Kim Vickers
Executive Director

TEXAS COMMISSION ON LAW ENFORCEMENT

Quarterly Meeting Minutes
December 7, 2017

On Thursday, December 7, 2017 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 Richardson, Presiding Officer; Ms. Patt Scheckel-Hollingsworth, Assistant Presiding Officer; Major Jason D. Hester, Secretary; Ms. Patricia Burruss; Constable Ron E. Hood; Chief Kim Lemaux; Judge James Oakley, and Senior Police Officer Tim Whitaker. Commissioner Sharon Breckenridge Thomas was absent.

Attending from the Office of the Attorney General were Raymond Winter, Halie Daniels, and Matthew Mueller. TCOLE staff attending included Executive Director Kim Vickers, Enforcement & Special Services Director Michael Antu, Credentialing & Field Services Director Kenny Merchant, Government Relations Director Gretchen Grigsby, Finance Director Brian Roth, General Counsel John Beauchamp, Lisa Landry, Richard Gutierrez, Doug Skolaut, Lynn Beard, Ashtyn Cain, Jessica Capraro, Lt. Gary Connella, Dennis Graffious, Nikki Johnson, Leena Mahaffey, Kayla Manders, Derry Minor, Lita Rendon, Stan Roper, Chris Varady, Michael Watts, and Kaye Wilson.

Agenda item #1, Call to order

The Presiding Officer called the meeting to order at 9:30 a.m. Members of the Bryan Police Department Color Guard posted the colors. Commissioner Lemaux led the pledges of allegiance and Commissioner Hester gave the invocation. Presiding Officer Richardson recognized the Color Guard members, Lt. Dean Swartzlander, Sgt. Ryan Bona, Officer Darrell Fikes, Officer Alex Tran, and Officer Amanda Vela, and thanked them for their participation. Roll was called and there was a quorum present with only Commissioner Thomas absent from the meeting.

Sheriff's Office, Texas DPS Officer's Association, and Savant Learning Systems (Virtual Academy). There was discussion about the recent training coordinator's conference that was held in Corpus Christi. Staff changes were announced and new employees were introduced.

Credentialing and Field Services Director: Mr. Merchant reviewed the numbers for non-compliance and there are slightly over 1300 for a 35% decrease in non-compliant licensees from the previous cycle.

Enforcement & Special Services Director: Mr. Antu noted that new processes are expediting the work of the agency. Several independent school districts are opting for police departments rather than having school marshals. Commissioner Hester asked that an on-going goal should be to improve the case load for the agency's investigators.

Government Relations Director: Ms. Grigsby said that curriculum committees continue to prepare courses as required by the recent legislative session. Three additional courses have been posted on the Commission's website.

Commissioner Hester made a motion to accept all reports. Commissioner Oakley seconded the motion. The motion passed unanimously.

Agenda item #5, Receive reports, items to discuss, follow-up items from previous meeting. Take action, if necessary.

- Out of state/federal equivalency for county jailer training and telecommunicator training

Executive Director Vickers asked the commissioners to consider accepting the equivalency of a basic jailer and basic telecommunicator training from other states and the federal level just as we now accept those training courses for peace officers for licensing purposes. Staff recommends this be accepted.

Commissioner Hester moved to approve the training. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

Agenda item #6, Take action to enroll and induct officers in the Texas Peace Officers' Memorial Monument. Waive the requirement for induction at a separate Commission meeting, and take action to induct officers into the Texas Peace Officers' Memorial Monument who were enrolled today.

Director Grigsby read the names of those that are eligible for inscription on the Peace Officers' Memorial Monument.

Captain Thomas Ray — EOW: October 23, 2016
Orange County Sheriff's Office
Cause of Death: Heart attack

Border Patrol Agent David Gomez — EOW: November 16, 2016
DHS Customs and Border Protection
Cause of Death: Heart attack

Detective Jerry Walker — EOW: January 17, 2017
Little Elm Police Department
Cause of Death: Gunfire

Assistant Chief Clinton Greenwood — EOW: April 3, 2017
Harris County Constable Precinct 3
Cause of Death: Gunfire

Border Patrol Agent Isaac Morales — EOW: May 24, 2017
DHS Customs and Border Protection
Cause of Death: Stabbed

Corrections Officer Shana Tedder — EOW: June 9, 2017
Texas Department of Criminal Justice
Cause of Death: Heart attack

Police Officer Miguel I. Moreno — EOW: June 30, 2017
San Antonio Police Department
Cause of Death: Gunfire

Deputy Sheriff Jason Fann — EOW: August 5, 2017
Yoakum County Sheriff's Office
Cause of Death: Automobile crash

