

## **Quarterly Meeting Minutes September 5, 2013**

On Thursday, September 5, 2013, at 9:30 a.m. the quarterly meeting of the Texas Commission on Law Enforcement (TCOLE) was held at the J.J. Pickle Research Campus, The Commons Learning Center, 10100 Burnet Road, Bldg 137, Austin, Texas.

Commissioners attending were Sheriff Joel W. Richardson, Presiding Officer; Dr. Johnny E. Lovejoy II, Secretary; Major Jason Hester; Constable Ron Hood; Mr. Rob Kyker; Mr. James Oakley; Senior Police Officer Joe Pennington; Ms. Patt Scheckel-Hollingsworth; and Chief Ruben Villegas.

Raymond Winter, Veena Mohan and William Van Shellenbeck from the Office of the Attorney General were present. TCOLE staff members attending were Executive Director Kim Vickers, Director of Operations John Helenberg, Legal Counsel John Beauchamp, Laurie Abernathy, Michael Antu, Lynn Beard, Michelle Beltran, Gary Connella, Thurman Felder, Lisa Fontenot, Dennis Graffious, Richard Gutierrez, Cheyenne Hobbs, Mike Hobbs, Nikki Johnson, Carey McKinney, Kenneth Merchant, Ken Mobley, Randy Odom, Candice Simon, Jessica Teseny, Kaye Wilson, and Nicole Yoakum.

### **Agenda item #1, Call to Order**

Presiding Officer Richardson called the meeting to order. Lt. Rene Alvarez, Sgt. Wyatt Raley, Sgt. Erik Grasse, Officer Thomas Tatum, and Officer Michael Morris of the Georgetown Police Department presented the colors.

Commissioner Kyker led the pledge of allegiance to the United States flag and to the Texas flag. Executive Director Vickers gave the invocation. Kaye Wilson called the roll and announced that all commissioners were present.

Presiding Officer Richardson introduced the newest member of the Commission, Major Jason Hester. Major Hester is with the Texas Department of Public Safety in the training division. His appointment expires in 2019. He also welcomed outgoing commissioner, Steve Griffith of Sugar Land. Presiding Officer Richardson noted that he and Mr. Griffith have served the last 6 years together as they were appointed to the commission at the same time. He noted the Mr. Griffith has been a voice of common sense and reason and will be missed.

Presiding Officer Richardson then announced the 2014 commission quarterly meeting dates. All meetings will be held at the J.J. Pickle Research Campus,

The Commons Learning Center in the Big Tex auditorium. The dates are: March 27, June 19, September 4, December 4.

**Agenda item #2, Reading of peace officer/jailer deaths since the June meeting.**

Ken Mobley read the names of the line of duty deaths since March.

*William Jason Sprague, age 30, Police Officer, Texarkana Police Department, End of Watch Saturday, June 15, 2013*

Police Officer William Sprague succumbed to injuries sustained the previous night when he was struck by a hit-and-run driver while investigating a disturbance at approximately 12:30 a.m. Officer Sprague had served with the Texarkana Police Department for two years and had previously served with several agencies in Arkansas. He is survived by his wife and son.

*Lance Allen "Lou" McLean, age 38, Deputy Sheriff, Hood County Sheriff's Office, End of Watch June 29, 2013*

Sergeant Lance McLean succumbed to a gunshot sustained the previous day while responding to a disturbance call in the Oak Trail Shores community near Lake Granbury. Sgt. McLean served with the Hood County Sheriff's Office for five years and four years with the Hamilton County Sheriff's Office. He is survived by his wife, two children, mother, brother, and grandfather.

*Robert "Bobby" Hornsby, age 32, Police Officer, Killeen Police Department, End of Watch Sunday, July 14, 2013*

Police Officer Bobby Hornsby was shot and killed while participating in a SWAT deployment at an apartment complex shortly after midnight. Officer Hornsby served with the Killeen Police Department for four years. He is survived by his wife, daughter, and son.

*Jorge Luis Garcia, Police Officer, Pharr Police Department, End of Watch Friday, August 9, 2013*

Sgt. Garcia, was enroute to a meeting with his assigned officers to discuss police operations at the Pharr International Bridge when he was involved in a fatal accident with a commercial vehicle. He was rushed to the hospital from the scene, however, Sgt. Garcia was pronounced dead upon arrival. Sgt. Garcia was a 27 year veteran of the Pharr Police Department and is survived by his wife and two children.

