



TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION

Timothy A. Braaten
Executive Director

AGENDA – QUARTERLY MEETING

The quarterly meeting of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was held on Thursday, June 3, at 1:21 p.m. The meeting was held at the Texas State Capitol Extension Auditorium, Room E1.004, 1100 Congress Avenue, Austin, Texas.

Commissioners attending were: Constable Charles Hall, Presiding Officer; Mr. Steve Griffith, Assistant Presiding Officer; Dr. Johnny E. Lovejoy, II, Secretary; Ms. Melissa Goodwin; Mr. James Oakley; Mr. Joe Pennington; Sheriff Joel Richardson; Ms. Patt Scheckel-Hollingsworth; Chief Ruben Villescas.

Also attending was Assistant Attorney General John Beauchamp and TCLEOSE staff members Executive Director Timothy A. Braaten, Director Kim Vickers, Director Chris Davis, Director Brian Roth, Laurie Abernathy, Jim Clifton, Darla Dixon, Thurman Felder, Dennis Graffious, Richard Gutierrez, John Helenberg, Nicole Hendrickson, John Hunt, Carey McKinney, Kenny Merchant, Ivan Messer, James Oswald, Carnecia Penson, Doug Staudt, Kaye Wilson, and Mary Kay Wright.

Agenda Item #1 - Call to order

Presiding Officer Hall called the meeting to order and announced the posting of the flags by the Pharr Police Department honor guard. Commissioner and Pharr Police Chief Ruben Villescas led the Pledge of Allegiance with Director Kim Vickers offering the invocation and the reading of the line of duty deaths.

Forest Hill Police Department

Officer Timothy J. Zurovetz

March 24, 2010

Officer Zurovetz died from injuries sustained in an automobile accident that occurred on June 12, 1981, while responding to an emergency call.

Survivors: Officer Zurovetz is survived by his daughter and mother.

Calhoun County Constable Precinct 5

Constable John W. Brown

April 10, 2010

Constable Brown suffered a fatal heart attack shortly after struggling with a suspect that he was trying to arrest.

Service time: Over 22 years

Survivors: Constable Brown is survived by his wife and brother.

Reeves County Sheriff's Office

Deputy Jacob Rene Rayos

April 11, 2010

Deputy Rayos was killed in an automobile accident while attempting to locate a suspect.

Service time: 4 years, 3 months



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Abilene Police Department

Officer Rodney Holder

April 29, 2010

Officer Holder was killed in a motorcycle accident while attempting to stop a speeder.

Service time: 28 years

Survivors: Officer Holder is survived by his wife, daughter, and son.

Commissioner Villescas introduced the members of the Pharr Police Department honor guard: Investigator Ruben Pequeno, Officer Joe Singletary, Officer Enrique Ontiveros, Officer Daniel Linan, Sgt. Miguel Reyes, and Officer David Trevino.

Agenda Item #2 - Approval of the minutes of the March 4, 2010 Commission meeting at Austin, Texas

Commissioner Griffith made a motion to accept the minutes of the March 4, 2010 commission meeting. Commissioner Richardson seconded the motion which passed unanimously.

Agenda Item #3 - Presiding Officer's Report

This was covered in the Work Session

Agenda Item #4 - Executive Director's Report

This was covered in the Work Session

Agenda Item #5 - Take action on Items of Interest

- Peace Officers and Bailiffs to become certified to watch / handle inmates

Commissioner Richardson made a motion to move forward with this certification and that staff bring a rule change to the next meeting. Commissioner Griffith seconded the motion. The motion passed unanimously.

- Revision of F-5 form

Commissioner Griffith made a motion to revise the F-5 form as it was presented. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

Agenda Item #6 - Take action on the application of the Texas Association of Hostage Negotiators to be an approved Training Provider

This item was tabled.

Agenda Item #7 - Take action on the application of the Elite Training Academy to be an approved Training Provider

This item was tabled.

