 And then on December the 15th, our troops in  4 region four got put to work Friday evening at the Pecos  5 county -- the federal correctional facility there. Over  6 1,200 prisoners began a prison riot. And our guys along  7 with the Rangers and some CLE folks and some aircraft  8 responded, and we held the perimeter of that institution  9 till the FBI could get their folks out there and get  10 negotiations going.  11 And the bottom line was these 1,200 inmates  12 had basically taken hostage two -- two civilian  13 recreational workers and held them hostage. And the  14 results were that no one was injured during this  15 incident. So my hats off to those guys. And with that,  16 I'll conclude my report.  17 MR. POLUNSKY: Great work. Let me ask you a  18 quick question. Or actually, at our next meeting, I  19 would like you to be prepared to discuss the 25-mile  20 rule residency with respect to our troopers as to what  21 the rationale of that. Some of the rationale's very  22 obvious, but how you get the 25 miles and whether that's  23 something that is relevant 2008, things of that nature  24 and so on.  25 DAVID BAKER: Okay.</p>
<p style="text-align: right;">187</p> <p>1 appreciate your work with the people within the  2 stakeholders on those audits to help them recognize they  3 are a tool.  4 **thank you.  5 MR. POLUNSKY: Before -- before I move on,  6 are there any reports from the Commission members?  7 Okay. Chief Baker, since you're here, can you go ahead  8 and give your report?  9 DAVID BAKER: Yes, sir. Mr. Chairman,  10 Commissioners, you have my report. There are a couple  11 of incidences I would like to touch on that are not in  12 the report that occurred after the report was published.  13 Our troopers on a day-to-day basis do a great job when  14 it comes to interdicting narcotics and all sorts of  15 contraband. In the past months we've stopped cloned  16 Wal-Mart trucks and located narcotics in those vehicles.  17 We've stopped a clone TxDot truck.  18 On December the 11th up in the Amarillo  19 district, a trooper was working and noticed a -- like a  20 telephone utility vehicle that had an obstructed license  21 plate. And he made that traffic stop and began talking  22 to that driver and observed indications of criminal  23 activity. He ended up seizing 920 pounds of marijuana  24 out of that utility vehicle. So these crooks are --  25 they're trying everything that they can to get their --</p>	<p style="text-align: right;">189</p> <p>1 MR. POLUNSKY: Appreciate that. Thank you,  2 sir.  3 DAVID BAKER: Thank you.  4 MR. POLUNSKY: Chief Fulmer.  5 VALERIE FULMER: Good afternoon. You have  6 my report. I did want to point out one thing on the  7 report, that we have opened the Waxahachie area office.  8 And, Chairman, you were there so you saw it. And I  9 think everyone's very pleased with the results of new  10 building. Two other brief things, we are still  11 finalizing our report, our recommendations on  12 recruiting, attraction and retention. We expect to have  13 some former recommendations in January.  14 And we have also been working on  15 Commissioner Barth's request regarding the generators.  16 And the -- the plan we've come up with involves  17 permanent generators for Beaumont, Corpus Christi,  18 McAllen and Houston. And portable -- three portable  19 generators that could be taken on a trailer to anywhere  20 in the state. The approximate cost is about 1.6 million  21 for all of that. We believe we've identified the source  22 of funding and we're pursuing that right now. If we can  23 secure that funding we'll be able to move forward on all  24 of them at once. If we can't do that, then we will  25 bring them in incrementally.</p>

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1 MS. BARTH: By next hurricane season?  
 2 VALERIE FULMER: That's the plan.  
 3 MR. POLUNSKY: All right. Thank you, Chief  
 4 Fulmer. I would like you to be prepared to discuss --  
 5 actually, I guess, discuss at our next meeting a couple  
 6 of issues here. One of significance in my mind as  
 7 others, I believe, and one probably not as significant.\*  
 8 But the point is I'd like to have you think about  
 9 various options with respect to securing portions of  
 10 this campus. There are sensitive areas probably should  
 11 be secured. This is an issue that was raised by  
 12 Commissioner Barth just earlier today. But I know that  
 13 there've been letters from DPSOA, and I've heard this  
 14 previously as an issue.  
 15 So I would like you be prepared to talk  
 16 about that, maybe invent some ideas. And this is not a  
 17 major issue whatsoever. But nevertheless, cosmetically,  
 18 this place is kind of rank. And when you walk in the  
 19 main building, and your landscaping area is a receptacle  
 20 and other areas just don't look nice, those are things I  
 21 think that if nothing else, our recruits could be  
 22 working on or something.  
 23 VALERIE FULMER: Let the record reflect that  
 24 I was not the one who recommended that.  
 25 MR. POLUNSKY: I'm the one that's

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1 recommending that.  
 2 VALERIE FULMER: Okay. Great. We have  
 3 actually had some discussions, Chief Fulenwider and  
 4 myself, regarding some cosmetic issues we would like to  
 5 see addressed. So we have had some thoughts on that  
 6 already, and I'll be glad to come back and speak about  
 7 that.  
 8 MR. POLUNSKY: Okay. Thank you. I hate to  
 9 rush you, but we've got at least one person who needs to  
 10 leave.  
 11 VALERIE FULMER: Okay. Sure. I'm fine with  
 12 that.  
 13 MR. POLUNSKY: Chief Brubaker, CLE.  
 14 JAMES BRUBAKER: James Brubaker, Chief of  
 15 Criminal Law Enforcement Division. Chairman,  
 16 Commissioners, you have my report. I'd like to draw  
 17 your attention to the bottom of the second page. It's a  
 18 great example of the collaboration that goes on  
 19 virtually every day between Highway Patrol and Criminal  
 20 Law Enforcement Division, and shows the value that's  
 21 added being on the traffic stop. Beyond that, I'll  
 22 answer any questions you have.  
 23 MS. BROWN: Had a chance to go to the lab  
 24 today, amazing. It's really amazing. Y'all do awesome  
 25 work.

