

**MINUTES - QUARTERLY MEETING**  
**December 1, 2011**

The quarterly meeting of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was held on Thursday, December 1, 2011, starting at 11:00 a.m. The meeting was held at the J.J. Pickle Research Campus, The Commons Learning Center, 10100 Burnet Road, Bldg 137, Austin, Texas.

Commissioners attending were Mr. Steve Griffith, Assistant Presiding Officer; Dr. Johnny E. Lovejoy, II, Secretary; Constable Ron Hood; Mr. James Oakley; Senior Police Officer Joe Pennington; Ms. Patt Scheckel-Hollingsworth; Chief Ruben Villescas; and Mr. Randy Watson. Sheriff Joel Richardson, Presiding Officer, was absent.

Also attending were Assistant Attorney General Raymond Winter and Daniel Wiseman. TCLEOSE staff attending included, Executive Director Kim Vickers, John Helenberg, Chris Davis, Brian Roth, Laurie Abernathy, Lynn Beard, Darla Dixon, David Englert, Thurman Felder, Lisa Fontenot, Dennis Graffious, Richard Gutierrez, Nicole Hendrickson, Shelley Knight, Kenneth Merchant, Ivan Messer, Ken Mobley, Randy Odom, James Oswalt, Doug Staudt, Jessica Teseny, and Kaye Wilson.

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

Assistant Presiding Officer Steve Griffith called the meeting to order. Kaye Wilson called roll and noted that Presiding Officer Joel Richardson was absent.

**Agenda item #2, Approval of the minutes of the September 7, 2011, Strategic Plan and Executive Director Expectation meeting**

Commissioner Hollingsworth made a motion to approve the minutes. Commissioner Oakley seconded the motion, and the motion passed unanimously.

**Agenda item #3, Approval of the minutes of the September 8, 2011 Commission meetings at Austin, Texas**

*a. Work session*

Commissioner Lovejoy asked that additional information be included in the minutes of agenda item 4e, *Pros and cons of a one agenda meeting*, to include statements he made during the discussion. These statements gave the history of the two agenda meetings. Commissioner Oakley made a motion to approve the minutes as amended to include the comments made by Dr. Lovejoy. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

*b. Quarterly meeting*

Commissioner Lovejoy made a motion to approve the minutes. Commissioner Villescas seconded the motion. The motion passed unanimously.

**Agenda item #4, Election of Assistant Presiding Officer and Secretary, to comply with Chapter 1701.055(b), Texas Occupations Code**

Mr. Griffith noted that Presiding Officer Richardson asked that the composition of the board be kept as it. However, it is the responsibility of the commission to elect the positions.

Commissioner Oakley made a motion to keep the Assistant Presiding Officer and Secretary the same. Commissioner Watson seconded the motion. The motion passed unanimously.

**Agenda item #5, Appointment of Executive Committee and other committees**

Commissioner Hollingsworth read the two-year committee appointments as made by the Presiding Officer.

Executive Committee: Presiding Officer Joel Richardson, Assistant Presiding Officer Stephen Griffith, and Secretary Johnny Lovejoy, II

Legislative Committee: Presiding Officer Joel Richardson, Commissioner Johnny E. Lovejoy, II, Commissioner Randy Watson, Commissioner Patt Scheckel-Hollingsworth, and Commissioner Joe Pennington

Audit Committee: Assistant Presiding Officer Stephen Griffith, Commissioner James Oakley, Commissioner Ron Hood, and Commissioner Ruben Villescas

Commissioner Oakley noted that the Legislative Committee, consisting of 5 commissioners, constitutes a quorum if all meet at one time.

**Agenda item #6, Take action on Presiding Officer's report, if necessary**

No action was needed.

**Agenda item #7, Take action on Executive Director's report, if necessary**

Mr. Vickers reminded the audience that December 31 is the deadline for Achievement Award nominations. He then deferred to Commissioner Hollingsworth to report on the Peace Officers' Memorial. At the training coordinator's conference, Commissioner Hollingsworth stated that she issued a challenge to all agencies to ask each licensee to donate \$2 per license held. The challenge will be presented at each of the upcoming regional workshops. Initially the cost for the restoration was \$300,000, but by the time the money is collected, costs could be higher, and we must maintain a maintenance balance. Currently there is a little over \$150,000 in the account.

