

# Texas Metals Advisory Committee

## MINUTES

Thursday, June 4, 2015

**Members Present:** AD RenEarl Bowie, DAD Oscar Ybarra, Committee Chairman Arnold Gachman, Major Jay Alexander, Captain Aaron Grigsby, Lieutenant Steven Phares, Sergeant Jesse Fite, Special Agent Kelvin Dews, Sheriff Brian Hawthorne, Tom Baker, Jim Shapiro, Geanna Tubbs, Jeff Marin (via conference call), Sherry Wright, Jeremy LeCrone, Nick Rozumny

**Members Absent:** Daniel Garcia, David Landry, Price Robinson

Chairman Gachman called the meeting to order at 1:10 pm and welcomed everyone. Roll called by Carrie Fortner, all members presented introduced themselves. Committee member Jeff Marin joining via conference call was also introduced. New committee member Jesse Fite (to replace Mike McGinty upon his retirement, effective 6/5/15) and also Steven Phares from Houston PD were welcomed to the committee. Sheriff Brian Hawthorne, Chambers County introduced himself to the committee and discussed work done during legislative session. Announcement made by Tom Baker that he will be stepping down as President of the Recycling Council of Texas.

### AGENDA ITEMS

- I. Approval of minutes from previous meeting:** Motion made to approve minutes from meeting held January 7, 2015 made by Major Alexander. Jim Shapiro seconded the motion. Motion passed to approve minutes by all in attendance.
  
- II. Discussion of HB 2187:** Bill will go into effect September 1st, 2015, DPS is still unaware of the full impact of the bill on DPS, and how it will affect the metals industry. DPS will do everything possible to be as prepared as possible when the bill goes into effect, including modifications necessary to the metals database. DPS will be working with legal staff to have rules and interpretations ready and in place in regards to changes implemented by HB 2187. Information will be prepared and pushed out to the industry, and to law enforcement so that DPS' stance on the bill is made known. Tom Baker asked what would be the timeframe before the rules are presented for approval and their actual implementation. Information must be compiled with input from the stakeholders and then presented to the Public Safety Commission for their approval. Tom Baker asked what a reasonable timeframe for the industry would be to have the rules communicated to them? Chairman Gachman advised that to have the rules prepared and in place by the end of the year would be best case scenario. Major Alexander expressed that it would be very important to DPS to make sure that the changes would be properly communicated to the MREs and to law enforcement, and that proper execution is key. Jim Shapiro expressed the concern that if the intent could be communicated before September 1 to prevent misinterpretation by local police departments and counties it would be very helpful for the MREs. Major Alexander commented that interpretation should not be an issue, that very minor changes are taking place. With regards to the lead acid batteries that will be regulated with HB 2187, Major Alexander expressed

that DPS would be willing to look at a process involving manual tracking in the short term, before automated processes are put in place. Jim Shapiro stated that being responsible for manually submitting transactions involving lead acid batteries would be very difficult for the MREs; that it would be cumbersome and time consuming. Captain Grigsby and Nick Rozumny will be speaking to the vendor over the Metals database to discuss the possibility of adding an “Other” dropdown option to the metals reporting system. Committee members agreed that while DPS will do everything possible to be as prepared as possible when HB 2187 takes effect September 1, 2015; the industry realizes that full implementation and complete reporting immediately will not be possible. Captain Grigsby stepped out of the meeting to speak to RSD’s procurement expert to start conversations with the vendor about changes to the Metals database.

**III. Texas Metals Advisory Committee vacancies:** Gary Gutierrez with Bluebonnet Electric Cooperative stepped down from the advisory committee. An invitation was sent to a member of another electric cooperative, that invitation was declined. Another invitation was sent to a member of the oil industry, that invitation has not been completed at this time. Jim Shapiro recommended that a member from the District Attorney’s Association be invited to sit on the committee. Major Alexander replied that would not be allowed according to statute, but that the committee could reach out to a member of the District Attorney’s Association and ask that they attend a meeting as a guest. The committee will continue to be informed as members leave the committee and new members are approved to serve.

**IV. ISRI Gulf Coast Convention, June 26<sup>th</sup> (Grapevine):** DPS will have a booth set up at the ISRI Gulf Coast Convention and will have a number of RCS staff on hand to man the booth and to answer any questions. Major Alexander requested of Tom Baker that if he knew of anything that needed to be added to the talking points to contact him and advise. (Follow-up email to be sent).