**Agenda item #3, Election of Assistant Presiding Officer and Secretary, to comply with Chapter 1701.055(b), Texas Occupations Code, if necessary.**

Presiding Officer Richardson asked for nominations for the position of Assistant Presiding Officer. Commissioner Oakley nominated Commissioner

Hollingsworth. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Presiding Officer Richardson asked for nominations for the position of Secretary. Commissioner Kyker nominated Commissioner Lovejoy. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

**Agenda item #4, Approval of the minutes of the June 6, 2013, meeting at Austin, Texas.**

Commissioner Lovejoy made a motion to accept the minutes of the June 6, 2013 meeting. Commissioner Oakley seconded the motion. The motion passed unanimously.

**Agenda item #6, Receive Executive Director's Report. Take action, if necessary.**

Executive Director Vickers noted that since the last commission meeting, three staff members have resigned. Field Agents Larry Capps and James Oswalt resigned for family health issues and Dawn Sekel is now working full-time for Lockheed Martin.

Chris Varady has moved from credentialing to the school marshal program. Jessica Teseny has moved from credentialing to special services. Iris Martinez has moved from part-time receptionist to full-time credentialing. Nazareth Munoz has moved from temporary to full-time handling of the F.A.S.T program. Lynn Beard has moved from special services to a field service agent position for the North Texas region.

New to the agency are:  
Cheyenne Hobbs in credentialing.  
Michelle Beltran in credentialing.  
Gary Connella in special services.  
Nikki Johnson as the morning receptionist.

Returning to the agency are:  
Randy Odom returning from the Texas Department of Insurance. Randy is an investigator in enforcement and is a certified fraud investigator.  
Janice Washington has returned from deployment to Kuwait and will be working with the training providers and academies.

**Agenda item #7, Receive reports, items to discuss, follow-up items from previous meetings. Take action, if necessary.**

- *Second non-compliance notification*

Director Helenberg said the agency is beginning notification of non-compliance to the law enforcement agencies. During the initial pre-non-compliance notification there were approximately 19,000 officers that still needed to complete training for the unit/cycle. Current numbers indicate there are approximately 2,000 officers that are in non-compliance. Agency notification will be sent later this month. The next round of notification letters will be sent to the officers notifying them of their non-compliance status.

Commissioner Lovejoy asked Mr. Helenberg to remind everyone how officers can check the status of their license. Director Helenberg noted that the telephone system allows officers to obtain that information. They can also retrieve the information on line at any time by creating a free account. Commissioner Pennington asked about the level of activity on calls concerning compliance. Director Helenberg said the telephone calls in August have increased significantly to 1,000 – 1,500 per day with the five people in credentialing handling an average of 450 calls a day. Although officers can obtain their licensing status on-line, many still call to verify the information. Commissioner Pennington asked how the agency can educate the officers to the alternative ways to obtain their licensing information. Director Helenberg noted that the credentialing staff attempts to educate the officers on how they can obtain the information themselves. The agency is in the process of redesigning the website to better assist the officers. The field service agents direct officers to the website. He also stated that attendees at the training coordinators' conference are encouraged to inform their officers how to obtain their licensing information themselves. Commissioner Hollingsworth noted that recruits in the basic academy are now tested on TCOLE rules and requirements. Commissioner Villescas asked if the 2,000 in non-compliance are still employed in law enforcement and Director Helenberg confirmed that the numbers are only for those currently working with a law enforcement agency. Executive Director Vickers confirmed that these numbers are significantly lower than in past years. John Helenberg and John Beauchamp have worked together to create the current system.

- *Statewide strategic planning workshops: Statewide public workshops as part of our strategic planning process for January and February*  
Executive Director Vickers would like to schedule the workshops for January and February 2014, and he will notify the commissioners with the dates and locations for the planning sessions.
- *2014 quarterly commission meeting dates, location, hotel*  
This was announced earlier in the meeting.
- *Academic alternative programs*  
Executive Director Vickers explained that this is a college degree program with classes intended to prepare the individual for taking the licensing exam. Historically the programs have been poor performers. Currently there are three programs remaining and they are successful. They require a capstone program which consists of one semester of review before taking the licensing exam. Past makeup of the Commission directed the agency to not accept additional academic alternative program applications. However the program is still in the rules and the agency has now received an application from a new academic program. Executive Director Vickers asked for direction from the current board. Commissioner Hollingsworth asked for the names of the current programs. They are Austin Community College, Alvin Community College, and Northeast Texas Community College. Commissioner Lovejoy asked what would be the harm in maintaining the status quo as far as the policy is concerned and reviewing new applications on a case-by-case basis. Executive Director Vickers noted there was no harm, but a past board directed him to no longer accept applications for the program. Commissioner Lovejoy suggested the agency maintain policies and consider the applications on a case-by-case basis. Commissioner Villescas asked for more information on the programs that were poor performers and on the current successful programs. Commissioner Pennington asked for a cost benefit analysis report on the history of the evolution of this licensing method and for professional opinions of adult educators and explain the benefit of these programs. Executive Director Vickers explained that this program is attractive to those that want both a college degree and work in the law enforcement profession. The problem arises when there is a time span between completing the classes and taking the licensing exam. If new programs will review the best practices and emulate the three current programs that are successful, new programs should also be successful. Commissioner Pennington asked that staff obtain input from LEMIT and Sam Houston. Commissioner Lovejoy noted that the capstone review idea is a good practice and that the rule on the academic alternative program be amended to include the capstone. Director Beauchamp noted that a change to the rule for the academic alternative program is being