Detective Elise Ybarra EOW: August 6, 2017
Abilene Police Department
Cause of Death: Automobile crash

Corporal Monty Platt EOW: August 8, 2017
West Texas A&M University Police Department
Cause of Death: Animal related

Sergeant Steve Perez EOW: August 27, 2017
Houston Police Department
Cause of Death: Drowning

Deputy Constable Mark Diebold EOW: September 7, 2017
Tarrant County Constable Office, Precinct 5
Cause of Death: Heart attack

Police Officer Elias Martinez, Jr. EOW: September 17, 2017
Metropolitan Transit Authority Police Department
Cause of Death: Motorcycle crash

Police Officer Floyd East, Jr. EOW: October 9, 2017
Texas Tech University Police Department
Cause of Death: Gunfire

Senior Trooper Thomas Patrick Nipper EOW: November 4, 2017
Texas Department of Public Safety
Cause of Death: Automobile crash

Trooper Damon Allen EOW: November 23, 2017
Texas Department of Public Safety
Cause of Death: Gunfire

Police Officer Kenneth Copeland EOW: December 4, 2017
San Marcos Police Department
Cause of Death: Gunfire

Commissioner Oakley made a motion to waive requirement to induct at a separate meeting and enroll at this meeting. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

Agenda item #7, Discuss and take action on final orders of amendments to existing and new TCOLE rules.

- Final Amendment 1
  §215.21 Credit for High School Public Services Endorsement-with changes

Mr. Beauchamp stated this rule is in response to HB 1545 (85R). The final rule has a non-substantive change so that there is a correct reference to Security Career Cluster under 19 TAC Chapter 130, Subchapter L

Commissioner Hester made a motion to adopt rule §215.21. Commissioner Oakley seconded the motion. The motion passed unanimously.

Commissioner Hester noted that there are some rules that mirror statute. Commissioner Hollingsworth said that the stakeholders are often directed to the rules more than the code so more clarification in rule under some circumstances is helpful.

Agenda item #8, Discuss and take action on proposed orders of amendments to existing TCOLE rules.

- Proposed Amendment 1
  §211.1 Definitions
  Mr. Beauchamp noted that this rule is being amended to reflect statutory changes pursuant to SB 386 (84R) and HB 867 (85R) broadening the definition of school marshal.

- Proposed Amendment 2
  §215.9 Training Coordinator
  This amendment ties the employment of the training coordinator to the training provider.

- Proposed Amendment 3
  §217.1 Minimum Standards for Enrollment and Initial Licensure
  This rule is being amended to clarify the temporary licensing of a jailer and a telecommunicator.

- Proposed Amendment 4
  §217.7 Reporting Appointment and Separation of a Licensee
  This proposed amendment consolidates all appointment requirements into one rule.

- Proposed Amendment 5
  §217.27 Appointment Eligibility of a Telecommunicator
  This rule is being repealed and replaced with new rule §217.7 which combines reporting appointment requirements for all licensees into one rule.

- Proposed Amendment 6
  §218.3 Legislatively Required Continuing Education for Licensees
  This proposed amendment is intended to clarify that the 40 hours of continuing education training includes the legal update changes.

- Proposed Amendment 7
  §227.1 Appointing Entity Responsibilities
  This proposed amendment refers to school marshals and makes a broader definition to encompass additional entities that may have school marshals. This is pursuant to SB 386 (84R) and HB 867 (85R). Rules §227.3 and §227.5 are being amended for the same reason.

  §227.3 School Marshal Licensing and Reporting Requirements

  §227.5 School Marshal Training Entities

- Proposed Amendment 8
  §229.1 Eligibility for Memorial Monument
  This rule is being repealed and a new rule is being proposed that condenses the eligibility for memorial monument requirements into one rule.

  §229.3 Specific Eligibility of Memorial Monument
  This rule is repealed and a new rule named Nomination and Selection is created. This new rule condenses the nomination and selection requirements into one rule which follows the requirements of HB 3647 (85R) and replaces §229.5.

  §229.5 Determination Standards
  This rule is being replaced by §229.3 to be in compliance with HB 3647 (85R).

As proposed, rule §229.1(b)(4) Eligibility for Memorial Monument read "the Employees Retirement System of Texas makes payments and provides benefits to the eligible survivors of the person as provided by Chapter 615, Government Code." Mr. Vickers clarified that the Employees Retirement System of Texas is not the only authority that makes payments to survivors, but by legislative authority, they authorize the payment of benefits. Mr. Beauchamp suggested changing the proposed language to "the Employees Retirement System of Texas authorizes benefits to the eligible survivors of the person as provided by Chapter 615, Government Code." This is the language that was voted on by the Commissioners.