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1 MR. POLUNSKY: Let me make note of the fact  
 2 that this is Chief Brubaker's last meeting that you'll  
 3 be attending as an officer of DPS. I would like to  
 4 thank you for your many years of service. How many  
 5 years, James?  
 6 JAMES BRUBAKER: 32.  
 7 MR. POLUNSKY: 32. That's a long time.  
 8 Also for the record, this is Commander O'Burke's last  
 9 day as well, or last meeting.  
 10 PAT O'BURKE: Yes, sir.  
 11 MR. POLUNSKY: How many years?  
 12 \*\*\*almost 24.  
 13 MR. POLUNSKY: Thank you very much.  
 14 MS. BROWN: Now, y'all answer an honest  
 15 question, did you do it for the money? Just kidding.  
 16 MR. POLUNSKY: Texas Rangers. New Chief,  
 17 Leal.  
 18 TONY LEAL: Mr. Chairman, Commissioners,  
 19 directors, thank you. I am Tony Leal, the new chief  
 20 with the Rangers. My hometown Commissioner has told me  
 21 to be very short, so I'm going to do that. I've learned  
 22 my first lesson here today. I was going to tell you  
 23 about the prison deal, it pays to go first, the prison  
 24 riot in west Texas. So you have the report. If you  
 25 have any questions on that, I'd be glad to answer them.

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1 Just really brief, I've been here a week now, have been  
 2 around visiting with the directors, the other chiefs.  
 3 And there's a contagious energy here and I'm very happy  
 4 to be part of that.  
 5 Some of the really quick goals that I have  
 6 for the Ranger Division are being part of this change  
 7 with the rest of the Department working together, get  
 8 those changes done. I want to stay involved in and  
 9 continue efforts on the border we've been doing since  
 10 1823. I think we need to continue doing that and be a  
 11 big part of that border security effort.  
 12 And one thing that's important to me, we are  
 13 about 20 percent behind the rest of the Department in  
 14 our minority and female makeup of our division. And I  
 15 would like our division to mirror the rest of the  
 16 Department, to mirror the people we work with. And I  
 17 think it's incumbent upon myself, whoever becomes the  
 18 new assistant chief, and the company commanders to make  
 19 people know that there are welcome. And we can't put  
 20 that on the sergeants, we need to do that. I have  
 21 contacted a couple people myself already and we had a  
 22 response that they're taking the Ranger test the next  
 23 time because they're being invited.  
 24 So those are some of my goals for the  
 25 Division, and that's all I have. But thank y'all for

<p style="text-align: right;">194</p> <p>1 the support, and I -- I look for great things for this 2 Department.</p> <p>3 MR. POLUNSKY: Well, we look for great 4 things from you, and certainly you have a great heritage 5 to live up to. And I know that you'll do a great job.</p> <p>6 TONY LEAL: Thank you.</p> <p>7 MR. POLUNSKY: Good luck.</p> <p>8 TONY LEAL: Thank you.</p> <p>9 MR. POLUNSKY: Emergency Management, Chief 10 Colley.</p> <p>11 JACK COLLEY: Mr. Chairman, Commissioners, 12 be brief. Obviously, the priority of the Emergency 13 Management Division has many right now, Obviously to 14 focus on recovery of the coast of Texas. Regardless of 15 what you may hear or not hear in the paper, depending on 16 when you read it, there has been a tremendous amount of 17 success. One of the big efforts is debris removal, 18 which we are very much involved in. The task is great, 19 24.1 million cubic yards of debris. To date we've moved 20 about 19.3 million cubic yards. That's about 80 percent 21 overall. That's phenomenal.</p> <p>22 One county, Galveston County, is at 56 23 percent. And if you've been to Galveston, obviously 24 they -- they're a long way to go. And I'm going down 25 there tomorrow. The Governor's directed that we now</p>	<p style="text-align: right;">196</p> <p>1 think's imperative. There's a great support for that. 2 If we don't get it this year, we're never going to get 3 it in terms of that. We've asked for \$50 million per 4 year for that disaster contingency fund to be run from 5 the Division of Emergency Management.</p> <p>6 The other is overtime for exempt employees. 7 That is, to our employees here in DPS so that if first 8 line supervisor who's exempt from overtime during a 9 disaster, they get paid overtime. The second is to 10 extend compensation time, compensatory time, out to 11 18 months versus a year. These are two great things I'm 12 very passionate about. I'm going to do everything I can 13 to get those things done for not just our employees, but 14 all employees. And Colonel Clark obviously supports 15 that (Inaudible).</p> <p>16 One item on the list has just sort of 17 arisen. Since recovery is ongoing, the Governor wants 18 to establish a disaster housing contingency fund so we 19 can take the temporary housing into our own hands and 20 make it our own fate versus dependent upon federal 21 government. That's a tremendous amount of money to do 22 that. So we will not go through these efforts of -- 23 that -- the dilemmas we have right now on the coast, 24 we've provided fast and effective temporary housing 25 to -- to victims.</p>
<p style="text-align: right;">195</p> <p>1 move all debris, regardless if we're going to get it 2 reimbursed from FEMA or not. So TxDot is doing that. 3 And so it's an all-out effort to -- to try to get -- 4 that debris needs to get out of there.</p> <p>5 Obviously, we were prepared for other 6 events, and now we move into -- we've been in an 7 extended drought. Very concerned about wildfires and 8 they are happening, and so we're going into another 9 extended wildfire season. With the holidays comes 10 fireworks, and that's an emotional event. It probably 11 may not be big on anybody's screen, but county judges 12 get very much involved in that, and my office gets very 13 much involved in that. And processing their request to 14 the Governor to extend the firework bans in these 15 different areas. So we're very much involved in that 16 part, too.</p> <p>17 As you know, Mr. Chairman, I'm involved in 18 many of the hearings that's ongoing as a result of 19 hurricane Ike. They've all been very positive. And I 20 think there is a ground swell to do many of the things 21 that we've asked to do in terms of legislation. I did 22 want to mention that Michael gave you his list. There 23 were three items not on that list. And he assures me 24 that they are in the other committee. One is to add the 25 funding for the disaster contingency fund which I</p>	<p style="text-align: right;">197</p> <p>1 I just want to mention one last thing in 2 closing, that sometimes gets buried in the reports. We 3 do Amber Alerts and Silver Alerts here at the 4 Department. They become routine sometimes. But to give 5 you -- it's in the report. We've done 39 activations of 6 Amber Alerts, and 44 children have been returned to 7 their homes. Silver Alerts, which is obviously an alert 8 to assist in the recovery of an elderly citizen who may 9 be lost. We've done 54 activations, and 50 citizens 10 have been returned.</p> <p>11 I just mention that because that's a 12 collaborative effort between us and CLE, especially the 13 missing person's clearinghouse. These ladies do an 14 unbelievable job. Seven days a week they're on call. 15 They go out and actually do the interface with these 16 cases when they occur. And they do occur all hours of 17 the night, seven days a week. But success is only 18 relative to what it is. But I wanted to mention that 19 because this particular time of year and also the high 20 number of Silver Alerts we have. We probably have two 21 or three a month now -- or two or three a week now as 22 opposed to that. So that volume is why. They're all 23 very intense operations.</p> <p>24 Last thing, Mr. Chairman, is we -- our 25 Homeland Security conference will be now March 23rd</p>