Agenda Item #8 - Take action on the application of the Hunt County Sheriff's Office to be an approved Training Academy

Commissioner Griffith made a motion to approve the academy application of the Hunt County Sheriff's Office. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Agenda Item #9 - Take action on the Request for Waiver of TCLEOSE Rules 215.15 Enrollment Standards and 217.1 Minimum Standards for Initial Licensure for Benigno Rocha and the Carrizo Springs CISD Police Department

Commissioner Griffith made a motion to approve the waiver for Benigno Rocha. Commissioner Lovejoy seconded the motion. The motion passed with Commissioner Pennington opposing.

Agenda Item #10 - Take action on the Peace Officer Memorial report

There was no action taken.

Agenda Item #11 - Take action on the proposed changes to the Organizational Chart

There was no action taken.

Agenda Item #12 - Take action on additional Field Service Agents and the necessary funding

Action on this item was taken after the executive session. Commissioner Griffith made a motion to add one field service agent for the Dallas region. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

Agenda Item #13 - Take action on proposed fee schedule.

Commissioner Lovejoy made a motion to accept the fee schedule. Commissioner Hollingsworth seconded the motion and it passed unanimously.

Agenda Item #14 - Take action on the proposed orders of amendments to existing TCLEOSE rules

- 10-28-217.9 Continuing Education Credit for Licensees
- 10-35-211.23 Date of Licensing or Certification
- 10-36-215.3 Academy Licensing
- 10-37-215.5 Contractual Training
- 10-38-215.6 Academic Alternative Licensing
- 10-39-215.15 Enrollment Standards
- 10-40-217.8 Contesting an Employment Termination Report
- 10-41-219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police
- 10-42-221.28 Advanced Instructor Proficiency
- 10-43-223.15 Suspension of License
- 10-44-223.16 Suspension of License for Constitutionally Elected Officials
- 10-45-223.19 Revocation of License
- 10-46-223.20 Revocation of License for Constitutionally Elected Officials

Commissioner Lovejoy made a motion to approve the proposed changes to the rules. Commissioner Oakley seconded the motion. The motion passed unanimously.

Agenda Item #15 - Take action on the final orders of amendments to existing TCLEOSE rules

- 10-25-211.19 Forms and Applications
- 10-26-215.9 Training Coordinator
- 10-27-217.7 Reporting Appointment and Termination of a Licensee
- 10-29-221.5 Jailer Proficiency
- 10-30-221.21 Firearms Proficiency for Community Supervision Officers
- 10-31-221.35 Firearms Proficiency for Juvenile Probation Officers
- 10-32-223.17 Reinstatement of a License
- 10-33-225.1 Issuance of Jailer License through a Contract Jail Facility
- 10-34-225.3 Issuance of Peace Officer License through a Medical Corporation

Commissioner Lovejoy made a motion to approve the final orders. Commissioner Griffith seconded the motion and it passed unanimously.

Agenda Item #16 - Take action on Expense Recovery for court reporter services in F-5 appeal: "SOAH Docket No. 407-09-3824; In the Matter of Reginald Milton Request for Correction of F-5 Report of Separation; Expense Recovery

Commissioner Griffith made a motion to split the expenses between the two parties. Commissioner Richardson seconded the motion. The motion passed with Commissioner Pennington opposing.

Agenda Item #17 - Take action on the Motion for Rehearing on the Suspension of License of Daryl A. Sultemeier.

Commissioner Griffith made a motion to deny the motion for rehearing. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Agenda Item #18 - Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.

FINAL ORDER DEFAULT REVOCATIONS

<u>NAME OF LICENSEE</u>	<u>DOCKET#</u>
Michael R. Hamilton, III	09-01-0214LR
Richard Linn	09-11-0126LR

LAST DEPARTMENT TO HOLD COMMISSION

(I – INACTIVE)
I-McLennan County Detention Center
I-Coryell County Sheriff's Office

Commissioner Griffith 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 TEX. ADMIN. CODE, Section 223.3(c), and as required under the provisions of Chapter 1701, Texas Occupations Code, Section 1701.501 to revoke the license of Richard Linn. Commissioner Lovejoy seconded the motion and it passed unanimously.

