



Kim Vickers
Executive Director

TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION

MINUTES QUARTERLY MEETING

The quarterly meeting of the Texas Commission on Law Enforcement was held on Thursday, September 6, 2012, at 9:30 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 included Sheriff Joel W. Richardson, Presiding Officer; 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.

Also attending were Assistant Attorney General Raymond Winter and Veena Mohan. TCLEOSE staff attending included Executive Director Kim Vickers, Director John Helenberg, Legal Counsel John Beauchamp, Director Brian Roth, Laurie Abernathy, Lynn Beard, Larry Capps, Jim Clifton, Thurman Felder, Lisa Fontenot, Dennis Graffious, Richard Gutierrez, Mike Hobbs, Carey McKinney, Sharon Melton, Kenny Merchant, Derry Minor, Ken Mobley, James Oswald, Candice Simon, Doug Staudt, Kaye Wilson, and Nicole Yoakum.

Agenda item #1, Call to order

Presiding Officer Richardson called the meeting to order and welcomed those in attendance. The flags were presented by the Travis County Sheriff's Office Honor Guard consisting of Richard Dickson, Marcus Wilkinson, Maria Chandler, and Andrew Hoffman. Commissioner Ruben Villescas led the pledge of allegiance with Executive Director Kim Vickers offering the invocation.

Roll call was taken, and all members were present.

Agenda item #2, Reading of the Line of Duty Deaths

Ken Mobley read the names of the officers that have lost their lives in the line of duty since the last meeting.

Deputy Sheriff Michael Smith

*Upton County Sheriff's Department
End of Watch Friday June 8, 2012*

Deputy Sheriff Michael Smith (age 44) was killed in an automobile accident while responding to a fire at an oil tank battery just before 0700 hrs. He was traveling northbound on Route 349, north of Rankin, when an oil-field truck crossed the centerline and struck his patrol car head-on.

Deputy Smith had served with the Upton County Sheriff's office for two years. He is survived by his wife, three sons and his daughter.

Border Patrol Agent Leopoldo Cavazos, Jr.

U.S. Department of Homeland Security

End of Watch Friday July 6, 2012

Border Patrol Agent Leopoldo Cavazos, Jr. (age 29), was patrolling an area along the border fence near Ft. Hancock, when he sustained fatal injuries from an ATV accident. Agent Cavazos had served with the United States Border Patrol for six years. He is survived by his expectant wife and two daughters.

Border Patrol Agent James R. Dominguez

U.S. Department of Homeland Security

End of Watch Thursday July 19, 2012

Border Patrol Agent James Dominguez (age 41), had stopped to assist a disabled motorist on US 90 near Cline, when he was struck by a pickup as he assisted the driver with a flat tire.

Agent Dominguez had served with the United States Border Patrol for 12 years and was assigned to the Del Rio Sector. He is survived by his wife, son and three daughters. He is also survived by his brother who is a Border Patrol Agent, and his father who is a retired Border Patrol Agent.

Police Officer Joshua Williams

Waxahachie Police Department

End of Watch Saturday July 28, 2012

Police Officer Joshua S. Williams (age 44) was killed when his patrol car was struck by a drunk driver at approximately 0130 hrs. He was responding to a disturbance at a fast food restaurant when his patrol car was struck by the driver of an SUV driving without its headlights on.

Officer Williams had served with the Waxahachie Police Department for 17 years. He is survived by his wife and three children.

Deputy Sheriff Joshua S. Mitchell

Reagan County Sheriff's Department

End of Watch Wednesday August 1, 2012

Deputy Sheriff Joshua Mitchell (age 25) was shot and killed as he and fellow officers searched for a suicidal suspect in Big Lake, shortly after 1800 hrs. The suspect opened fire fatally wounding Deputy Mitchell. Deputy Mitchell succumbed to his wounds while being transported to a hospital in San Angelo.

Deputy Mitchell had served with the Reagan County Sheriff's office for 6 years. He is survived by his wife.

Constable Brian Bachmann

Brazos County Constable Pct 1

End of Watch Monday August 13, 2012

Constable Bachmann was shot and killed while performing an eviction at a home in College Station at approximately 12:15 pm. The suspect also killed one civilian and wounded another. Two responding officers from the College Station Police Department were also wounded. The suspect was shot and killed.