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1 through 26th. That will be about 5,000 people that will  
 2 attend that If it was like it was last year. And we're  
 3 combining our hurricane conference with that conference  
 4 so it will probably be even higher, and that will be in  
 5 San Antonio at that time. That's all I have,  
 6 Mr. Chairman.  
 7 MR. POLUNSKY: Thank you, Chief Colley. Are  
 8 there any questions for Chief Colley? Thank you, sir.  
 9 Next item, consent items. Somebody like to make a  
 10 motion or does somebody want to pull -- excuse me? You  
 11 move?  
 12 MS. BARTH: I move.  
 13 MR. POLUNSKY: There is a motion by  
 14 Commissioner Barth to approve all the consent items as  
 15 set out. Is there a second or a motion?  
 16 MR. CLOWE: Second.  
 17 MR. POLUNSKY: Seconded by Commissioner  
 18 Clowe. Discussion? There's no discussion. All in  
 19 favor, please say, "Aye."  
 20 COMMISSIONERS: Aye.  
 21 MR. POLUNSKY: Any against? No. Motion  
 22 passes. Colonel Clark, do you have anything?  
 23 MR. CLARK: No, sir.  
 24 MR. POLUNSKY: Colonel Beckworth?  
 25 MR. BECKWORTH: No.

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1 MR. POLUNSKY: Anyone else?  
 2 MR. CLOWE: The next meeting will be  
 3 January 8th, Mr. Chairman?  
 4 MR. POLUNSKY: That's correct.  
 5 MR. CLOWE: What time will we begin?  
 6 MR. POLUNSKY: I believe that we have to be  
 7 starting at 10:30.  
 8 MR. CLOWE: Thank you.  
 9 MR. POLUNSKY: I declare the meeting  
 10 adjourned. Thank you very much for being here.  
 11 (PUBLIC SAFETY COMMISSION MEETING ADJOURNED)  
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1 THE STATE OF TEXAS )  
 2 COUNTY OF TRAVIS )  
 3  
 4 I, Joy N. Quiroz-Hernandez, Certified Shorthand  
 5 Reporter No. 8391 in and for the State of Texas, do  
 6 hereby certify that the above and foregoing contains a  
 7 true and correct transcription of my stenographic notes  
 8 taken in the above-captioned cause at the Texas Public  
 9 Safety Commission meeting in Austin, Texas.  
 10  
 11 Witness my hand this the \_\_\_\_\_ day of  
 12 \_\_\_\_\_, 2009.  
 13  
 14  
 15  
 16 Joy N. Quiroz-Hernandez, CSR  
 17 CSR No. 8391 - Expires 12/31/09  
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 23 (512) 320-8692-Fax  
 24  
 25

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 the discharge of this employee:

<b>Employee Name</b>	<b>Employee Title/Division</b>	<b>Date of Discharge</b>
Markus Ygnacio	Groundskeeper, Administration Division	11/18/08

Approved:



Allan B. Polunsky, Chairman  
Public Safety Commission  
Date: December 17, 2008

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 17, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter I  
Section Number 35.143

The Texas Department of Public Safety adopts new Section 35.143, concerning Drug-Free Workplace Policy Requirement without changes to the proposed text as published in the October 31, 2008, issue of the *Texas Register* (33 TexReg 8894).

Adoption of new Section 35.143 is necessary in order to simplify the administrative requirements placed on licensees relating to monitoring or controlling employee drug use and is being filed simultaneously with the repeal of current Section 35.143.

No comments were received regarding adoption of the new section.

The new section is 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 Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

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.

  
Allan B. Polunsky, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 17, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter I  
Section Number 35.143

The Texas Department of Public Safety adopts the repeal of Section 35.143, concerning Drug Testing Required for Commissioned Security Officers, without changes to the proposed text as published in the October 31, 2008, issue of the *Texas Register* (33 TexReg 8893).

Repeal of Section 35.143 is necessary due to the simultaneous filing of a new Section 35.143 which will simplify the administrative requirements placed on licensees relating to monitoring or controlling employee drug use.

No comments were received regarding adoption of the repeal.

The repeal is 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 Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

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.



Allan B. Polunsky, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 17, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Driver Education  
Title 37 T.A.C. Part I, Chapter 18  
Subchapter A  
Section Numbers 18.1 and 18.4

The Texas Department of Public Safety adopts amendments to Chapter 18, Section 18.1 and Section 18.4, concerning Driver Education without changes to the proposed text as published in the October 10, 2008, issue of the *Texas Register* (33 TexReg 8482).

Amendment to Section 18.1(6) replaces "four" copies of the Texas Driver Education Certificate (form DE-964) with "three" copies. This change is necessary due to a form change initiated by the Texas Education Agency that now consists of three copies.

Amendment to Section 18.4(b) adds the language "or electronic records of the exam" in order to allow commercial driver training schools to administer and/or maintain an electronic record of the actual Class C Road Signs and Road Rules exam as part of the permanent student instruction record. A second amendment to Section 18.4(b) adds "for a period of three years from the date of the exam" in order to specify the retention schedule for commercial driver training schools to maintain exam records in the same manner as the Texas Education Agency rule, Chapter 176, Section 176.1016 Records, which states the schools shall maintain all student records for at least three years from the date of the exam.

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 521.165.

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.