proposed today and an amendment to the proposal could be added. Executive Director Vickers noted that if the decision is to go forward with the program, the curriculum needs to be reviewed and updated. Commissioner Hester believes that the two year programs will benefit and asked that staff review the applications as they are received and give the staff's stamp of approval before bringing it before the commission.

**Agenda item #8, Discuss and take action on applications to be an approved contractual training provider.**

- *Aransas County Sheriff's Office*

Director Helenberg stated that the application from Aransas County was complete. There are no other providers in the county and there are six providers in the surrounding counties. Presiding Officer Richardson invited Sheriff Bill Mills and Sgt. Gavin Harrison to address the Commission. Sheriff Mills explained their need to be a contract training provider and offered to answer questions. Commissioner Hester asked if the county will cancel their memorandum of understanding with TEEX for reporting the jailer course to which Sheriff Mills noted they have discussed this with TEEX and the sheriff's office will continue providing the services to them. Commissioner Lovejoy asked if they will be teaching other courses for TEEX and Sgt. Harrison said that he currently teaches defensive tactics for them.

Commissioner Oakley made a motion to accept the application from the Aransas County Sheriff's Office. Commissioner Villescas seconded the motion. The motion passed unanimously.

- *Texas Tactical*

Director Helenberg presented the application from Texas Tactical located in Parker County. There are currently two training programs in the county and there are 31 programs in the surrounding area. He noted that there are comments in the commissioner's packet from other providers. Tommy Taylor and Gary Fitzgerald were present representing the company and said that currently six departments are using their training facilities. Commissioner Hester asked which providers have been reporting their training and Mr. Taylor noted that Weatherford College has reported their training. Commissioner Hester noted that six training providers did not agree to report training for them and he asked if there was a reason why none of the six agreed to report the training. Mr. Fitzgerald said that all were colleges and their current dean and administrators above wouldn't support a private entity. Commissioner Hester wanted to know the classroom capacity at their facility to which he was told that Weatherford could hold 27 students and their classroom in Fort Worth could hold 18 students. Commissioner Hollingsworth

asked about their proposed on-line classes and was told they would be similar to classes provided by Classen Buck and would charge \$10 - \$15 per person. Commissioner Lovejoy expressed concern with the number of training facilities that are already in the area and asked if anything had been proposed to these existing providers to fill the void in training that Texas Tactical proposes to fill. Mr. Fitzgerald noted the distance from Parker County to other training facilities. Commissioner Lovejoy asked if in doing their due diligence in submitting the application did they explore with other providers the possibilities of willingness to fill the existing void. Mr. Fitzgerald replied that he didn't have an answer. Commissioner Hollingsworth asked how their training is now being reported. Mr. Fitzgerald said they are only conducting tactical classes now and are providing documentation for the students to take back to their agencies for reporting. Director Helenberg noted that the current application doesn't include distance education. Commissioner Hester noted that of the six agencies that regularly use them, he was unable to find an endorsement from any of them for their application and asked if they would be willing to support their application in writing. Mr. Fitzgerald believes they would be willing. Commissioner Hollingsworth asked Director Helenberg if the omission of continuing education on-line in the application packet would invalidate the application. He replied that if they intend to include distance education, it will need to be included in the application packet. Mr. Fitzgerald indicated that they believed they had included enough information in the application to cover the on-line component.

Commissioner Lovejoy made a motion to deny the application as it is incomplete. Commissioner Hester seconded the motion. The motion passed with Commissioner Hollingsworth abstaining.