Constable Bachmann served as the elected constable for 1 year, 7 months, and had served in law enforcement for over 18 years. He is survived by his wife and children.

Agenda item #3, Approval of the minutes of the June 7, 2012, Commission meeting at Austin, Texas.

Commissioner Griffith made a motion to approve the minutes of the June 7, 2012, Commission meeting. Commissioner Oakley seconded the motion. The motion passed unanimously.

Agenda item #4, Receive Presiding Officer's Report. Take action, if necessary.

Presiding Officer Richardson informed the Commission that he and Executive Director Vickers were invited to give testimony at a Senate Finance Committee meeting on Wednesday, August 29, concerning law enforcement training funding and Fund 116. We are hopeful that funds will be appropriated in the next biennium.

Agenda item #5, Receive Executive Director's Report. Take action, if necessary.

Executive Director Vickers revealed the latest total in the Peace Officers' Memorial fund. As of July 31, 2012, there is \$194,554 in the fund.

Texas Municipal Police Association is facilitating the 2nd annual golf tournament that will raise money for the restoration of the Peace Officers' Memorial. Last year, TCLEOSE staff organized the tournament, but due to budget and staff cuts, the agency is not able to handle the fund raising efforts. Mr. Vickers thanked TMPA for their involvement. The tournament is October 21.

Agenda item #6, Receive reports, items to discuss, follow-up items from previous meeting. Take action, if necessary.

a. Report from the Audit Committee which met on Wednesday, September 5

Commissioner Griffith, chairman of the audit committee, reported that the committee met at 4:00 p.m. on Wednesday, September 5, 2012, with finance director Brian Roth to review and discuss the various audit reports for the agency. The risk analysis report is an annual report conducted by staff that reviews the risks to the agency. The audit report from the Comptroller's Office is conducted every 4 – 5 years and issues brought forward from this recent report are being addressed or have already been addressed by the staff. The final audit was an internal audit of the Flag Fund and the Peace Officers' Memorial fund. Issues brought forward from this audit have already been or are being addressed by staff.

Commissioner Oakley made a motion to approve the report with Commissioner Lovejoy seconding the motion. The motion passed unanimously.

b. Conditions of probation for probated suspensions

General Counsel John Beauchamp noted that the current rules allow for terms of probated suspension. Currently when a licensee receives a probated suspension and mitigating factors are met, there are no follow-up procedures in place. Staff is proposing that on a case by case basis, in addition to the requirements already stated in the rules, the licensee submits documentation that he has met the terms of the probated suspension (for example, received alcohol abuse treatment), shows proof of employment by a law enforcement agency, submits an administrative fee, and completes any other reasonable terms. Failure to submit documentation will result in a revocation of probation, and the hard suspension begins.

Beginning today, staff would like to proceed with this for the agreed orders. Sheriff Richardson asked if the licensee doesn't successfully complete the term of probated suspension, will the disciplinary action need to be addressed by the commission? Mr. Beauchamp responded that the probated suspension will be automatically revoked and the case will not be returned to the commission.

Commissioner Griffith made a motion to accept the conditions of probation for probated suspensions. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Agenda item #7, Discuss and take action on applications to be an approved law enforcement academy, contractual training provider or academic alternative provider.

a. Praetorian Group

Director John Helenberg stated that the Praetorian Group submitted an application to be a contractual training provider and that the application was complete. Alex Ford, Kisty Fairchild, Nicole Forzano, and David Smith appeared before the commission. Mr. Ford gave a brief history of the company and explained the benefits of being an approved contractual training provider. Ms. Fairchild explained the training that is ready to be launched and additional courses that are being developed.

Commissioner Griffith made a motion to approve the application of the Praetorian Group. Commissioner Lovejoy seconded the motion. The motion passed with Commissioner Scheckel-Hollingsworth abstaining.

b. Polk County Sheriff's Office

Mr. Helenberg noted that the Polk County Sheriff's Office submitted a complete contractual training provider application. Sheriff Kenneth Hammock and Captain James R. Jones spoke of the need for the sheriff's office to be a training provider as the nearest provider is at Angelina College. The agencies in the county are small and losing one officer to training causes a hardship. The majority of the training budget is used for travel expenses. Fifteen percent of the last training budget was lost to the cuts to Fund 116.