  
Allan B. Polunsky, Chairman  
Public Safety Commission

**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS**

LAST NAME	FIRST NAME	MI	DIV	SERVICE/STATION	RETIRE DATE		
<b>Special Ranger Applicants</b>							
Bartee	Harley	A	THP		08/31/02		
Bender	Donald	R	Adm	RLS	08/31/08		
Cortinas	Javier	H	CLE	Narcotics	08/31/08		
Crumrine	Rory	R	THP	CVE	07/31/08		
Culpepper	Samuel	L	Adm	Training Academy	08/31/08		
Durochez	Gilbert	L	CLE	CIS	11/30/08		
Elliston	Randall	K	THP	Headquarters	08/31/08		
Escobedo, Jr.	Felipe		HP		08/31/08		
Floyd	Robert	C	DLD		08/31/08		
Garza	Artemio	E	THP		08/31/08		
Gayden	Troy	A	THP	CVE	08/31/08		
Gingles	Karl	D	THP	CVE	12/31/07		
Grimes	Monte	C	THP		09/30/08		
Haag	Scott	R	THP	CVE	09/30/08		
Hartlage	William	C	THP	CVE	08/30/06		
Holland	Thomas	J	CLE	CIS	11/30/08		
Hopson	Raymond	L	THP	CVE	08/31/08		
Loggins	Van	M	THP	CVE	08/31/08		
Lozano	Jose	D	CLE	Narcotics	10/31/08		
Matthews	Darrell	C	THP	CVE	07/31/02		
McClure	Michael	W	THP		08/31/08		
McGee	Randall	W	THP	CVE	09/30/08		
McMullen	Gale	A	THP		08/31/08		
Morgan, Jr.	Clyde	R	CLE	MVT	08/31/07		
O'Burke	James	P	CLE	CIS	12/31/08		
Ochoa	Alex		CLE	Narcotics	08/31/08		
Pellizzari	John	N	THP	CVE	08/31/08		
Rannefeld	Donnie	G	THP	L&W	09/30/93		
Reichert	Jack	L	DS	Aircraft	08/31/08		
Rodriguez	Miguel	A	THP		08/31/08		
Scales	Michael	W	THP	CVE	03/31/08		
Schacht	Alvin	R	THP	CVE	11/30/08		
Schwab	Jerry	M	CLE	Narcotics	08/31/08		
Sigur	Maria	T	DLD		09/30/08		
Smallwood	Ronnie	D	THP	CVE	08/31/08		
Snider	Linus	B	THP	SES	06/30/01		
Trammell	James	E	THP		08/31/03		
<b>Special Texas Ranger Applicants</b>							
Coffman	Raymond	L	Rangers		10/31/08		
Gordon	Joey	D	Rangers		08/31/08		

Johns		Richard		K	Rangers		08/31/08		
McCord		Dusty		M	Rangers		12/31/08		
McEathron		David		G	DS	Asst. Director	08/31/08		
Miller		Morgan		L	Rangers		08/31/08		
Reinhardt		Mark		D	Rangers		08/31/08		
Sweaney, III		Richard		H	Rangers		08/31/08		
Welch		Terry		J	Rangers		10/31/08		

COMPANY SPECIAL RANGERS  
January-09

**National Insurance Crime Bureau**

Allen	Jerry	D
Betts	Donald	E
Campbell	Louis	A
Gillie	Kerry	Roger
Lohmann	Frederick	P
Massey	Michael	Kent
Mitchell	John	Andrew
Niblett	Ray	H
Reed	Tommy	W
Sillavan	Ronald	Royce

**Texas and Southwestern  
CattleRaisers Association**

Andrews	Jack	D
Baros	Gary	W
Belt	James	L
Bohannon	Jackie	D
Bond	James	C
Bradshaw	John	P
Brittain	Howard	D
Chambers	Kenneth	L
Charbula	Tommy	R
Clark	Robin	E
Dickson, Jr.	William	J
Dumas	Hal	C
Eggleston	Benjamin	O
Foreman	Eddie	R
Garcia	Rolando	
Gray	Larry	M
Hartmann	Max	M
Hutchison	Douglas	E
Mast	James	B
McKinney	Troy	J
Miniard	Kenneth	M
Roberts	Joseph	B
Roberts, Jr.	Thomas	R
Seewald	Emil	Earl
Upchurch	Bobby	J
Vanover, II	James	W
Williamson	Scott	L
Wills, Jr.	Marvin	C.
Wills, Jr.	Marvin	C

**Retiree Special Rangers/Special Texas Rangers**  
Renewals for January 1, 2009 thru January 1, 2011

Aalund	Paul	W
Adams	James	B
Adams	Thomas	Charles
Agan	Joe	Radell
Ahrens	Loren	W
Akin	Norris	L
Alaniz Jr	Manuel	
Albers Jr	E	G
Aldridge	Marrie	R
Alexander	Jimmy	Hershall
Alexander	Patrick	P
Alexander	Alan	W
Alexander	Richard	L
Alfred	Gary	W
Alfred	Howard	B
Allen	Paul	Leslie
Allen	Jack	N
Allison	Lloyd	Burton
Almond	Thomas	E
Alvarado	Ricardo	
Anderson	James	Irvin
Anderson	Lon	Joe
Andrews	Rick	
Applewhite	Ronnie	W
Arche	Lytle	Wray
Arnold	Thomas	Edward
Arnold, Jr.	Morris	A.
Ashcraft	Michael	Quintin
Aycock	Johnnie	E
Bailey	John	Randall
Bailey	Melvin	Donald
Baird	James	Elwin
Baish	Randall	E
Baiza	Eusebio	M
Baker	Curtis	Dewain
Ballarta	Erwin	M
Barber	Charles	Clay
Barnes	John	Roger
Barnett	Roy	Eugene
Barnett	Welcome	E
Barrett	Ronald	Eugene
Bartholomae	Sam	Julius
Bates	Charles	Morris
Beall	Fred	Carl

Bean, Sr	Ben	L
Beard	Robert	Tilton
Bearden	Leonard	Lee
Beasley	James	David
Beaver	James	Harold
Beck	James	J
Beckham	Maurice	
Beckham	Curtis	L
Bell	Charles	Davis
Bennett III	John	F
Benningfield	Larry	L
Benson	Kenneth	Dan
Benson	Jerry	M
Bernhardt	James	Paul
Berry	Bobby	Mack
Bertling	Kenneth	R
Biehunko	Johnnie	J
Bigham	Richard	Dee
Billings	Johnny	
Bishop	Jimmy	D
Black	Steven	Lee
Blackwell	Archie	Lee
Blake	Steven	Allen
Block	Hyman	Radford
Boerjan	Phillip	L
Boggs	Christopher	K
Bohac	Alvin	Jim
Bolinger	Charles	Henry
Bolton	Larry	H
Bookout	Claude	Lee
Boswell	David	Lee
Bowers	Terry	Don
Bradford	Leonard	Wayne
Bradshaw	David	F
Brantley	Hersel	E
Brewer	Eugene	
Bridges	Barry	Francis
Briscoe	Arnold	W
Brittain	Richard	L
Brown	John	Crockett
Brown	Joe	M
Brown	Gary	Allen
Brown	John	David
Brumley	James	Utah