Commissioner Oakley made a motion to accept all the rule changes. Commissioner Lemaux seconded the motion. The motion passed unanimously.

Agenda item #9, Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.

Mr. Winter reviewed the disciplinary actions.

Default Suspension Orders

Aguayo, Adan	Jailer	Harris County Sheriff's Office
Bryant, Kenneth L.	Jailer	Williamson County Sheriff's Office
Caballero, Matthew C.	Peace Officer	Garland Police Department
Giles Jr., Doug	Jailer	Lamb County Sheriff's Office
Haley, Garrett W.	Jailer	Montgomery County Sheriff's Office
Johnson, Denver K.	Peace Officer	Montgomery County Sheriff's Office
Jones, Michael M.	Jailer	Galveston County Sheriff's Office
Kaulaity, Yolanda	Jailer	Dallas County Sheriff's Office
Macias, Jasmine N.	Jailer	Harris County Sheriff's Office
Marquez, Denise	Telecommunicator	Socorro I.S.D. Police Department
Marshall, Rodney	Telecommunicator	Dallas Police Department
Martinez, Adrian E.	Jailer	Harris County Sheriff's Office
Mendoza Jr., Juan R.	Jailer	Maverick County Sheriff's Office
Miller, Ian D.	Peace Officer	Harris County Constable Pct. 5
Norsworthy, Jeremy V.	Peace Officer	Hempstead Police Department
Paul, Brian C.	Peace Officer	Houston Police Department
Pinalez III, Ignacio	Peace Officer	San Juan Police Department
Rodgers, Tammy J.	Jailer	McLennan County Sheriff's Office
Sellers, Tony	Peace Officer	Houston Police Department

Shaw, Arlander	Jailer	Smith County Sheriff's Office
Taylor, Kirby	Telecommunicator	Murphy Police Department
Valentine, Joshua C.	Peace Officer	Conroe Police Department
Vargas, Rachel	Telecommunicator	El Paso Police Department
Werthen, Rosiland A.	Jailer/Peace Officer	New Braunfels Police Department
Yanez, Jose E.	Jailer	Harris County Sheriff's Office

Commissioner Hollingsworth made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter default final order as authorized under the provisions of 37 Texas Administrative Code, 223.3, as required under the provisions of the Occupations Code, Chapter 1701, Section 1701.501 to suspend the licenses of Adan Aguayo, Kenneth L. Bryant, Matthew C. Caballero, Doug Giles Jr., Garrett W. Haley, Denver K. Johnson, Michael M. Jones, Yolanda Kaulaity, Jasmine N. Macias, Denise Marquez, Rodney Marshall, Adrian E. Martinez, Juan R. Mendoza Jr., Ian D. Miller, Jeremy V. Norsworthy, Brian C. Paul, Ignacio Pinalez III, Tammy J. Rodgers, Tony Sellers, Arlander Shaw, Kirby Taylor, Joshua C. Valentine, Rachel Vargas, Rosiland A. Werthen, and Jose E. Yanez. Commissioner Oakley seconded the motion. The motion passed unanimously.

Agreed Suspension Waivers

Velez Jr., Jose A.	Jailer	Harris 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 Jose A. Velez Jr. Commissioner Burruss seconded the motion. The motion passed unanimously.

Default Revocation Orders

Carter, Steven W.	Jailer	Jefferson County Sheriff's Office
Shadwick, James D.	Jailer	Ector 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, as required under the provisions of Chapter 1701, Section 1701.501 to revoke the license of Steven W. Carter and James D. Shadwick. Commissioner Hester seconded the motion. The motion passed unanimously.

Mr. Winter stated that the remaining items are for information only and do not require action by the Commissioners.

For Information Only

Statutory Suspensions

Adams, Matthew	Jailer	Bexar County Sheriff's Office
Alamos, Victoria	Telecommunicator	Houston Emergency Center
Anderson, Makaylah	Jailer	Delta County Sheriff's Office
Coker, Michael	Peace Officer	Humble I.S.D. Police Department
Cuthrell, Tavis	Peace Officer	Marlin Police Department
Dykes, William	Peace Officer	Fannin County Sheriff's Office
Gonzalez, Paul	Peace Officer	Houston Police Department
Gonzalez, Zelina	Jailer	Kinney County Sheriff's Office
Hammack, Henry	Peace Officer	Arp Police Department
Hernandez, Paul	Peace Officer	Willow Park Police Department
Holley, Tracey	Peace Officer	Patton Village Police Department
Keerikoolparn, Samuel	Peace Officer	Rio Vista Police Department
Hubbard, Culleon	Jailer	Bowie County Sheriff's Office
Moya, Sergio	Telecommunicator Peace Officer	Harris County Constable Pct. 2
Sheka, Kenneth	Jailer/Peace Officer	Temple Police Department