Commissioner Richardson made a motion to approve the Polk County Sheriff's Office training provider application. Commissioner Griffith seconded the motion. The motion passed unanimously.

c. OSS Academy

Mr. Helenberg advised the commission that a completed application was submitted by the OSS Academy. David Salmon, David Salmon, II, and Billy Tidwell provided information to the Commission concerning the history of the company and the benefits to being an approved training provider.

Commissioner Oakley made a motion to approve the training provider application. Commissioner Villescas seconded the motion. The motion passed with Commissioner Scheckel-Hollingsworth abstaining.

Agenda item #8, Discuss and take action on the Request for Waiver of rules 215.15 Enrollment Standards and 217.1 Minimum Standards for Initial Licensure for Jeremy Paul Biscoe and the Huntsville Police Department.

Mr. Beauchamp explained that in 2004 Mr. Biscoe was arrested and the charge was reduced to obstruction of a highway, a Class B misdemeanor. This conviction is within the 10 year eligibility requirement. Chief Kevin Lunsford, Huntsville Police Department, spoke on Mr. Biscoe's behalf. Mr. Biscoe addressed the Commission and was available for questions.

Commissioner Griffith made a motion to approve the waiver of rules 215.15 and 217.1 for Jeremy Paul Biscoe. Commissioner Oakley seconded the motion. The motion passed unanimously.

Agenda item #9, Discuss and take action on proposed orders of amendments to existing rules.

- 13_01_211.1. Definitions.
- 13_02_211.29. Responsibilities of Agency Chief Administrators.
- 13_03_215.13. Risk Assessment.
- 13_04_215.15. Basic Licensing Enrollment Standards.
- 13_05_217.1. Minimum Standards for Initial Licensure.
- 13_06_217.2. Minimum Standards for Telecommunicators
- 13_07_217.3. Application for License and Initial Report of Appointment.
- 13_08_217.5. Denial and Cancellation.
- 13_09_217.21. Firearms Proficiency Requirements.
- 13_10_221.19. Firearms Instructor Proficiency.
- 13_11_221.25. Civil Process Proficiency.
- 13_12_221.27. Instructor Proficiency.
- 13_13_221.28. Advanced Instructor Proficiency.
- 13_14_221.29. Special Investigator Certificate.
- 13_15_221.37. Cybercrime Investigator Proficiency
- 13_16_221.39. Crime Prevention Specialist Proficiency.
- 13_17_223.15. Suspension of License.
- Proposed administrative penalty schedule.

Mr. Beauchamp summarized each of the proposed rules and asked for questions from the Commission.

Commissioner Scheckel-Hollingsworth noted that both proposed rule 221.29 and 221.37 require updated training courses. She voiced concerns with the Special Investigator certificate as there is no current course update for the Special Investigator certificate. She also stated that many on patrol are the ones receiving the certificate and not specifically those in the role of special investigator.

When questioned about courses required to keep the proficiency certificates valid, Mr. Helenberg said there would be a generic course number created allowing for a wide range of courses that would be acceptable, allowing the chief administrator to determine which course is acceptable for his officers.

Dr. Lovejoy noted that the title of the Special Investigator certificate does not clearly indicate the type of investigator that should qualify for the certificate. He suggests that in the future certificate titles describe the job duties of the proposed certificate holder.

Commissioner Scheckel-Hollingsworth gave the history to the Special Investigator certificate noting that it was designed for sexual assault/family violence investigators. Commissioner Pennington asked if the certificate title can be changed to Sexual Assault/Family Violence. Commissioner Scheckel-Hollingsworth suggests that the rules committee consider clarification of the certificate title which will better reflect the purpose of the certificate. A decision should be made whether or not the certificate is needed, and if needed, decide how the certificate should be earned. Mr. Beauchamp said that this will be taken to the rules committee to redraft the rule and title.