Brune	Henry	H
Bryan	Hollis	E
Bryant	Billy	Clark
Bryant	Thomas	Henry
Bryson	Shadrick	Newton
Buckaloo	Cleatis	R
Burch	Benjamin	Lee
Burger	Richard	Dale
Burleson	Forrest	L
Burleson	John	Dolan
Burleyson	James	Lee
Burns	Johnny	Burl
Burns	Jackie	L
Burnup	George	W
Burr	Donald	Buchanan
Busby	Paul	Eguene
Bush	Donnie	E
Butler	Wesley	Noble
Butler	Lonzo	N
Bynum	Tony	R
Byork	John	Douglas
Byrd	Jerry	W
Byrne	Jerry	Douglas
Cagle	Melvin	Douglas
Callender	Alan	Wayne
Campbell	Michael	Leroy
Campbell	Richard	L
Cannon	Thomas	Floyd
Cano	Israel	
Cantu	Mauricio	
Cantu	John	
Capuchina	Gilberto	R
Cardwell	Gary	M
Carey	Charles	William
Carroll	Albert	Dan
Carroll	Billy	G
Carter	Walter	Eugene
Carter	William	Perry
Carter	Steven	Blake
Carter	Tommy	Joe
Casarez	Arturo	
Case	Johnnie	Wayne
Caskey	Guy	Marshall
Cass	Jim	B
Castaneda	Robert	L
Casteel	Bruce	M

Castro	Jose	R
Cawthon	Vernon	James
Cerney	Joseph	R
Chastain	J	D
Cheek Jr	Ralph	C
Chrane	Jack	R
Christian	Jerry	D
Christian	Burton	W
Cizek	John	Jacob
Clanton	Coy	W
Clark	Bob	Louis
Clark	William	Terrel
Clark	Gary	B
Claxton	Don	Marshall
Cleckler	Homer	D
Clement	Joseph	A
Clickard	Martin	Edward
Cody	William	Alfred
Cofer	John	Paul
Cohn	Ernest	Dwain
Collins	Don	Walton
Collins	Robert	F
Collins	Donald	Lee
Comstock	Arthur	Lee
Comte	Delbert	Lee
Connally	Seaborn	Eastland
Connell	Bobby	Glenn
Conner	George	Felix
Conway	Jerry	N
Cook	Maurice	C
Cornelius Jr	Bert	
Cortinas	Jose	A
Cosby	Larry	W
Counts	Bobby	Jack
Court	Ted	Bailey
Covington	Ira	Chester
Cox	Franklin	Dwain
Crane	Beal	Timmons
Crayton	Daniel	Perry
Creech	Kenneth	Paul
Crenwelge	Archie	Dean
Crites	J	Wesley
Cromer	Jerry	Ray
Crook	Billy	Earl
Cross	Richard	D
Crossley	C	Kenneth
Crossley	James	F

Crownover	Jack	Royce
Cuellar	Adolfo	
Cummings	Fred	L
Cunningham	John	Wesley
Curtis	Jack	Lee
Dallas	Frank	T
Davenport	Billy	Jim
Davis	David	T
Davis	Joe	Bailey
Davis	Lonnie	R
Davis	Russell	L
Davis	Billy	D
Davis	Thomas	A
Dawson	Kelvin	J
Dawson	Michael	J
de Leon	Eliseo	
Dean	Jack	O'Day
DeArza	Regis	
Deaton	Linda	F
Deaton Jr	Wendell	S
Degner	Walter	R
DeLosSantos	Eugene	
Demuth	Eugene	
Dendy	John	Wallace
Dew	Wilson	Thurman
Dial	Monty	L
Dickey	Billy	Ray
Dietz	Marvin	O
Dillard	Joseph	R
Dismukes	Kennith	Brian
Dittfurth	Larry	H
Dittlinger	Robert	Kenneth
Ditto	Danny	M
Dobecka	Marvin	Frank
Dodge	David	Granville
Dolive	Don	E
Donaldson	Larry	D
Donaway	Warren	V
Dorbandt	Charles	C
Dorough	Rhudolph	Lafon
Douglas	Yolanda	
Downs	James	Alvin
Downs	Jack	P
Doyle	David	L
Dracoulis	Kenneth	Alan
Drake	Lawrence	A

Drake	Grant	L
Drake	Clarence	E
Driskill	Joe	E
Drumheller	Douglas	N
Duderstadt	Kenneth	P
Duggan	Dan	W
Dunham	Howard	L
Dunlap	James	Eugene
Dunn	Grady	Michael
Eason	Robert	Lee
Easterwood	Dan	A
Edmiston	Jerry	Howard
Edwards	Randy	
Eeds II	Walter	C
Eldridge	David	G
Elgin	Mark	R
Elizondo	George	
Elliott	Horace	Weldon
Elliott	Glenn	
Ellis	Frank	H
Ener	John	Michael
Engelke	Larry	James
England	James	Richard
English	Louie	Mack
English	Bennie	H
Ennis	Billy	B
Eriksen	Stuart	Franklin
Escalon, Sr	Victor	
Escaname	Rogelio	
Escobar	Rodolfo	C
Etie	William	Lee
Eubanks	Andrew	M
Eubanks, Jr.	Welford	M
Evans	Cornell	A
Everett	Don	Neal
Farmer	Jerry	D
Faulkner	Elzie	Hays
Favor	Robert	Charles
Ferguson	Jack	Wayland
Ferguson	John	Davis
Fernandez	Richard	R
Fife	James	Lee
Figuroa	Bernd	H
Fikes	Ronnie	G
Fincher	Michael	W
Fischer	Carl	David

Fisher	Paul	Wright
Fisher	Albert	W
Fitts	Jerry	Lynn
Fitzgearld	C	D
Fleming	Bobby	W
Fleming	Charles	K
Fletcher	Harold	Gene
Flores	Luis	J
Ford	Billy	Gene
Ford	Charles	C
Fore	Jodie	W
Forsberg	Gordon	R
Foster	Joseph	Brantley
Foster	L	J
Franco	Leo	
Franklin	Charles	Ray
Franklin	William	W
Franzetti	Gary	Wayne
Frasier	George	C
Frauston	Francisco	
Frederick	Johnny	R
French	Joe	Elton
Fuller	Herbert	L
Fuller	Odis	Dean
Garcia	Enrique	V
Garcia	Antonio	
Garner	Ray	Charles
Garrett	Kenneth	Glenn
Garrett	James	V
Garza	Jose	M
Garza	Jesse	J
Gates	Charles	Henry
Geiser	Paul	M
Gerth	William	Raymond
Gilbreath	James	Byron
Gillespie	Jimmie	Lee
Gilmore	Randol	
Ginn	Ellis	Eugene
Glenn	Joseph	M
Goldston	Foy	G
Gonzales	Alfred	Duran
Gonzales	Joe	R
Gonzalez	Edward	A
Goodman	Joe	Read
Goodwin	Phillip	Warren
Graham	Charles	L