- *West Columbia Police Department*  
Director Helenberg stated the application from West Columbia was complete. There are currently eight providers in Brazoria County and 45 providers in the surrounding area. Chief Paul Odin and dispatch supervisor Sgt. Laura Glaspie were available for questions from the Commission. Commissioner Hollingsworth asked for clarification on whether Chief Odin was the chief or the interim chief to which Director Helenberg explained that the application has been re-set for the agenda twice, pending the appointment of the new chief, Chief Odin. Commissioner Hollingsworth asked if the agency had made an effort to be a satellite trainer for an existing provider in the area. The chief and Sgt. Glaspie explained the difficulty of signing their officers into classes at Brazoria County and their very small training budget. Commissioner Hester further asked the chief if he has considered holding the training classes at his agency, but letting an existing training provider report the

training. Chief Odin has not approached the providers about this. Sgt. Glaspie has spoken with some of the agencies and explained that they are a small department with a small budget. She teaches classes for these providers. Her agency has to pay her when she goes to other agencies to teach classes and then has to pay her replacement while she's out of the office. The agency hosting the training can collect a fee from the students. This puts a strain on her agency. West Columbia can offer night and weekend training. Additional questions concerning the size of the agency, number of certified instructors within the agency, and the geographic area that will be serviced were asked. Commissioner Pennington asked for clarification of the geographic area that they plan to serve. Chief Odin described the distance to the other providers in the area and his current training budget.

Commissioner Lovejoy made a motion to approve the application. Commissioner Villescas seconded the motion. The motion passed on a 5 to 4 vote with Commissioners Hood, Oakley, Villescas, and Lovejoy voting in favor and Commissioners Pennington, Hollingsworth, Kyker, and Hester voting against. Presiding Officer Richardson broke the tie and the motion passed.

**Agenda item #9, Discuss and take action on the Request for Waiver of TCOLE Rules 215.15 Enrollment Standards and 217.1 Minimum Standards for Initial Licensure.**

- *Angelina County Sheriff's Office for Chad E. Hooper*  
Director Beauchamp stated that Mr. Hooper had a Class B Misdemeanor, Driving While License Invalid, in 2007 and received a deferred adjudication. During a TCOLE audit, the arrest was discovered, and Mr. Hooper was ineligible at the time of his appointment. Sheriff Sanches submitted a request to waive the cancellation pending the opportunity to come before the Commission to apply for a waiver for the Class B. Sheriff Greg Sanches, Roy Owens, and Mr. Hooper appeared before the commission. Sheriff Sanches noted that he took office January 1, 2013, and in May an audit was conducted by TCOLE. Commissioner Villescas asked if there was a prior history statement in Mr. Hooper's file and the sheriff replied that there is a copy of his driving record, which reflects the arrest. For reasons unknown to Sheriff Sanches, the previous administration overlooked it. Commissioner Villescas asked if TCOLE rule 217.1 applies to applicants for a license or to those already licensed. Executive Director Vickers explained that the rule is for those trying to become an officer or jailer. Mr. Hooper's conviction was undiscovered during the first five years of appointment and was not discovered until Mr. Hooper was into the second five years of ineligibility. When the ineligibility was brought forth, Mr. Hooper was eligible to apply for a waiver. The executive director granted a temporary waiver until the case could be brought before the Commission. Director Beauchamp noted



that any criminal history in 2007 would have shown as a deferred adjudication or could have shown to be dismissed.

Commissioner Hollingsworth made a motion to grant the waiver for Chad E. Hooper. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

- *Arp Police Department for Gavin Green*  
Mr. Green received a deferred adjudication for Class B Misdemeanor, criminal mischief, in 2006. Chief Gregory S. McAuley and Mr. Green appeared before the Commission. Chief McAuley confirmed that he intends to hire Mr. Green as soon as he's able after completion of the basic academy in January 2014, if the waiver is granted. Commissioner Hester asked if by rule Mr. Green has to be hired as a full-time officer to which Director Beauchamp noted that the Commissioners could consider the request even as a part-time officer. Commissioner Hester asked Mr. Green if he plans to remain with the Arp Police Department for the balance of the 10 years since his conviction, which would amount to four years. Mr. Green confirmed that his plan is to stay with the agency.

Commissioner Oakley moved for approval of the waiver request. Commissioner Villegas seconded the motion. The motion passed unanimously.

- *Roman Forest Police Department for Lonnie Cantwell*  
Mr. Cantwell received a Class B Misdemeanor conviction for driving while intoxicated in 2005. Police Chief Stephen Carlisle, Fire Chief Jeff Taylor, and Mr. Cantwell appeared and explained that if the waiver is granted, Mr. Cantwell will be hired by the police department to become the fire marshal for the fire department. They are prepared to send Mr. Cantwell to the basic academy in Conroe beginning October 11.

Commissioner Oakley made a motion for approval of the waiver. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

**Agenda item #10, Discuss and take action on final orders of amendments to existing TCOLE rules.**

Director Beauchamp said there were no public comments on the rules for final adoption.