AGREED FINAL ORDER REVOCATIONS

<u>NAME OF LICENSEE</u>	<u>DOCKET#</u>
Jason R. Behler	08-08-1626LR
Joshua G. Crowder	08-07-1581LR

LAST DEPARTMENT TO HOLD COMMISSION

(I – INACTIVE)
Brown County Sheriff's Office
Brown County Sheriff's Office

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter an agreed final order to revoke the license(s) of Jason R. Behler and Joshua G. Crowder. Commissioner Goodwin seconded the motion. The motion passed unanimously.

FINAL ORDER STATUTORY REVOCATION

<u>NAME OF LICENSEE</u>	<u>DOCKET#</u>
Jonathan Michael Barnett	10-10-0115LR
Standric Choice	09-01-0240LR
James Deandre Epkins, Sr.	09-02-0332LR
Brandit Franco	09-10-0063LR
Jose G. Gomez, Jr.	08-08-1666LR
Reymundo Guerra	09-10-0102LR
Nedra R. Hall	09-09-0015LR
Christopher Thomas Mutchler	09-05-0507LR

LAST DEPARTMENT TO HOLD COMMISSION

(I – INACTIVE)
I-Texas Department of Public Safety
I-Dallas County Sheriff's Office
I-Port of Houston Authority
I-Bexar Co. Sheriff's Office
I-Dallas Police Department
I-Starr County Sheriff's Office
I-Houston Police Department
I-Harris County Sheriff's Office

John L. Paul White

08-02-1323LR

I-Texas City Police Department

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a final order as required under the provisions of Chapter 1701, Texas Occupations Code, Section 1701.502(a) to revoke the licenses of Jonathan Michael Barnett, Standric Choice, James Deandre Ekins Sr., Brandit Franco, Jose G. Gomez, Jr., Reymundo Guerra, Nedra R. Hall, Christopher Thomas Mutchler, and John L. Paul White. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

FINAL ORDER STATUTORY SUSPENSIONS

NAME OF LICENSEE

DOCKET #

Wallace K. Dennis

09-04-0450LS

Clifford Wayne Gonzales

08-02-1333LS

Kurt Wesley Malone

09-10-0107LS

Hope Freedom Matteson

10-09-0027LS

Cathy Saucedo

08-07-1568LS

Raul Regino Sixto Jr.

10-12-0192LS

Latisha L. Stewart

09-04-0470LS

David C. Sutphin

08-04-1459LS

LAST DEPARTMENT TO HOLD COMMISSION

(I-INACTIVE)

I-Harris County Sheriff's Office

I-Orange County Sheriff's Office

I-Lamar County Sheriff's Office

I-Bell County Sheriff's Office

I-Haskell County Sheriff's Office

I-Karnes County Correctional Center

I-Jefferson County Sheriff's Office

I-Plano Fire Department

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a final order as required under the provisions of Chapter 1701, Texas Occupations Code, Section 1701.502(b) to suspend the license(s) of Wallace K. Dennis, Clifford Wayne Gonzales, Kurt Wesley Malone, Hope Freedom Matteson, Cathy Saucedo, Raul Regino Sixto, Jr., Latisha L. Stewart, and David C. Sutphin. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

FINAL ORDER SUSPENSION OF LICENSE

J. Bradley Clarida

05-02-0328LS

LAST DEPARTMENT TO HOLD COMMISSION

I-Meadows Place Police Department

Commissioner Griffith made a motion that the Commission accept and adopt the recommendation of the Administrative Law Judge in the Proposal for Decision to enter a final order for a ten (10) year suspension for the license of J. Bradley Clarida. Commissioner Hollingsworth seconded the motion which then passed unanimously.