Graham	Don	L
Graniczny	Kenneth	
Graves	Frank	E
Green	Danny	Gene
Green Jr	John	Ellis
Greene	Terry	Herbert
Greene	Retlaw	S
Greenlee	James	Walter
Greer	Gary	Michael
Gremillion	Joe	W
Griffin	Jerry	D
Griffith	David	M
Grisham	Vance	Odell
Groom Jr	James	Shellie
Gross	Edwin	K
Guenther	Clifton	Wayne
Guerra	Liberato	
Guerrero	Raymundo	
Guillory	Gregory	F
Gunn	Billy	Joe
Gunn	Max	E
Gunnels	Jackie	W
Hacker	Alden	Floyd
Haegelin	Errol	B
Hagan	Jerry	Wallace
Hague	John	Alton
Hailey	Jimmy	T
Haley	James	G
Hall	Milton	Randal
Hall	John	L
Hall	Frank	H
Haltom	Tommy	Newton
Hamilton	Sherwood	Ernest
Hancock	Aaron	Herschel
Haney	James	W
Hardilek	Robert	L
Hardin	Arthur	Lemuel
Harlan	Richard	Neal
Harmonson	David	Long
Harper	Bobby	D
Harris	Glynn	C
Harrison	Kenneth	E
Harrod	David	D
Hartman	Hugh	Franklin
Hartman	Thomas	B
Hartmann	James	E
Hatcher	Johnny	R

Hatley	Joe	S
Havelka	Stephen	L
Havins	Kenneth	L
Hawkins	T	C
Haynes	Harvey	Lee
Haynes	William	Jeffery
Hebison	Edward	E
Hellen	Charlie	W
Hemphill	Lloyd	Oran
Henderson	Marshall	Lynn
Henderson	Charles	Edward
Hendrix	Robert	Harold
Henry	Roy	Don
Henry	Marvin	W
Herbert	George	M
Hernandez	Jesus	V
Herring	Joe	Douglas
Hertenberger	Buddy	N
Hester	Jerry	Garth
Hethcox	John	D
Hickman	Leo	G
High Jr	Charles	S
Hightower	Harold	Dwain
Hildebrand	Gerald	W
Hill	Lonnie	Price
Hilton	Gary	Joyce
Hinkle	Claudie	David
Hobson	Michael	R
Hodge	Uvalda	Gene
Hoff	Paul	M
Holguin	Rolando	A
Holland	Frank	L
Holleway	George	David
Hollis	Rufus	Lee
Hollis	Patricia	C
Holmes	Michael	E
Hood	Larry	D
Hooten	Richard	L
Hopkins	Jerry	Wayne
Hord	Wesley	Lee
Horstmann	Wilbert	
Howell	Marx	R
Hudson	Coy	Ray
Hunt	Preston	Wayne
Hutchinson	Henry	W
Hyatt	Roy	Douglas
Imboden	Donald	Wayne

Ingram	Charles	Edgar
Isbell	C	B
Isbell	William	P
Ivey	Billy	Don
Jack	Frederick	M
Jackson	Woody	Joe
Jacobs	James	Byron
Jander	Marvin	Ernest
Jennings	William	Burton
Jeter	Wendell	Eugene
Johnson	Herman	Wesley
Johnson	Irvin	Lee
Johnson	Jack	Harold
Johnson	Lloyd	E
Johnson	David	K
Johnson	Thomas	D
Johnson	Gary	E
Johnson	Kendall	G
Johnson Jr.	Baker	B
Jones	Herbert	Ross
Jones	Rondal	Lynn
Jones	James	S
Jones	David	L
Jordan	James	Dennis
Joslin	James	Monroe
Jungkind	Reeves	C
Karstetter	Gerald	William
Kea	Delmer	E
Keck	Royce	B
Keenan	Marvin	Lee
Kellehan	Lynn	A
Kelley	Billy	J
Kelly	Nicky	W
Kemp	Hueal	D
Kersey	Walter	Clinton
Keys	David	H
Kiblinger	Eldon	Roy
Kidd	Tommy	Dwain
Kidd	Thomas	R
Kiel	Gilbert	Louis
Kilpatrick	Arvin	W
King	Ronald	Wesley
King	Oliver	Lee
King	Kasey	Konrad
King	Bobby	L
Kipp	Martin	Milton
Kirchgraber	Frank	Jerald

Kirkley	William	D
Kirksey	James	Ralph
Klaus	Robert	Earl
Kocurek	Larry	E
Koelle	Dale	Irvin
Kohring	Lloyd	B
Korenek	Edward	Alfred
Korenek	Dennis	R
Kornegay	Harold	G
Krause	William	David
Kucera	Roger	F
Kunz	Ricky	R
Ladd	Billy	M
LaHood	Michel	
Lambert	Thomas	Edward
Lane	Odis	Wayne
Lanford Jr	Douglas	L
Lange	James	Allan
Langley Jr	Frank	R
Lankford	Terry	W
Lasater	James	D
Lassen	David	Glen
Lazarine	Robert	M
Lea	James	Arrel
Leathers	Roger	Dale
LeBlanc	William	Andrew
LeBleu	Richard	West
Lee	Hilliard	Terry
Lee	Charles	T
Lee	Robert	T
Lewis	Alvin	E
Lewis	Danny	L
Ligon	Henry	B
Ligon	Ernest	S
Linch	Dan	Slater
Lindley	Jon	G
Lisso	Glenn	W
Little	Fred	R
Loose	Richard	Arian
Lopez	Eddie	E
Lorance	Charles	Coy
Lorance	Hal	Dean
Lord	William	D
Loter	Richard	Allen
Lough	Gary	D
Lough	Roger	W
Lovorn	Neil	L