- §217.2 *Minimum Standards for Telecommunicators.*
- §221.7 *Investigative Hypnosis Proficiency.*
- §217.11 *Legislatively Required Continuing Education for Licensees.*
- §215.9 *Training Coordinator.*

Commissioner Hollingsworth made a motion to adopt the final orders to the existing TCOLE rules 217.2, 221.7, 217.11, and 215.9. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

**Agenda item #11, Discuss and take action on proposed orders of amendments to existing and new TCOLE rules.**

Propose	Rule	Subject
1		Title Change
2		Chapter Headings

Commissioner Oakley made a motion to approve the first two amendments. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

3	§ 211.1	Definitions
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Director Helenberg explained the rule would change precision rifles with a magnification device set at 3 power or more to 5 power or less. Many patrol rifles are now mounted with a 5 power or less so this change keeps it in the patrol rifle definition.

Commissioner Hollingsworth asked if it is necessary to create a definition of law enforcement association. Director Helenberg explained that by policy a law enforcement association is a business entity.

Commissioner Oakley moved for the approval of the proposed amendments. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Commissioner Lovejoy asked for an explanation of military disqualification to which Director Helenberg said the term bad conduct is often from criminal conduct and this proposed rule changes the wording to misconduct. There are several classifications of misconduct including that which will bar re-entry into the military. Commissioner Lovejoy asked if staff will make the determination whether the misconduct bars re-entry into the military. Director Helenberg noted that staff will be using the military re-entry codes that have been provided to us from the military. Commissioner Lovejoy said that only current re-entry codes are available and these codes are subject to change. He asked if we will be keeping current with the codes to which Director Helenberg confirmed that we will remain current with the codes. Commissioner Hester asked if the appointing agency should be the entity to recognize the disqualification. Director Helenberg noted that either the appointing agency or the academy will be recognizing this. Commissioner Hester asked if a DWI that occurred on base, handled through an Article 15, and does not appear on a CCH or DD 214, would show up on a personal history statement. Director Helenberg noted that it depends whether it was handled criminally or civilly. If civilly it won't appear on a DD214 and we will not see it on our level. It could come up on the background and the department would be aware.

Commissioner Hollingsworth moved to adopt proposed order #4.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Commissioner Hollingsworth moved to adopt proposed order #5 Law Enforcement Awards. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Director Beauchamp noted that proposals 6 -14 are intended to reduce redundancy and repetition and that there are very few substance changes.

Commissioner Oakley moved to approve amendment 6. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Commissioner Hester asked for an explanation of 215.2(c)(4), secure storage. Director Helenberg said this is for ammunition related to the firing range.

Commissioner Hester asked if staff could provide an executive summary of the application in the packet of information provided to the Commissioners along with a recommendation from staff. Director Beauchamp suggested that this does not need to be a part of the rules, but can be direction to the staff. Executive Director Vickers agreed that this can be accomplished by policy rather than by a rule amendment. In the past, staff has tried to not make recommendations on the applications because staff didn't want the appearance of any undue influence on the Commission. However, if the Commission would like for staff recommendations, that can be done. Commissioner Hester would like to see recommendations from staff. Commissioner Hollingsworth concurred. Presiding Officer Richardson believes this is procedural within the agency.

Commissioner Hollingsworth moved to adopt proposed rule #7. Commissioner Oakley seconded the motion. The motion passed unanimously.

Presiding Officer Richardson said this can be further discussed, but he believes direction has been given to staff.

8	§ 215.3	Law Enforcement Academy Training Provider
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Commissioner Hollingsworth moved to adopt proposed order #8, Law Enforcement Academy Training. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

9	§ 215.5	Other Training Providers
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Commissioner Lovejoy asked how staff intends to notify training providers about the change. Executive Director Vickers said this will be covered at the training coordinators' conference.

Commissioner Oakley moved for approval of amendment 9. Commissioner Villescas seconded the motion. The motion passed unanimously.

10	§ 215.6	Academic Alternative Training Provider
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Commissioner Lovejoy made a motion for approval of this particular amendment with the addition of the capstone requirement. Commissioner Oakley seconded the motion. The motion passed unanimously.

11	NEW	General Contract Procedures and
	§ 215.61	Provisions

Commissioner Hollingsworth moved to adopt proposed order #11. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

12	NEW	Contract Cancellation, Suspension,
	§ 215.63	and Termination

Commissioner Hollingsworth moved to adopt proposed order #12. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

13	§ 215.7	Training Provider Advisory Board
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Commissioner Oakley moved for approval of amendment 13. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

14	§ 215.13	Risk Assessment
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Commissioner Hollingsworth moved to adopt proposed amendment #14. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

15	Current § 215.15	Basic Licensing Enrollment Standards
	Proposed § 217.01	

Commissioner Hollingsworth moved to adopt proposed order #15. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Commissioner Hollingsworth moved to adopt proposed order #16.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Commissioner Oakley moved for approval of proposed amendment #17.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Commissioner Hollingsworth moved to adopt proposed order #18.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

19           § 217.7           Reporting Appointment and Separation  
                                  of a Licensee

Commissioner Hollingsworth moved to adopt proposed amendment #19.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Commissioner Hollingsworth moved to adopt proposed amendment #20. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Commissioner Hollingsworth asked if TCOLE will note what the F-5 should reflect based on the outcome of the SOAH hearing. Executive Director Vickers confirmed this. Instead of having the chief administrator change the form, TCOLE changes the form and submits a copy to the chief administrator.