Christopher Holt

08-10-0119LS

Helotes Police Department

Commissioner Griffith made a motion that the Commission accept and adopt the recommendation of the Administrative Law Judge in the Proposal for Decision to enter a final order for a one year suspension, with ten (10) months of the suspension being fully probated for the license of Christopher Holt. Commissioner Lovejoy seconded the motion. The motion passed with Commissioner Hollingsworth opposing.

Don M. Vo

09-11-0117LS

Houston Police Department

Mr. Vo was present and was represented by Robert Armbruster. Commissioner Griffith made a motion that the Commission accept and adopt the recommendation of the Administrative Law Judge in the Proposal for Decision to enter a final order for a ten (10) year suspension, with the suspension period being fully probated, for the license of Don M. Vo. Commissioner Lovejoy seconded the motion. The motion passed with Commissioner Hollingsworth opposing.

Blakely D. Wallace

08-04-1452LS

Travis County Sheriff's Office

Commissioner Griffith made a motion that the Commission accept and adopt the recommendation of the Administrative Law Judge in the Proposal for Decision to enter a final order for a ten (10) year suspension, with the suspension period being fully probated, for the license of Blakely D. Wallace. Commissioner Lovejoy seconded the motion. The motion passed with Commissioner Hollingsworth opposing.

DEFAULT FINAL ORDER SUSPENSIONS

NAME OF LICENSEE	DOCKET #
Noella E. Billish	10-11-0126LS
Barbara F. Brown	09-01-0253LS
Barbara F. Brown	10-11-0128LS
Joseph E. Mayo	10-01-0249LS
Carlos B. Scott	09-10-0078LS

LAST DEPARTMENT TO HOLD COMMISSION

(I-INACTIVE)
I-Galveston Co. Sheriff's Office
I-Dallas City Marshal's Office
I-Dallas City Marshal's Office
I-Hood County Sheriff's Office
I-Houston Police Department

Commissioner Griffith 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 223.31, and as required under the provisions of Chapter 1701, Texas Occupations Code, Section 1701.501 to suspend the license(s) of Noella E. Billish, Barbara F. Brown, Barbara F. Brown, Joseph E. Mayo, and Carlos B. Scott. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

AGREED FINAL ORDER SUSPENSIONS

Robert Farmer	08-09-0012LS
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LAST DEPARTMENT TO HOLD COMMISSION

I-Houston Police Department

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter an agreed final order to suspend the license of Robert Farmer for six (6) months, with the suspension being probated. Commissioner Richardson seconded the motion. The motion passed unanimously.

Gerald L. Fuller

09-09-0013LS

I-Weatherford Police Department

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter an agreed final order to suspend the license of Gerald L. Fuller for the suspension to be equal to the actual time served on community supervision. Commissioner Richardson seconded the motion. The motion passed unanimously.

Jason Gaydos

10-04-0441LS

I-Garza County Sheriff's Office

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter an agreed final order to suspend the license of Jason Gaydos for six(6) months, with the suspension being fully probated. Commissioner Richardson seconded the motion. The motion passed unanimously.

James Hill

09-03-0357LS

I-Texas A & M Univ. Corpus Christi Police Department

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter an agreed final order to suspend the license of James Hill with the suspension backdated to run concurrent with his community supervision. Commissioner Richardson seconded the motion. The motion passed with Commissioner Hollingsworth opposing and Commissioner Goodwin abstaining.

Henry Jackson

08-08-1619LS

I-Smith County Constable Pct. 1

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter an agreed final order to suspend the license of Henry Jackson with the suspension being probated for six (6) months, with 3 months of the suspension already served and 3 months to be served. Commissioner Richardson seconded the motion. The motion passed with Commissioners Hollingsworth and Lovejoy opposing.