Statutory Revocations

Bonner, Jasmine	Peace Officer	Houston Police Department
Bowman, Brandon	Jailer	Bexar County Sheriff's Office
Chapman, Kendra	Jailer	Fannin County Sheriff's Office
Dillingham, Michael	Jailer	Rockwall County Sheriff's Office
Driskill, Larry	Jailer	Parker County Sheriff's Office
Estrada, Rene	Jailer	Brazos County Sheriff's Office
Galindo, Emmanuel	Peace Officer	San Antonio Police Department
Hogan, Chad	Peace Officer	Orange County Sheriff's Office
Hubbard, Angela	Telecommunicator	Comanche Police Department
Jones, Cody	Jailer	Brazos County Sheriff's Office
Melugin, Christopher	Peace Officer	Crandall Police Department
Naranjo, Jeanette	Jailer	San Patricio County Sheriff's Office
Rojo, Joel	Jailer/Peace Officer	Howard County Sheriff's Office

Permanent Surrenders

Arambula, Ray	Peace Officer	Dimmit County Sheriff's Office
Bindseil, Richard J.	Peace Officer	Burnet County Sheriff's Office
Campos, Paul	Peace Officer	Yorktown Police Department
Caussey, Joshua	Jailer/Peace Officer	Plano Police Department
Collins, Justin	Jailer/Peace Officer	Grand Saline Police Department
Coreas, Omar	Peace Officer	Richmond Police Department
D'Amalfi, Dustin	Jailer/Peace Officer	Lakeway Police Department
Drzewiecki, Jamie	Peace Officer	Kennedale Police Department
Fairbanks III, Kenneth	Peace Officer	Harris County Constable Pct. 8
Glock, William	Peace Officer	Forest Hill Police Department
Humphries, Daniel	Peace Officer	Fort Worth Police Department
Jiminez, Eric	Peace Officer	Seguin Police Department
Kutter, Tyler	Peace Officer	Montgomery County Constable Pct. 2
Martin, Coleman	Peace Officer	Austin Police Department
Mora, Victor	Peace Officer	Harris County Sheriff's Office
Parr, Douglas	Jailer/Peace Officer	Wise County Constable Pct. 3
Singleton, Kenneth	Jailer/Peace Officer	Ellis County Constable Pct. 4
Trevino, Emma	Peace Officer	Arlington Police Department
Villalpando, Gary	Peace Officer	Brownwood Police Department

Reprimands for Administrative Violations

Banks, Cedric	Peace Officer	Galveston County Sheriff's Office
Brown, Daniel	Peace Officer	Colorado City Police Department
Crider, Randy	Peace Officer	Calhoun County District Attorney's Office
Flores III, Frank	Peace Officer	Nueces County Constable Pct. 5
Glass, Timothy	Peace Officer	Hansford County Sheriff's Office
Hogan, Kenneth	Jailer	Galveston County Sheriff's Office
Jones, Barney	Peace Officer	Galveston County Sheriff's Office
Maldonado, Carlos	Peace Officer	LaSalle County Constable Pct. 2
Mendez, Guadalupe	Peace Officer	Galveston County Sheriff's Office
Scott, Belinda	Peace Officer	Galveston County Sheriff's Office
Valdez, Rudy	Peace Officer	Maverick County Constable Pct. 1

Reprimands for Failing to Complete Legislatively Required Continuing Education

Adame, Ricardo	Peace Officer	San Diego Police Department
Lutz, Dwayn	Peace Officer	Dallas County Sheriff's Office
Orange, Richard	Peace Officer	Farmersville ISD Police Department
Stubblefield, Stephen	Peace Officer	Wichita County Constable Pct. 2

Agenda item #10, Receive public comment on any topic, without action.
Chief Philip Dupuis, Conroe Police Department, addressed the commission concerning proposed amendment #4. Sheriff Brian Hawthorne, Chambers County Sheriff's Office spoke on the same amendment. Presiding Officer Richardson asked that each submit their comments in writing.

Agenda item #11, Executive Session to discuss pending or contemplated litigation, settlement offers, 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.

Agenda item #12, 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.

The Commissioners did not go into Executive Session.

Agenda item #13, Adjourn.
At 11:02 a.m. the Presiding Officer adjourned the meeting until March 1, 2018 at 9:30 a.m.

Jason D. Hester, Secretary
JDH/kw