Commissioner Hollingsworth moved to adopt proposed order #21.  
Commissioners Lovejoy and Oakley seconded the motion. The motion passed unanimously.

22      Current § 217.9    Continuing Education Credit for  
         Proposed § 218.1   Licensees

         Current § 217.13   Reporting Legislatively Required  
         Proposed § 218.5   Continuing Education

         Current § 217.15   Waiver of Legislatively Required  
         Proposed § 218.7   Continuing Education

23      Current § 217.19   Reactivation of a License  
         Proposed § 219.01

24      Current § 217.20   Retired Peace Officer Reactivation  
         Proposed § 219.03

Commissioner Oakley moved to approve amendments 22, 23, and 24.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

25      Current § 217.21   Continuing Firearms Proficiency  
         Proposed § 218.9   Requirements

Commissioner Oakley moved to approved amendment #25. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

26      Current § 217.19   Reactivation of License  
         Proposed § 219.01

Commissioner Hollingsworth moved to adopt proposed amendment #26.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

27      Current § 217.20    Retired Peace Officer Reactivation  
Proposed § 219.03

Commissioner Oakley moved to approve proposed amendment #27.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

28              § 219.1              Eligibility to Take State Examinations

Commissioner Oakley moved for approval of proposed amendment #28.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

29              NEW              License Requirements for Persons with  
§ 219.25              Military Special Forces Training

Commissioner Lovejoy made a motion to approve this rule as amended to amend the rule to be consistent with the current rule that we have for our active duty military peace officers that are seeking Texas peace officer commissions.

Director Beauchamp asked for clarification from Commissioner Lovejoy that he is speaking of serving 2 out of the last 4 years? Commissioner Lovejoy confirmed this.

Commissioner Oakley seconded the motion.

Commissioner Pennington asked why members of the Coast Guard are not included in this rule. Director Helenberg stated that the wording for the rule was taken from statute and pertained only to those attached to special forces identified under the statute.

Presiding Officer Richardson called for a vote. The motion passed unanimously.

30              § 221.28              Advanced Instructor Proficiency

Commissioner Oakley moved for approval of proposed amendment 30.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

31              § 223.2              Administrative Penalties



Commissioner Hollingsworth moved to adopt proposed amendment #31.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

32            § 223.13            Surrender of License

Commissioner Hollingsworth moved to adopt proposed order #32, Surrender of License. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

33            § 223.15            Suspension of License

Commissioner Hollingsworth moved to adopt proposed amendment #33.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

34            § 223.16            Suspension of License for  
Constitutionally Elected Officials

Commissioner Oakley moved for approval of amendment 34. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

35            § 223.19            Revocation of License

Commissioner Hollingsworth moved to adopt proposed amendment #35.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.

36            NEW            School District Responsibilities  
              § 227.1

Commissioner Hollingsworth moved to adopt proposed amendment #36.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.  
Commissioner Oakley was absent for the vote.

37                      NEW                      School Marshal Licensing and  
                                 § 227.3                      Reporting Requirements

Commissioner Hollingsworth moved to adopt proposed amendment #37.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.  
Commissioner Oakley was absent for the vote.

38                      NEW                      School Marshal Training Entities  
                                 § 227.5

Commissioner Hollingsworth moved to adopt proposed amendment #38.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.  
Commissioner Oakley was absent for the vote.

39                      NEW                      School Marshal Renewals  
                                 § 227.7

Commissioner Hollingsworth moved to adopt proposed amendment #39.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.  
Commissioner Oakley was absent for the vote.

40                      NEW                      License Action  
                                 § 227.9

Commissioner Hollingsworth moved to adopt proposed amendment #40.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.  
Commissioner Oakley was absent for the vote.

41                      NEW                      Confidentiality of Information  
                                 § 227.11

Commissioner Hollingsworth moved to adopt proposed amendment #41.  
Commissioner Lovejoy seconded the motion. The motion passed unanimously.  
Commissioner Oakley was absent for the vote.

42	§ 229.1	Eligibility for Memorial Monument
43	§ 229.3	Specific Eligibility of Memorial Monument

Commissioner Kyker made the motion to approve. Commissioner Hollingsworth seconded the motion. The motion passed unanimously. Commissioner Oakley was absent for the vote.