Nathaniel Washington

09-05-0549LS

I-Dalworthington Gardens Police Department

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter an agreed final order to suspend the license of Nathaniel Washington with the suspension equal to the actual time served on community supervision. Commissioner Richardson seconded the motion. The motion passed with Commissioners Hollingsworth and Villescascas opposing.

FOR YOUR INFORMATION

CANCELLATIONS

NAME OF LICENSEE

DOCKET#

LAST DEPARTMENT TO HOLD COMMISSION

Daryl L. Kyle

09-10-0110CAN

Seguin Police Department

Sheila M. Martinez

10-03-0402PVS

Caldwell Co. Sheriff's Office

George E. Taylor

09-08-0724PVS

Dallas Co. Sheriff's Office

PERMANENT VOLUNTARY SURRENDERS

NAME OF LICENSEE

DOCKET #

LAST DEPARTMENT TO HOLD COMMISSION

Victor R. Aguirre

08-08-1644PVS

El Paso Police Department

Derrick Alves

09-03-0378PVS

Bexar Co. Sheriff's Office

Randy A. Anderson

08-01-1316PVS

Dallas Police Department

Jose M. Cavazos III	10-03-0429PVS	Terry Co. Sheriff's Office
Mark W. Goodman	10-11-0142PVS	Conroe Police Department
Brad J. Hellums	10-03-0399PVS	Dallas Police Department
Oly Y. Ivy	09-04-0439PVS	Oakwood Police Department
Matthew L. McDurmon	09-05-0543PVS	Little Elm Police Department
Orville W. McKinzie Jr.	09-06-0605PVS	Somerville Police Department
Orville W. McKinzie Jr.	10-02-0323PVS	Somerville Police Department
Jason R. Moore	09-09-0035PVS	Midland Police Department
Gene S. Paez	10-03-0430PVS	Guadalupe Co. Sheriff's Office
Louie Pena Sr.	08-12-1265PVS	Refugio Co. Sheriff's Office
Juan M. Ramon Jr.	10-02-0298PVS	Texas Department of Public Safety
Robin N. Talley	09-02-0277PVS	Killeen Police Department
Anthony J. Tracy	08-07-1588PVS	La Grange Police Department
Clinton A. Yarbro	10-02-0324PVS	Garza Co. Sheriff's Office
Mark R. Whited	10-02-0322PVS	Harris Co. Sheriff's Office

TERMPORARY VOLUNTARY SURRENDER OF LICENSE

NAME OF LICENSEE

Doyle L. Landrum	10-04-0470PVS	Gaines Co. Sheriff's Office
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REPRIMANDS

NAME OF LICENSEE

DOCKET

LAST DEPARTMENT TO HOLD COMMISSION (I-INACTIVE)

Leticia Avitua	10-03-0424RP	Bexar County Sheriff's Office
Leonora Benavidez	09-05-0536RP	Karnes County Correctional Center
Willie Brackens	09-02-0287RP	McLennan Co. Detention Center
Jeromy Burnette	10-02-0283RP	Angelina County Sheriff's Office
Lana Calhoun	10-03-0436RP	Shelby County Sheriff's Office
Maggie Calvert	08-11-1217RP	Wood County Sheriff's Office
Rene Camacho	10-03-0427RP	
Charlotte Campbell-Wilson	09-07-0650RP	North Forest I.S.D. Police Department
Charlotte Campbell-Wilson	09-07-0651RP	North Forest I.S.D. Police Department
Trevelyan Canady	10-03-0437RP	Polk County Sheriff's Department
Kinten Cash	10-03-0412RP	Bell County Sheriff's Office
Francisco Cerda	10-03-0426RP	Hidalgo County Sheriff's Office
Larry Christman Jr.	10-03-0408RP	Dallas County Sheriff's Office
Laurence Cole	07-07-0524RP	Cameron County Sheriff's Office
Laurence Cole	07-07-0525RP	Cameron County Sheriff's Office
Damia Cummings	10-03-0421RP	Dallas Police Department
Chad Downing	10-03-0407RP	
Jonathan Drewa	10-04-0442RP	
Nacole Edinbyrd	10-04-0443RP	
Jon Fitzgerald	09-01-0202RP	Baytown Police Department
Joseph Flores	07-10-0120RP	San Antonio Park Rangers
Clarence Foster	10-03-0428RP	
Steven Fuentes	09-02-0351RP	Tom Green County Sheriff's Office
Jorge Garcia	10-03-0420RP	San Antonio Police Department
Jason Gaydos	10-04-0441RP	Garza County Sheriff's Office
Uriel Gordillo Jr.	10-04-0440RP	Hudspeth County Sheriff's Office