**Agenda item #8, Take action on: Reports, Items to discuss, Follow-up items from previous meeting**

- a. *Pros and cons to a one agenda meeting, tabled from the September meeting*  
Commissioner Oakley made a motion that future agenda meetings be conducted under a one agenda meeting format until further action by this commission. Commissioner Villescas seconded the motion. Commissioner Watson asked if the executive director sees any problems with the motion to which Mr. Vickers responded that staff can work with either format. Commissioner Hollingsworth asked if it was necessary, could the meeting continue until the next day. Mr. Vickers noted that it is always possible to continue the meeting on Friday morning. Commissioner Watson noted that executive session was possible, if necessary. The motion passed unanimously.
- b. *Request from September 2011 meeting to bring forward proposed rule changes will be delayed until the March 2012 meeting due to pending proposed rules.*  
No action necessary.

- c. *Regional meetings: January 17 Midland; January 18 Amarillo; January 19 Arlington; February 21 Houston; February 22 McAllen; February 29 Austin*  
No action necessary.

**Agenda item #9, Take action on request for waiver of TCLEOSE Rules 215.15 Enrollment Standards and 217.1 Minimum Standards for Initial Licensure**

- a. *Jeremy Valle and the Frio County Sheriff's Office*  
No action taken, this item has been removed and will appear on the March 2012 agenda
- b. *Sandra Brown and the River Oaks Police Department*  
Commissioner Oakley made a motion to approve the requested waiver for Sandra Brown. Commissioner Villegas seconded the motion. The motion passed unanimously.
- c. *Robert Stephenson and the Midland County Sheriff's Office*  
Commissioner Villegas made a motion for waiver of TCLEOSE Rule 215.15 Enrollment Standards and 217.1 Minimum Standards for Initial Licensure on the case of Robert Stephenson. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

**Agenda item #10, Take action on the proposed orders of amendments to existing TCLEOSE rules**

- 12-30-221.35 Firearms Proficiency for Juvenile Probation Officers
- Commissioner Lovejoy made a motion to approve the proposed rule change for 12-30-221.35, Firearms Proficiency for Juvenile Probation Officers. Commissioner Villegas seconded the motion. The motion passed unanimously.

**Agenda item #11, Take action on the final orders of amendments to existing TCLEOSE rules**

- 12-01- 211.1 Definitions
- 12-02-211.16 Establishment of an Appointing Entity
- 12-03-211.29 Responsibilities of Agency Chief Administrators
- 12-04-215.3 Academy Licensing
- 12-05-215.5 Contractual Training
- 12-06-215.6 Academic Alternative Licensing
- 12-07-215.9 Training Coordinator
- 12-08-215.15 Basic Licensing Enrollment Standards
- 12-09-217.1 Minimum Standards for Initial Licensure
- 12-10-217.3 Application for License and Initial Report of Appointment
- 12-11-217.7 Reporting the Appointment and Termination of a Licensee
- 12-12-217.8 Contesting an Employment Termination Report
- 12-13-217.9 Continuing Education Credit for Licensees
- 12-14-217.11 Legislatively Required Continuing Education for Licensees
- 12-15-217.15 Waiver of Legislatively Required Continuing Education
- 12-16-217.19 Reactivation of a License
- 12-17-219.1 Eligibility to Take State Examinations
- 12-18-219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police
- 12-19-219.3 Examination Administration

- 12-20-219.5 Examinee Requirements
- 12-21-221.13 Emergency Telecommunications Proficiency
- 12-22-223.2 Administrative Penalties
- 12-23-223.17 Reinstatement of a License
- 12-24-223.19 Revocation of License
- 12-25-223.15 Suspension of License
- 12-26-223.16 Suspension of License for Constitutionally Elected Officials
- 12-27-211.27 Reporting Responsibilities of Individuals
- 12-28-215.16 Basic Telecommunicator Enrollment Standards
- 12-29-217.2 Minimum Standards for Telecommunicators

Commissioner Oakley made a motion to approve all amendments listed under item #11. Commissioner Hollingsworth seconded the motion. Before voting on the motion, Mr. Vickers asked that the commissioners consider as part of the motion making these items effective immediately as policy. Commissioner Oakley agreed to amend his motion. Commissioner Hollingsworth withdrew her second to the initial motion and seconded the amended motion. The motion passed unanimously.