**Agenda item #12, Discuss and take action on proceedings for revocation, suspension, and other disciplinary actions.**

Raymond Winter with the Attorney General's office addressed the commission.

**Default Cancellation Order**

Arms, Jason E.	13-10-0080C	Hidalgo County Fire Marshal's Office
Downing, Tiffany L.	13-01-0411C	Wichita Falls Police Department
Walker, Jason K.	13-12-0254C	Delta County Sheriff's Office

Commissioner Hollingsworth made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a final Default Cancellation Order to cancel the license of Jason E. Arms, Tiffany L. Downing, and Jason K. Walker. Commissioner Lovejoy seconded the motion. The motion passed unanimously. Commissioner Oakley was absent for the vote.

**Default Suspension Orders**

Canady, Trevelyn G.	11-01-0279LS	Polk County Sheriff's Office
Cardona, Joe A.	12-05-1008LS	Bexar County Constable Pct. 3
Casares, Jr., Javier	11-07-1087LS	Cameron County Sheriff's Office
Cerna, Teodoro	12-08-1229LS	Bell County Sheriff's Office
	13-03-0526LS	
Cordova, Gilberto	12-09-0041LS	El Paso Police Department
Corn, Jeremiah L.	11-09-0006LS	San Antonio Police Department
Delarosa, Jr., Francisco J.	08-02-1353LS	El Paso County Sheriff's Office
Luna, Teresa	13-11-0228LS	Potter County Sheriff's Office
McAllister, Jaime L.	12-06-1056LS	Franklin County Sheriff's Office
Montgomery, Scott E.	12-07-1087LS	Forest Hill Police Department
Nguyen, Albert X.	12-11-0130LS	Houston Police Department
Sanchez, Christopher D.	12-07-1112LS	Converse Police Department
Sustaita, Jr., Ricardo	12-06-1035LS	Elsa Police Department
Tower, Jr., William D.	12-11-0126LS	Lampasas County Constable Pct. 3
Villarreal, Jr., Jaime	12-07-1066LS	Palmview Police Department

Director Beauchamp noted that Francisco J. Delarosa, Jr. has filed an answer and should be removed from the motion.

Presiding Officer Richardson asked if anyone was present that wished to speak.

Commissioner Hollingsworth made a motion to accept and adopt the recommendations of the Executive Director to enter a default final order as authorized under the provisions of 37 Texas Administrative Code, Section 223.3, and as required under the provisions of Texas Occupations Code, Chapter 1701, Section 1701.501 to suspend the license of Trevelyn Canady, Joe A. Cardona, Javier Casares, Teodoro Cerna, Gilberto Cordova, Jeremiah Corn, Teresa Luna, Jaime McAllister, Scott Montgomery, Albert Nguyen, Christopher Sanchez, Ricardo Sustaita, William D. Tower, and Jaime Villarreal. Commissioner Lovejoy seconded the motion.

Director Beauchamp asked if Mr. Joe Cardona was present. There being no response, the Presiding Officer called for a vote. The motion passed unanimously. Commissioner Oakley was absent for the vote.

#### **Default Revocation Order**

Noyola, Adolfo A.                      12-08-1234LR El Paso County Sheriff's Office

Commissioner Hollingsworth made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a default final order as authorized under the provisions of 37 Texas Administrative Code, Section 223.3, and as required under the provisions of Chapter 1701, Occupations Code, Section 1701.501 to revoke the license of Adolfo Noyola. Commissioner Lovejoy seconded the motion. The motion passed unanimously. Commissioner Oakley was absent for the vote.

#### **Agreed Suspension Waivers**

Blizzard, Lester R.                      11-01-0265LS Galveston County District Attorney's Office  
Jones, Joshua D.                      12-08-1184LS Hewitt Police Department  
Smith, Darien M.                      11-05-0896LS Tarrant County Sheriff's Office

Commissioner Hollingsworth made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a final Agreed Suspension Waiver for Lester Blizzard, Joshua Jones, and Darien Smith. Commissioner Lovejoy seconded the motion. The motion passed unanimously. Commissioner Oakley was absent for the vote.

**Proposal for Decision Orders**

Daniels, Lauren S. 12-04-0964LS Upton County Sheriff's Office

Mr. Winter said this is a DWI case with a child. Ms. Daniels failed to appear at the scheduled SOAH hearing. The Executive Director recommends a license suspension of 10 years.

Commissioner Hollingsworth made a motion to accept the recommendation of the Executive Director for a 10 year suspension of the license of Lauren S. Daniels. Commissioner Lovejoy seconded the motion. The motion passed unanimously. Commissioner Oakley was absent for the vote.

