



Kim Vickers  
Executive Director

# TEXAS COMMISSION ON LAW ENFORCEMENT

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## Quarterly Meeting Agenda December 3, 2015

On Thursday, December 3, 2015, at 9:30 a.m., the quarterly meeting of the Texas Commission on Law Enforcement (TCOLE) will be held. The meeting will be at the J.J. Pickle Research Campus, The Commons Learning Center, 10100 Burnet Road, Bldg 137, Austin, Texas, to discuss the following agenda. If this meeting cannot be concluded by 5:00 p.m., the commission may recess until Friday, December 4, 2015, at 9:00 a.m. where they will meet at the agency's headquarters building, 6330 East Hwy 290, Austin, Texas.

1. Call to order
  - Presentation of colors
  - Pledge of Allegiance
  - Invocation
  - Roll call of members
  - Welcoming remarks
2. Reading of peace officer/jailer deaths since the September 2015 meeting.
  - Deputy Constable Jeffrey Radford, Bell County Constable Pct 3, EOW October 28, 2015
  - Sergeant William "Karl" Keese, Texas Department of Public Safety-Texas Highway Patrol, EOW October 29, 2015
  - Chief Darrell Lemond Allen, Marlin Police Department, EOW November 10, 2015
3. Approval of the minutes of the September 10, 2015, quarterly commission meeting at Austin, Texas.
4. Receive reports. Take action if necessary.
  - Presiding Officer's Report
  - Executive Director's Report
  - Operations Director's Report
  - Government Relations Director's Report

5. Discuss and take action on final orders of amendments to existing and new TCOLE rules.

- Final Amendment 1  
§211.1. Definitions. (amend “Background Investigation”)
- Final Amendment 2  
§211.1. Definitions. (new definition of “Contract Jailer”)
- Final Amendment 3  
§211.1. Definitions. (amend “Community Supervision”)
- Final Amendment 4  
§211.1. Definitions. (new definition of “Honorably Retired Peace Officer”)
- Final Amendment 5  
§211.5. Licensee Lists. (repeal)
- Final Amendment 6  
§211.7. Meeting Dates and Procedures. (amend)
- Final Amendment 7  
§211.13. Notice of Commission Rulemaking. (repeal and replace)
- Final Amendment 8  
§211.16. Establishment of an Appointing Entity. (amend)
- Final Amendment 9  
§211.25. Date of Appointment. (amend)
- Final Amendment 10  
§211.29. Responsibilities of Agency Chief Administrators. (amend)
- Final Amendment 11  
§211.35. Tuition Reimbursement for Commission Employees. (new)
- Final Amendment 12  
§215.9. Training Coordinator. (amend)

- Final Amendment 13  
§215.13. Risk Assessment. (amend)
- Final Amendment 14  
§217.1. Minimum Standards for Enrollment and Initial Licensure. (amend)
- Final Amendment 15  
§218.9. Continuing Firearms Proficiency Requirements. (amend)
- Final Amendment 16  
§219.1. Eligibility to Take State Examinations. (amend)
- Final Amendment 17  
§219.11. Reactivation of a License. (repeal and replace)
- Final Amendment 18  
§219.13. Retired Peace Officer Reactivation. (repeal and consolidate into Final Amendment 17)
- Final Amendment 19  
§221.3. Proficiency Certificates. (amend)
- §221.3. Peace Officer Proficiency. (repeal and consolidate into Final §221.3)
- Final Amendment 20  
§221.5. Jailer Proficiency. (repeal and consolidate into Final Amendment 19)
- Final Amendment 21  
§221.13. Emergency Telecommunications Proficiency. (repeal and consolidate into Final Amendment 19)
- Final Amendment 22  
§221.43. School-Based Law Enforcement Proficiency Certificate. (new)
- Final Amendment 23  
§223.1. License Action and Notification. (amend)

- Final Amendment 24  
§223.3. Answer Required. (amend)
- Final Amendment 25  
§223.5. Contested Cases and Hearings. (amend )
- Final Amendment 26  
§223.5. Filing of Documents. (repeal and consolidate into new §223.5)  
  