**V. Update on Texas Online Metals database improvement progress:** Presentation by Nick Rozumny concerning TOM database improvements. MREs will be able to go to a one screen view in order to see ownership documents; will be able to see a variety of transactions (renewal, initial application, change to statutory agent, etc). The TXMAP feature will also be color coded so that MREs can be color coded to reflect their licensing status (red- expired license, not reporting transactions; amber- within 45 days of license expiration; green- registered, reporting transactions). Tom Baker asked if an MRE would be flagged for any reason. Nick responded that yes, a MRE could be flagged for either expired registration or due to their inspection history. Failed inspections will cause the MRE to be flagged, this allows for regional reports to be sent out each month, detailing the MRE and the violations found and notifying the regions that follow-up inspections need to be conducted within the required timeframe. Physical inspections to check to see if an MRE is reporting transactions will not be necessary; an MREs transaction reporting history can be checked online. If the MRE does not appear to be reporting transactions properly, a follow-up inspection is to be done in person by a Special Agent/Investigator. Tom Baker expressed the concern that some MREs may not be reporting all transactions, that they are only reporting enough transactions to keep DPS from being suspicious of their activity. Major Alexander expressed that while

that was a possibility, there is only so much technology wise that can be done to prevent that type of activity. Other TOM database improvements in progress include expanding the notifications of explosives alerts to ensure that they're sent to the appropriate personnel in that area, and the deactivation of law enforcement accounts in TOM after no activity for 90 days.

- VI. Law Enforcement Quick Reference Guide to Metals Recyclers in Texas:** Committee discussed the quick reference guide to metals recyclers that was given to each member. Committee members were asked if they had any additional feedback to please email Major Alexander, Captain Grigsby and/or Liz with that feedback. Jim Shapiro commented that once the rule changes from the implementation of HB 2187 were added, this would be a great teaching tool. Sheriff Hawthorne, Jesse Fite and Steven Phares all inquired whether the guide is intended for agents responsible for regulation or for street officers. Major Alexander responded that the guide could potentially be used for both. Jesse Fite and Steven Phares shared that the pictures are an invaluable teaching tool, that untrained officers do not know what these regulated materials look like. If more photos were added, more unique photos of the types of materials that are stolen and also more realistic roadside type photos, and also photos of the types of tools that are used in the theft (bolt cutters, saws-alls, etc) it would be even more helpful. A follow-up email will be sent to all committee members asking them if they have any photos of typically stolen regulated materials that they would like to submit to DPS for possible inclusion in an updated version of the guide. Another possibility mentioned was to create a short, condensed version of the guide and then create a more detailed version to be placed on the website.
- VII. Update on local agencies reporting:** Notice was sent to all local cities, counties, and municipalities December 2014 asking that if MREs are licensed and regulated locally, that information needs to be reported back to DPS. DPS is then required to report that information to the Legislature. Very little feedback was received from local agencies. Sheriff Hawthorne will be sending information to Major Alexander on the upcoming sheriff's association conference, for DPS to potentially speak on the importance of local agencies reporting. Further discussion of the number of active MREs prompted Chairman Gachman to express that there should be some type of requirement in place for MREs to report to DPS when they have gone out of business. This would hopefully lead to more accurate reporting on whether an MRE had gone out of business, or had simply not registered. Major Alexander will check with legal staff concerning adding the requirement to notify DPS of cessation of business.
- VIII. Metals training for law enforcement officers:** Sheriff Hawthorne asked if training in the field could be made available for those unable to travel to Austin. The possibility of creating an on-line training video, to allow for less miscommunication and more consistent teaching for officers across the state was also mentioned. Sheriff Hawthorne also proposed that if an on-line training course was created, if it would be possible to work with TCOLE so that officers taking the course would earn TCOLE credit. The credit would give more incentive for officers to take the course. Jim Shapiro and Arnold Gachman both offered the use of their facilities for any type of training or walk through inspections that may be necessary.

- IX. Presentation on reporting metals theft and fraud:** Brief presentation by Carrie Fortner on the newly created, but not yet approved, process for reporting metals theft and fraud through the DPS website. Major Alexander commented that a PIO may be sent out once the process was finalized and approved. Tom Baker asked if it was possible for the person reporting the complaint to be notified of the outcome of the investigation, if the person chose to be identified. Major Alexander asked Carrie to have a field added to the reporting form indicating whether the complainant would like to be contacted once the investigation into their complaint was completed. Motion made by Tom Baker to follow through with implementation of new reporting process. Seconded by Geanna Tubbs, passed by all in attendance. The committee will be notified by DPS once the process has been finalized and approved by management.
- X. Progress on prosecution and DA support:** Agenda item not discussed.
- XI. Newsletter to MREs:** Committee had very brief discussion concerning reporting requirements for MREs. The idea was proposed to add information concerning rejected loads to the next newsletter. Working with the MREs to educate them about rejected loads and what can be done will be the most important tool.
- XII. Update on explosives found in MREs:** Handouts concerning explosives safety given to committee members, no further discussion needed.
- XIII. Radiation detection devices/scales:** Agenda item not discussed.
- XIV. Department enforcement/registration stats:** Handout given to committee members concerning current enforcement stats (arrests, charges filed, investigations, etc). No further discussion needed.
- XV. MREs statewide:** Handout of active MREs, as of 4/30/15, given to all MREs. No further discussion needed.
- XVI. Other items:** None noted

**Motion made by Tom Baker to adjourn, seconded by Jim Shapiro. Passed by all in attendance.  
Meeting adjourned at 3:28 pm by Chairman Arnold Gachman.**