**Agenda item #12, Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions**

Assistant Attorney General Raymond Winter and Daniel Wiseman addressed the commission concerning disciplinary action.

**FINAL ORDER SUSPENSION OF LICENSE**

**LAST DEPARTMENT TO HOLD COMMISSION**

Leonardo Quintana

10-01-0254LS

Austin Police Department

Mr. Wiseman stated that the executive director filed a petition recommending a 10 year suspension of the license. The Administrative Law Judge’s proposal for decision recommends a suspension, fully probated. The executive director filed an exception to the proposal.

Attorney John Curtis addressed the commission on his client’s behalf.

Mr. Winter noted that the commission may support the executive director’s recommendation, the Administrative Law Judge’s recommendation, or anything in-between.

Commissioner Hollingsworth made a motion to decline the Proposal For Decision and accept the executive director’s 10-year hard suspension, not probated. The motion failed for lack of a second.

Commissioner Villegas made a motion decline to adopt the Proposal For Decision as recommended by the ALJ and instead the commission enter an order suspending Mr. Quintana’s license for a period of 10 years with 2 of those years being a hard, fully-served suspension commencing with Mr. Quintana’s conviction and the remaining 8 years be fully probated. Commissioner Oakley seconded the motion. The motion passed with Commissioners Hollingsworth, Watson, and Hood opposing.

**FINAL ORDER SUSPENSION OF LICENSE**

**LAST DEPARTMENT TO HOLD COMMISSION**

Tomas David Rodriguez 10-01-0231LS

Kerrville Police Department

The executive director has agreed to postpone this item until the next meeting.

**DEFAULT FINAL ORDER SUSPENSIONS**

**LAST DEPARTMENT TO HOLD COMMISSION**

Nathan David Roberson 10-06-0591LS

Brazos County Sheriff's Office

Mr. Wiseman noted that the executive director recommends that immediately on the effective date of this order, the licensee's license be suspended for a term equal to the actual time served on community supervision, which was one year.

Commissioner Lovejoy made a motion that the commission accept the executive director's recommendation for a final order suspension for Nathan David Roberson. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

**STATUTORY SUSPENSIONS**

**LAST DEPARTMENT TO HOLD COMMISSION**

San Juan Gonzalez Jr. 11-07-1045LS  
Jose A. Infante 10-04-0461LS  
Charles G. McKinley 11-03-0555LS  
Patricia L. Slaughter 09-12-0148LS

Nueces County Sheriff's Office  
Harlingen Police Department  
Hutchins Police Department  
Washington County Sheriff's Office

Mr. Wiseman noted that the statutory suspension is for a 20 year period. The executive director recommends suspending the licensees' license for 20 years.

Commissioner Hollingsworth made a motion to accept the statutory suspensions as recommended by the executive director. Commissioner Villegas seconded the motion. The motion passed unanimously.

**AGREED FINAL ORDER REVOCATIONS**

**LAST DEPARTMENT TO HOLD COMMISSION**

Rodney G. Walker 11-06-0980LR

Polk County Const. Pct. 3

Mr. Wiseman told the commission that the executive director recommends that the commission accept and enter into an agreed final order revoking the licensee's license.

Commissioner Villegas entered a motion to enter into an agreed final order revoking the licensee's license. Commissioner Hollingsworth seconded the motion. Commissioner Oakley asked if the individual was currently in office to which Mr. Davis responded that he was a deputy constable and is not currently appointed. The motion passed unanimously.

**FINAL ORDER STATUTORY REVOCATION**

**LAST DEPARTMENT TO HOLD COMMISSION**

Jaime A. Beas	10-07-0668LR	Pharr Police Department
Mark R. Dearza	11-09-0001LR	Texas Department of Public Safety
Christopher R. Fenner	10-08-0733LR	Johnson County Sheriff's Office
Hernan Guerra Jr.	11-02-0325LR	Sullivan City Police Department
Harry L. Kelley	10-08-0732LR	Liberty County Sheriff's Office
Jesus R. Larrazolo	09-12-0170LR	Texas Department of Public Safety
Ramon L. Martinez	09-09-0038LR	Willacy County Sheriff's Office
Saul P. Ochoa	10-01-0242LR	Cameron County Const. Pct. 1
Dawn M. Salinas	09-02-0337LR	Montague County Sheriff's Office
Jeremiah Dwaine Shults	11-11-0158LR	Rosebud Police Department
Marilyn A. Siglar	09-12-0146LR	Washington County Sheriff's Office

Mr. Wiseman noted that the executive director recommends that the commission statutorily revoke these licenses. Commissioner Hollingsworth made a motion to accept the executive director's recommendation to revoke the licenses. Commissioner Villescas seconded the motion. The motion passed unanimously.