Derrick Gordon	10-03-0422RP	Jefferson County Sheriff's Office
Jerry Hall	10-12-0194RP	Fort Worth Police Department
Evan Herbold	10-03-0419RP	Guadalupe County Sheriff's Office
James Hill	09-03-0357RP	Texas A&M Univ. Corpus Christi Police Department
Wilmer Ivie	10-03-0411RP	Corsicana Police Department
Fred Jackson	09-03-0365RP	
Shelley Jepsen	08-03-1433RP	Johnson County Sheriff's Office
Lisa Kish	09-09-0017RP	Sanger Police Department
Brandon Martin	08-03-1401RP	Dallas County Sheriff's Office
Stanley McDaniel	08-10-0110RP	Dallas Police Department
Jarod Mills	10-12-0199RP	Log Cabin Police Department
Gordon Morris	09-07-0687RP	Lampasas County Sheriff's Office
Robert Ramon	10-02-0301RP	LaSalle County Sheriff's Office
Andres Rios	08-10-0104RP	Hidalgo County Constable Precinct 5
Olga Saburov	09-03-0404RP	Montgomery County Sheriff's Office
Jackie Thompson	09-06-0583RP	Ector County Sheriff's Office
Dustin Todd	10-10-0089RP	Brazoria County Sheriff's Office
Edmundo Vasquez-Sierra	07-11-0181RP	El Paso County Sheriff's Office
Sheppard Vaughn	08-04-1461RP	Dallas County Sheriff's Office
Gerald Williams	08-08-1662RP	Dallas Police Department
Russell Zwahr	09-01-0207RP	Brazoria County Sheriff's Office

APPEAL OF F-5 REPORT OF SEPARATION OF LICENSEE

Twona Andrews	Houston ISD Police Department
Sandra Carter	Polk County Sheriff's Office
David Green	Clute Police Department
Andrew Harris	Dallas County Constable Pct. 1
Charles Hicks	Rosebud Police Department
Nicholas Kaminski	Fort Bend County Constable Pct. 3

Assistant Attorney General Beauchamp reviewed the "For Your Information" items with the Commissioners.

Agenda Item #19 - Receive public comment on any topic, without discussion

Dennis Guilliams approached the commission with a request to consider creating a waiver process for less than honorable discharge from the military (Rule 217.1(a)(13)). He has attempted, without success, to have the discharge overturned. He would like for his waiver consideration to be on the September agenda under Items of Interest.

Agenda Item #20 - Executive Session to discuss pending litigation and personnel issues consistent with Section 551.074 and Section 551.071 of the Texas Government Code, Open Meetings Act.

At 2:15 p.m. the commissioners went into executive session.

Agenda Item #21 - Return from Executive Session to report and /or discuss further actions to be taken as a result of the Executive Session.

The commissioners returned from session and resumed the meeting at 3:50 p.m. Presiding Officer Hall stated they had completed the evaluation for the executive director. He also announced that the TCLEOSE

office would be closed on June 4 for the staff to attend the Achievement Awards ceremony. See Agenda Item #12 for an additional item that was voted on after the Executive Session.

Agenda Item #22 - Adjourn

Commissioner Griffith made a motion to adjourn the meeting. Commissioner Lovejoy seconded the motion and it passed unanimously.