§223.7. Contested Cases and Hearings. (repeal and consolidate)  
  
§223.9. Place and Nature of Hearings. (repeal and consolidate)  
  
§223.11. Proposal for Decision and Exceptions or Briefs. (repeal and consolidate)
- Final Amendment 27  
§223.14. Construction of Other Laws. (reorganize from current suspension rule)
- Final Amendment 28  
§223.15. Suspension of License. (amend)
- Final Amendment 29  
§223.16. Suspension of License for Constitutionally Elected Officials. (repeal and consolidate into Final Amendment 28)
- Final Amendment 30  
§223.16. Probation and Mitigating Factors. (reorganize from current suspension rule)
- Final Amendment 31  
§223.17. Reinstatement of a License. (amend)
- Final Amendment 32  
§223.18. Suspension Following Felony Arrest. (new)
- Final Amendment 33  
§223.19. License Revocation. (amend)

§223.20. Revocation of License for Constitutionally Elected Officials. (repeal and consolidate)

- Final Amendment 34  
§223.21. Appeal. (repeal and consolidate into Final Amendment 26)
- Final Amendment 35  
§227.1. Appointing Entity Responsibilities. (amend)
- Final Amendment 36  
§227.3. School Marshal Licensing and Reporting Requirements. (amend)
- Final Amendment 37  
§227.5. School Marshal Training Entities. (amend)
- Final Amendment 38  
§227.9. License Action. (amend)
- Final Amendment 39  
§227.11. Confidentiality of Information. (repeal)
- Final Amendment 40  
§218.11 Child Safety Check Alert List Training. (new)
- Final Amendment 41  
§219.25. License Requirements for Persons with Military Special Forces Training. (amend)
- Final 42  
Re-adoption of all other existing rules not amended or repealed

6. Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.

#### *Default Suspension Orders*

Ardoin, Kevin J.	Jailer	Harris County Sheriff's Office
Bacon, David M.	Jailer	Kaufman County Sheriff's Office
Brown, Allen R.	Jailer/Peace Officer	Jefferson County Sheriff's Office

Elizondo, Simon	Peace Officer	Big Spring Police Department
Kizziah, Stacey F.	Telecommunicator	Spring Valley Police Department
Rodriguez, Jr., Juan F.	Peace Officer	Indian Lake Police Department
Wyatt, Wade L.	Jailer/Peace Officer	Henderson County Sheriff's Office

### *Default Revocation Orders*

Estrada, Phillip M.	Peace Officer	Amarillo Police Department
Kuczynski, William J.	Peace Officer	Whitesboro Police Department
Morris, Kyle J.	Jailer	Collin County Sheriff's Office

### *Default Cancellation Orders*

Guevara, Anahi	Jailer	Maverick County Sheriff's Office
Lopez, David L.	Jailer	Val Verde County Sheriff's Office
Lusk, Jordan T.	Peace Officer	Aransas Pass Police Department
Poulter, Ricky L.	Jailer	Johnson County Sheriff's Office




### *Agreed Suspension Order*

Mitchell, Frank	Peace Officer	Montgomery County Constable Pct. 3
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### *Suspension Order Based on Withdrawal of Appeal*

Escareno, Nicholas	Jailer/Peace Officer	Bexar County Sheriff's Office
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### *Proposal for Decision Orders*

Clayton, Stephen R.	Peace Officer	Austin I.S.D. Police Department
		
Smith, Leroy J.	Jailer/Peace Officer	Travis County Sheriff's Office
Valadez, Jr., Luis D.	Jailer/Peace Officer	Premont Police Department

## **For Information Only**

### *Statutory Revocation*

Bockman, Preston A.	Jailer	Burnet County Sheriff's Office
Cano, Richard M.	Peace Officer	Houston I.S.D. Police Department
Ferguson, Kendrick J.	Peace Officer	Houston Police Department
Horn, David K.	Jailer/Peace Officer	Hooks Police Department
Lockett, Blake E.	Jailer	Caldwell County Sheriff's Office
Roberts, Jerry L.	Peace Officer	Hardin County Sheriff's Office
Tolbert, Corey L.	Peace Officer	Cuero Police Department