Lovorn	Donald	John
Lowry	Thomas	Henry
Loza	Roberto	J
Lozano	Clyde	J
Lozano Jr	Pedro	
Lubbock	John	J
Lucas	William	E
Lucas	James	Sim
Lugg	Dennis	Eugene
Lyon	B	C
Lysinger	James	Calvin
Maberry	Marvin	Hubert
Mabry	Michael	G
Mackey	William	Charles
Madeira	Robert	Kent
Madison	Kenneth	P
Madison Jr	Reuben	D
Malaer	Douglas	R
Maley	William	F
Malone	Arthur	Howard
Malone	Millard	C
Manford	Robert	L
Marsh Jr	William	D
Marshall	Fred	Dew
Marshall	William	John
Marshall	Larry	P
Martin	Billy	Don
Martin	John	A
Martin Jr	Robert	E
Martin Jr	Robert	O
Martinez	Robert	A
Martinez	Jose	F
Masiel	Pedro	
Mason	John	Albert
Mathews	Jerry	Allen
Matlock	Martin	Joe
Mattern	Thomas	L
Mawyer	Kent	W
Maxey	Benny	James
Maxwell	Robert	Lee
Maxwell	John	P
May	Tommy	C
Mayne	Robert	A
Mays	David	W
McClain	Michael	W
McClendon	Ralph	Odell
McCoy	Bill	

McCracken	Ricky	D
McCravey	Kirby	Lee
McCuiston	Lesly	K
McCully	Gary	P
McKamie	Bobby	R
McLaughlin	Michael	E
McLin	Travis	Merle
McMahan	Bobby	Wayne
McNiel, Jr	Earl	W
McWhorter	Bobby	Perry
Mead	Jerry	L
Meadors	Lawrence	Lee
Meadows	Kendall	R
Melson	Larry	Dewan
Melson	Michael	S
Mendenhall	James	Cleo
Mercer	Samuel	Levi
Merchant	Sid	C
Messick	Randal	L
Metcalf	Russell	L
Metz	Nolan	G
Michalke	Edward	Walter
Michel	Elmer	George
Miller	Daniel	R
Miller	Wendell	P
Miller	James	L
Milner	Joe	E
Minnix	Olen	Ray
Mitchell	Luther	D
Mitchell	William	Ray
Mitchell	Leo	Bertice
Mitchell	Robert	Lee
Mize	Johnny	Nolon
Mladenka	Albin	Joe
Mobley	Phillip	Michael
Mobley	Paschel	Thomas
Mohon	David	Michael
Moon	Donald	Eugene
Moore	John	A
Moore	Tommy	Lynn
Moore	Jack	Newton
Moore	Charles	V
Moore	Howard	M
Moorman	James	R
Mora	Daniel	
Mora	Joe	A
Morgan	David	L

Morgan	Preston	Lamoine
Morris	Donald	R
Morris	George	Darrell
Morris	Larry	Allen
Morris	Jock	
Morrison	Billy	Jack
Morton	Jack	Bradford
Munk	Richard	William
Munsch Jr	Cornelius	A
Munsinger	Franklin	B
Murphy	Joe	G
Murray	Joe	Jean
Murray	Jim	
Mutchler	Ralph	G
Nail	Jimmy	Orlando
Narramore	John	C
Negri	Michael	Lee
Negri	Peter	Larry
Nelson	Richard	Harold
Nelson	Michael	R
Nesbitt	David	L
Newman	Robert	Donovan
Nicholas	Robert	Thomas
Nicholas	Sally	B
Nichols	Bill	Jack
Nicholson	Dale	Andrew
Nixon	Lenda	Carol
North	Dan	Hubbard
O'Brien	Harold	Bradley
Odiorne	Victor	T
Oldham	Stanley	Neil
Oliver	Clinton	Mack
O'Neal	David	A
Outon	David	H
Overstreet	Douglas	Charles
Owles Jr	Harold	F
Padgett	C	Wayne
Pagel	Lee	Wayne
Palmer	George	Wilton
Parkhill	David	E
Parks Sr	Lawrence	Wayne
Parrigin	Van	T
Patterson	Harlan	Dewayne
Pavelka	Marvin	Henry
Payne	Gordon	Royace
Payne	John	M
Payne	Larry	W

Peace	Billy	Dalton
Pearson	Earl	R
Pena	Minerva	M
Peoples	Jackie	E
Perdue	John	R
Perez Jr	Francisco	G
Perkins	Frank	Spencer
Peters	Joe	M
Peterson	Billy	E
Peterson	George	Albert
Peterson	Murry	Allen
Peterson	Larry	J
Petty	Robert	Earl
Philips	Edward	Lane
Phillips	Eddie	Foy
Phillips	Kenneth	Reese
Phipps	J	D
Pina	Daniel	L
Pittman	Ben	Lee
Pittmon	Jerry	E
Pittmon	John	Doyle
Plemons	Donald	R
Poage	Hugh	Ellriott
Poling	Teddy	W
Porter	Gary	B
Porter	Ronnie	L
Posey	Gene	Paul
Powell	James	Wesley
Powell	George	E
Powell	Steven	C
Powell	Jerry	D
Prall	Bryon	K
Praytor	David	Lemond
Presley	Millard	D
Prestidge	James	Robert
Price	Larry	Barton
Prickett	Bobby	L
Priddy	Hilan	M
Priest	Jesse	James
Prince	Bobby	Gerald
Pringle	Timothy	H
Pruett	Dwayne	L
Pruitt	Robert	L
Pruitt	William	Mack
Pruitt	Larry	D
Pullen	Waymon	Wayne
Purgerson	Neville	Eugene

Purtle	Ted	L
Purvis	Thomas	Eugene
Ramos Sr	Hector	
Randall	Jerry	Alvin
Rankin	Robert	E
Rannals	Lonnie	J
Ratliff Jr	James	M
Ratzlaff	Randy	J
Rayner III	David	T
Real	Roland	C
Reaves	James	Darrell
Redmon	Glen	A
Reed	Burl	Norman
Reese Jr	James	Howard
Reeves	Kenneth	C
Reeves	Kenneth	Lee
Rehm	Wendell	J
Reinhart	Lewis	A
Rhea	Danny	V
Rhea	Reginald	T
Rhoads	Jimmie	Fred
Rhoten	James	C
Rhynsburger	Robert	A
Rice	Cecil	Donald
Rich	Joe	Henry
Richards	Edward	L
Richards	David	M
Richardson	Robert	Wayne
Richardson	Robert	Joseph
Richardson	Charles	A
Ricks	William	Wayne
Riggins	Dennis	M
Riley	Dennis	O
Rimbach	Dean	A
Riordan	Mark	A
Rister	Randall	D
Rivas	Andres	
Rivers	Bobby	Chester
Roach	Terry	W
Roberts	Donald	Wayne
Roberts	Joe	Michael
Robie	Hubert	Dean
Robinson	Joseph	E
Robles	Santiago	A
Rodriguez	Cristoval	
Rogers	Charlie	Simms
Rosales	Thomas	J