Davila, Christopher J. 10-04-0464LS San Antonio Police Department

Mr. Winter explained that the Administrative Law Judge recommended a 10 year suspension of the license with the first year a hard suspension and the remaining nine years probated. The Executive Director does not oppose the decision of the Administrative Law Judge.

Mr. Robert P. Leonard, CLEAT attorney, and Mr. Davila appeared and stated that they agree with the decision of the Administrative Law Judge and the Executive Director.

Commissioner Hollingsworth made a motion to accept the recommendation of the Executive Director concurring with SOAH for a 10 year suspension, the first year is a hard suspension and nine years probated for Christopher Davila. Commissioner Lovejoy seconded the motion. The motion passed unanimously. Commissioner Oakley was absent for the vote.

Gonzales, Abraham R. 11-08-1129LS Texas Department of Public Safety

Mr. Winter said this is a DWI case and that Mr. Gonzales failed to appear at the SOAH hearing. The Administrative Law Judge remanded the case back to TCOLE. The Executive Director recommends a suspension of the license for ten years.

Commissioner Hollingsworth made a motion to accept the recommendation of the Executive Director for a ten year suspension of the license of Abraham Gonzales. Commissioner Lovejoy seconded the motion. The motion passed unanimously. Commissioner Oakley was absent for the vote.

Hamilton, Michael W. 11-12-0210LS Austin Police Department

Mr. Winter noted that Mr. Hamilton is an officer with the Austin Police Department and was convicted of DWI. The case went to SOAH in November 2012 where the Administrative Law Judge recommended a license suspension for one year, six months in force and six months probated. The Executive Director filed exceptions, noting evidence not in the record and remanded the case back to the Administrative Law Judge. The case was heard in June 2013 and the Administrative Law Judge made the same recommendation as before. The Executive Director filed exceptions asking for a ten year suspension, six years hard suspension and four years probated.

Commissioner Hollingsworth made a motion to accept the recommendation of the Executive Director for a ten year suspension of Michael W. Hamilton, six years hard suspension and four years probated. Commissioner Lovejoy seconded the motion. The motion passed unanimously. Commissioner Oakley was absent for the vote.

## **For Information Only**

### **No action needs to be taken**

Mr. Winter said the following items required no action from the Commission.

### **Statutory Revocations**

Chin, James M.	12-07-1096LR Bexar County Constable Pct. 1
	12-09-0004LR
Greenethaner, Benjamin K.	12-06-1064LR Travis County Sheriff's Office
Perrin, Dustin	13-07-0812LR McLennan County Sheriff's
Office	

### **Statutory Suspensions**

Gonzalez, Daniel B.	12-02-0569LS Fort Worth Police Department
Nicholas, Anthony L.	13-10-0097LS DeWitt County Sheriff's Office
Pacheco, Armando G.	13-10-0104LS Zapata County Sheriff's Office

### **Permanent Surrenders**

Adcock, Roddy A.	Round Rock Police Department
Caskey, II, Walter M.	Clute Police Department
Chris, Victor M.	Houston Police Department
Clinton, Ronald W.	Panola County Sheriff's Office
Ellis, Robert V.	Fort Worth Police Department
Green, Fred D.	Shelby County Constable Pct. 2
Jordan, Raleigh L.	Houston Police Department
Lowe, Jr., Alfred E.	El Paso Police Department
Relken, Theresa Y.	Nassau Bay Police Department

Scoggins, Scottie B.  
Shanks, Franklin L.  
Whatley, Randy A.  
Wilson, Kelly W.

Llano County Sheriff's Office  
Texas Department of Public Safety  
Shelby County Constable Pct. 4  
Angelina County Sheriff's Office

**Term Surrender**

Montes, Jr., Hector

El Paso County Sheriff's Office

**Agenda item #13, Receive public comment on any topic, without action.**

Presiding Officer Richardson opened the meeting to public comment. No one came forward to address the Commission.

**Agenda item #14, Executive session to discuss matters authorized by Texas Government Code section 551.071 et seq., including pending litigation, attorney-client consultation, and the executive director's performance evaluation and compensation.**

The Commission went into executive session at 1:49 p.m.

**Agenda item #14, Return from Executive Session to report, discuss, or take further action if needed.**

The Commission returned from executive session at 2:05 p.m.

Commissioner Hollingsworth made a motion to raise the executive director's salary to the maximum as allowed by Senate Bill 1. Commissioner Lovejoy seconded the motion. The motion passed unanimously. Commissioner Oakley was absent for the vote.

**Agenda item #15, Adjourn.**

Presiding Officer Richard adjourned the meeting.

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Dr. Johnny E. Lovejoy, II, Secretary  
JL/kw