### *Statutory Suspension*

Harrington, Linda S.	Jailer	Palo Pinto County Sheriff's Office
Reamy, Jerad L.	Jailer	Cherokee County Sheriff's Office
Spurlock, Zachary T.	Temporary Jailer	Jack County Sheriff's Office

### *Permanent Surrenders*

Aguillar, Armando	Peace Officer	Cameron County Sheriff's Office
Alvarado, Ricardo	Peace Officer	Cameron County Sheriff's Office
Bauer, Paul G.	Peace Officer	Dallas Police Department
Camacho, Jr., Octavio	Peace Officer	Cameron County Sheriff's Office
Cox, Michael J.	Peace Officer/ Telecommunicator	Hill County Sheriff's Office
Deshazo, Douglas L.	Jailer	Harris County Sheriff's Office
Dittrich, Russell E.	Jailer/Peace Officer	Giddings Police Department
Gass, Davis E.	Peace Officer	Harris County Constable Pct. 6
Guardiola, Mauricio D.	Jailer/Peace Officer	Cameron County Sheriff's Office
Johnson, La'Cori C.	Peace Officer	Dallas Police Department
Kee, Robert J.	Peace Officer	Williamson County Sheriff's Office
Macchio, Daniel F.	Peace Officer	Grapevine Police Department
Marquez, Aurelio	Peace Officer	Dallas Area Rapid Transit
McCormack, Mark D.	Jailer/Peace Officer	Gunter Police Department
Neal, Jackie L.	Peace Officer	San Antonio Police Department
Sanchez, Adan	Peace Officer	Weslaco Police Department
Sargent, Stephen B.	Peace Officer	Houston Police Department
Thomas, Justin R.	Peace Officer	Dallas Police Department
Torres, Billy D.	Jailer/Peace Officer	Bexar County Sheriff's Office
Wallace, David W.	Peace Officer	Montgomery County Sheriff's Office
Wilson, Mark H.	Peace Officer/Jailer/ Telecommunicator	Hill County Sheriff's Office

### *Reprimands for Administrative Violations*

Campos, Paul D.	Peace Officer	Yorktown Police Department
Nave, Tammy	Peace Officer	Harris County Constable Pct. 4
Turley-Ward, Tonya	Peace Officer	Harris County Constable Pct. 4
Rodriguez, Jose	Peace Officer	Jones Creek Police Department
Vega, Luis	Peace Officer	Socorro I.S.D. Police Department

*Reprimands for Failing to Complete Legislatively Required Continuing Education*

Amador, Jesus	Peace Officer	Kleberg County Constable Pct. 2
Flores, Peter P.	Peace Officer	Texas Parks and Wildlife Department
Giesalhart, Darlene C.	Peace Officer	El Campo Police Department
Guyewski, Stanley	Peace Officer	Bexar County Constable Pct. 3
Hoskins, Fred W.	Peace Officer	Caldwell County Sheriff's Office
Hutchings, Christopher	Peace Officer	Covington Police Department
Lee, Jewel, J.	Peace Officer	Titus County Constable Pct. 1
Livingston, John C.	Peace Officer	Tarrant County Constable Pct. 7
Martinez, Urbino	Peace Officer	Brooks County Sheriff's Office
McKinney, Rory	Peace Officer	Midland County Sheriff's Office
Mendoza, Eddie B.	Peace Officer	Cameron County Constable Pct. 2
Morris, Mark E.	Peace Officer	Falls County Sheriff's Office
Parker, David M.	Peace Officer	Hardin County Sheriff's Office
Prescott, Montgomery	Peace Officer	Duval County Sheriff's Office
Smith, Roy D.	Peace Officer	Dallam County Constable Pct. 1
Williams, Joseph M.	Peace Officer	Waller County Constable Pct. 4

7. Receive public comment on any topic, without action.
8. Executive Session to discuss pending litigation and personnel issues, including evaluation of executive director's job performance, pursuant to sections 551.074 and .071 of the Texas Government Code, Open Meetings Act.
9. Return from Executive Session to report and /or discuss further actions to be taken as a result of the Executive Session. Take action, if necessary.
10. Adjourn.