Rose	Richard	Wayne
Ross	Willie	C
Rowles	Billy	E
Roye	Richard	C
Rundell Jr	James	L
Rush	Ronnie	W
Rushing	Kenneth	W
Russ	David	B
Russell	Robert	Max
Ryan	Phillip	Ray
Ryno	Tommy	Ray
Salinas	Rumaldo	Ramiro
Salter	John	Scott
Sanders	Olin	Ray
Sanders	Joseph	T
Sassman	Rodger	Mark
Sawin	Robert	P
Schroeder Jr	G	L
Schuette	William	M
Scott	Jodie	L
Scott	Percy	Joe
Scott	Pleas	Burris
Scott	Michael	D
Seale	Charles	A
Segundo	Jose	L
Self	Dan	Coleman
Selman	Kenneth	Jack
Sessums	Grady	Claude
Severn	Walter	Michael
Shafer	Raymond	Tell
Shaw	Jerry	Dean
Shaw	Max	K
Shaw	Michael	J
Shea	James	W
Shea	Richard	W
Shedd	Robert	Elmer
Shelton	Holloway	
Sherman	Elsworth	C
Shing	Richard	L
Short	Larry	Loyd
Short	Bobby	Darrell
Siems	Ervin	G
Sigers	Huey	
Simcik	Clarence	Edmond
Simmons	Charlie	Joe
Slaton	David	Henry
Small	Gifford	

Smith	Clifford	V
Smith	Teddy	Lee
Smith	Kenneth	W
Smith	Byron	Dwight
Smith	James	Markham
Smith	Stephen	Lee
Smith	Charles	Wayne
Smith	Clayton	
Smith	Homer	Hurshal
Smith	Ricky	D
Smith	Howard	J
Smith	Dewayne	Lee
Smith	Danny	W
Smith	Wayne	M
Smith	Dan	D
Smith	Peter	M
Smith	Cecil	D
Snider	Larry	Joe
Soderquist	Emil	J
Solis	Juan	M
Sparks	Don	Stanford
Speed	Dudley	E
Stading	David	S
Stafford	Kenneth	Rodman
Stanfield	Walter	Russell
Steele	Robert	W
Stegint	Joseph	
Stehling	Vernon	M
Stephens	Kenneth	D
Stephenson	Charles	D
Stevens	Charles	L
Stevens	Donald	Kinman
Stevens	Thomas	Dwight
Stewart	Ronald	C
Stewart	Orville	J
Stinnett	James	R
Stone	Gary	R
Stratemann	Hilmar	William
Sulak	William	E
Sullivan	Jewel	Arthur
Swain	James	M
Swetnam	Roy	Edward
Tabor	Bruce	W
Tanner	J	Othella
Tatman	James	W
Taylor	Cecil	Lee
Taylor	Haskell	Alton

Taylor	Norton	Daniel
Taylor	Robert	Gilbert
Taylor	William	Joseph
Terrell	Ky	Jefferson
Thane	Eldon	Gene
Theis	Robert	August
Therwhanger	Jack	Autry
Thetford	James	W
Thigpen	Ricky	J
Thomas	Adolph	
Thomas	Dudley	M
Thomas	Charles	Daniel
Thompson	Kenneth	W
Thompson	Richard	Franklin
Thomson	William	Presley
Thomson	Michael	R
Tidwell	William	Hubert
Tillinghast	Jimmy	L
Todd	Gary	D
Tolbert	Jerry	E
Tompkins	Gordon	David
Tucker	James	Jerry
Turner	Cullen	Wade
Tyler	Jackey	Royce
Tynes	Daryl	W
Urban	Raymond	Steve
Vaden	Jerry	L
Valdez	Dionicio	
Vance	James	E
Vickers	Larry	Michael
Vickers	William	D
Volcik	Danny	L
Wade	Albert	Edwin
Wadsworth	Ralph	Jackson
Waldrip	Johnny	L
Walker	Ben	Melvin
Walker	Tommy	Darwin
Walker	James	
Walker	Daniel	H
Wallace	Jacky	W
Walsmith	Virgil	Lee
Walton	Wallace	S
Ward	Bobby	Dean
Ward	John	Wilson
Ward	Ralph	D
Wardlow	Donald	R
Warner	James	Noil

Warren	Jackie	Eric
Warren	John	Mark
Warren	James	C
Warren	William	D
Watson	Christopher	J
Watson	Ronnie	B
Wauson	William	Thomas
Weathers	Carl	A
Weaver	Max	Edwin
Webb	George	K
Wells	John	R
West	J D	Osiah
Wester	Samuel	Odus
Wheelis	William	Howell
Whitcomb	Charles	R
White	Joe	D
White	Tony	Dale
White	Robert	G
Whiteaker	Johnney	W
Whitfill	Gary	N
Wiginton	Eddie	Lloyd
Wilie	Joe	Frank
Wilkerson	Birt	F
Wilkerson	Robert	L
Willey	Robert	Curtis
Williams	Charles	Wesley
Williams	Gary	W
Williams	Roy	Donald
Williams	Billy	Norman
Williams	Ronnie	W
Williams	Lonnie	Robert
Williams	Joe	Bob
Williams	John	W
Williams	Patrick	J
Williamson	Billy	R
Willingham	Donnie	Ray
Willmon	Joseph	Leonard
Wilson	Felton	Jene
Wisener	David	Lynn
Womack	David	Eugene
Womack	Max	Vernon
Wood	John	Manvel
Wood	Glen	D
Woodley Jr	James	W
Woods	Charles	P
Woods III	Ralph	Daniel
Woolsey	Kenneth	Darwyn

Wright	Everett	F
Wright	Harry	Neil
Wright	James	Alvis
Wright	Arthur	W
Wyatt	William	Hal
Yeager	Warren	B
Yeakley	Alton	N
York	Jack	D
York	James	H
Young	Joel	Wendel
Young, Jr	Lee	R
Zamorano	Robert	
Zatopek	Clarence	Frank