Commissioner Villegas asked about 217.21 and what brought about the removal of the term "duty" to the type of ammunition that may be used for annual requalification. Mr. Vickers noted that this was requested by agencies statewide as it puts a severe economic burden on agencies to purchase duty ammo, especially the patrol rifle ammunition.

Bobby Gutierrez, Constable, Williamson County Pct 3, addressed the commission concerning the changes proposed to the Civil Process Proficiency certificate supporting the need for continuing education to maintain the validity of the certificate.

Commissioner Griffith made a motion to consider all of the proposed rules with the exception of 221.29 and 221.37. Commissioner Lovejoy seconded the motion. Mr. Beauchamp ask for clarification, if 221.37 was to be pulled down from consideration. He understood 221.37 was to be included with the other rules being considered. Commissioner Scheckel-Hollingsworth confirmed that her only concern was with 221.29. Presiding Officer Richardson called for a vote on approving all the rule changes except 221.29. The motion passed unanimously.

Agenda item # 10, Discuss and take action on proceedings for revocation, suspension, and other disciplinary actions.

Assistant Attorney General Raymond Winter addressed the Commission concerning disciplinary actions.

Criminal Misconduct Orders

Statutory Revocation Orders

Chavez, Joe	09-06-0587LR	Texas Alcoholic Beverage Commission
Martinez, Guadalupe M.	10-07-0695LR	Val Verde Correctional Facility
	11-01-0310LR	

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 Texas Occupations Code, Chapter 1701, Section 1701.502(a) to revoke the licenses of Joe Chavez and Guadalupe Martinez. Commissioner Scheckel-Hollingsworth seconded the motion. The motion passed unanimously.

Statutory Suspension Orders

Linan, Oscar M.	11-06-0976LS	Nueces County Sheriff's Office
Lindburg, Tyrone H.	11-02-0338LS	Splendora Police Department

Whitaker, Mitchell C.

11-06-1019LS

Mount Vernon 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 Texas Occupations Code, Chapter 1701, Section 1701.502(b) to suspend the licenses of Oscar Linan, Tyrone Lindburg, and Mitchell Whitaker. Commissioner Scheckel-Hollingsworth seconded the motion. The motion passed unanimously.

Default Suspension Orders

Ageitos, Alexandra	11-02-0350LS	Harris County Sheriff's Office
Brown, Bobby G.	11-12-0252LS	Fort Worth Police Department
Craft, Kris T.	11-01-0261LS	Collin County Constable Pct. 3
Dennis, April N.	11-12-0200LS	Midland County Sheriff's Office
Dodge, Jr., Wendell A.	10-05-0534LS	Milam County Sheriff's Office
Dowlearn, Joseph A.	11-03-0489LS	Galveston County Sheriff's Office
Fobbs, Lakeisha L.	09-08-0781LS	Dallas County Sheriffs' Office
Hill, Kemetria L.	10-03-0388LS	Gregg County Sheriff's Office
Holguin, Erik E.	12-09-0007LS	Potter County Sheriff's Office
Hopkins, Ronald R.	11-05-0923LS	Houston Police Department
Hunnicut, Steven G.	11-07-1041LS	Allen Police Department
Kelly, Jr., Lynda F.	11-12-0235LS	Jefferson County Sheriff's Office
Lacy, Don D.	11-10-0084LS	Montgomery County Sheriff's Office
Landry, Jacob L.	10-07-0652LS	Fort Bend County Sheriff's Office
Lopez, Frank	11-11-0140LS	Crystal City Correctional Center
Lovell, Jeffrey W.	12-09-0024LS	Aransas Pass Police Department
Marek, Russell R.	10-08-0790LS	Palacios Police Department
Perez, Fernando G.	11-11-0144LS	Nueces County Sheriff's Office
Perez, Johnny C.	11-09-0016LS	Oyster Creek Police Department
Posley, Nicole S.	12-09-0022LS	Gregg County Sheriff's Office
Purdy, Jeremy D.	11-09-0023LS	Denton County Sheriff's Office
Rhoe, Jimmy D.	11-05-0944LS	Harris County Sheriff's Office
Rodriguez, Leonard I.	11-07-1061LS	Harris County Constable Pct. 6
Sanchez, Jr., Julian	11-06-1026LS	Dilley Police Department
Sanchez, Jr., Miguel A.	11-04-0630LS	El Paso County Sheriff's Office
Thornton, Xavier J.	10-02-0305LS	Delta County Sheriff's Office
Trejo, Ruben	11-05-0908LS	Houston Police Department
Wright, Delvin W.	11-09-0033LS	Limestone County Detention Center