**FOR YOUR INFORMATION**

Mr. Wiseman noted that the following items are for information only and do not require action.

**CANCELLATIONS**

<b><u>NAME OF LICENSEE</u></b>	<b><u>DOCKET#</u></b>	<b><u>LAST DEPARTMENT TO HOLD COMMISSION</u></b>
Monica S. Evans	11-08-1141CAN	Falls County Sheriff's Office
Richard Gomez	12-09-0037CAN	Guadalupe County Sheriff's Office
Gary D. Gonzales	12-09-0042CAN	San Patricio County Sheriff's Office
John D. Luera	11-10-0063CAN	Falfurrias Police Department
Bennie E. Nichols	11-08-1116CAN	Kinney Co. Sheriff's Office
Jordan W. Terry	12-09-0009CAN	McLennan County Sheriff's Office
Melinda E. Velasquez	12-09-0043CAN	Dimmit County Sheriff's Office

**TERM SURRENDERS**

<b><u>NAME OF LICENSEE</u></b>	<b><u>DOCKET #</u></b>	<b><u>LAST DEPARTMENT TO HOLD COMMISSION</u></b>
Albert P. Aguinaga	10-08-0794TS	Austin Police Department
Raymond R. Burns	10-06-0566TS	Waller County Constable Pct. 4

## PERMANENT SURRENDERS

<u>NAME OF LICENSEE</u>	<u>DOCKET #</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Robert J. Cheeseman	11-08-1133PVS	Bexar Co. Sheriff's Office
Michael E. Castillo	09-09-0029PVS	Caldwell County Sheriff's Office
Marco A. Cedillo	12-09-0034PVS	Bexar County Sheriff's Office
Dennis R. Elois	11-05-0958PVS	Kemp Police Department
Carlos D. Garza	10-02-0314PVS	Wilson County Sheriff's Office
	10-06-0596PVS	Wilson County Sheriff's Office
	10-07-0709PVS	Wilson County Sheriff's Office
Melissa S. Gore	11-09-0025PVS	Madisonville Police Department
William D. Hemphill	11-07-1093PVS	Bexar County Sheriff's Office
Michael J. Nelson	11-01-0287PVS	Bayou Vista Police Department
Rory Rogers	09-01-0192PVS	San Antonio Police Department
Damon L. Smith	10-07-0675PVS	Bexar County Sheriff's Office

## REPRIMANDS

<u>NAME OF LICENSEE</u>	<u>DOCKET#</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Bracey, Tramel R.	11-12-0237	
Garcia, Anthony R.	10-10-0078	San Antonio Police Department
Hill, Derek S.	08-04-1454	Travis County Sheriff's County
Humphries, Scott L.	11-06-1001	
Orona, Samuel	10-03-0355	
Vasquez, Luis A.	09-08-0748	
Vega, Jesse J.	10-08-0727	

### Agenda item #13, Receive public comment on any topic, without discussion

Robert Armbruster updated the commission on one of the officers he represented.

Commissioner Oakley addressed agenda item #5, expressing his concern of having 5 commissioners serving on the legislative committee, and would like for this item to be revisited at the next quarterly meeting. Commissioner Lovejoy suggested that it be discussed at the strategic planning session on January 12. Commissioner Oakley agreed that it can be discussed at the January meeting, but would like for it to appear as an action item on the agenda for the next meeting.

### Agenda item #14, Executive Session to discuss pending litigation and personnel issues, including evaluation of executive director's job performance, pursuant to sections 551.074 and 551.071 of the Texas Government Code, Open Meetings Act.

The commission went into executive session at 12:08 p.m.

### Agenda item #15, Return from Executive Session to report and / or discuss further actions to be taken as a result of the Executive Session.

The commission returned from executive session at 12:55 p.m. with no action taken.

**Agenda item #16, Adjourn**

Commissioner Watson made a motion to adjourn. Commissioner Oakley seconded the motion. The motion passed unanimously.

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