Mr. Winter read the names of those listed for Default Suspension Orders. 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 223.3, and as required under the provisions of Texas Occupations Code, Chapter 1701, Section 1701.501 to suspend the licenses of the names that Mr. Winter read. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Agreed Waiver Suspension Orders

Gantt, Jasalynn K.	11-05-0884LS	Dallas County Sheriff's Office
Guzman Jr., Arnulfo	12-04-0967LS	Uvalde County Sheriff's Office
Hetmer, Rodney W.	12-01-0372LS	Van Zandt County Constable Pct. 1
Luna, Lisa	12-03-0878LS	Bexar County Sheriff's Office
Sanchez, Jason D.	11-06-1020LS	Hardeman County Sheriff's Office
Smith, Van B.	10-08-0788LS	Shenandoah Police Department
Wilder, Jason E.	12-09-0023LS	Harris County Constable Pct. 5

Mr. Winter read the names of those listed for Agreed Waiver Suspension Orders. Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a final agreed waiver suspension order for the names that were read by Mr. Winter. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

FY '09-'11: Continuing Education Noncompliance Orders

Default Suspension Orders

Adams, Beth A.	12-02-0560LS	Lancaster Police Department
Aguilar, Eduardo	12-02-0574LS	Maverick County Constable Pct. 1
Albert, Danielle D.	12-02-0576LS	Dallam County Sheriff's Office
Alexander, Harold	12-02-0577LS	Harris County Constable Pct. 6
Almaguer, Juan M.	12-02-0578LS	Maverick County Constable Pct. 3 Place 1
Andes, Michael W.	12-02-0579LS	Orange Grove Police Department
Bell, David R.	12-02-0583LS	Liberty Police Department
Bevens, Charles W.	12-02-0585LS	Bexar County Sheriff's Office
Bishop, Jack C.	12-02-0586LS	Kemp Police Department
Blanco, Luis J.	12-02-0587LS	Eagle Pass Police Department
Blythe, Angela D.	12-02-0588LS	Bexar County Constable Pct. 3
Boswell, Jimmy W.	12-02-0589LS	Oyster Creek Police Department
Bucci, Ralph E.	12-02-0592LS	Milam County Constable Pct. 3
Campbell, James T.	12-02-0594LS	Hockley County Sheriff's Office
Campos, Ralph E.	12-02-0596LS	Bexar County Sheriff's Office
Carrizales, Jesus	12-02-0600LS	Webb County Sheriff's Office
Cashion, Eric T.	12-02-0602LS	Martin County Sheriff's Office
Castellano, Ramiro G.	12-02-0603LS	Cameron County Sheriff's Office
Christopher, Stanley D.	12-02-0610LS	Jasper Police Department
Clark, James M.	12-02-0611LS	Nolan County Sheriff's Office
Coronado, Robert R.	12-02-0619LS	La Coste Police Department
Cosby, Anthony L.	12-02-0620LS	Lipan City Marshal's Office
Courts, Coby	12-02-0640LS	Harris County Constable Pct. 6
Croley, Dustin W.	12-02-0641LS	Ore City Police Department
Culp, David K.	12-02-0643LS	Harris County Constable Pct. 3
Culpepper, Marshall T.	12-02-0644LS	52 nd Judicial District Attorney's Office
De Los Santos, David	12-02-0626LS	South Padre Island Police Dept.
Delesdernier, Jim M.	12-02-0624LS	Schleicher County Sheriff's Office
Dimacali, Mark A.	12-02-0630LS	Bishop Police Department
Dowty, Derek C.	12-02-0634LS	O'Donnell Police Department
Dudley, Parus E.	12-02-0637LS	Schertz Police Department
Eddleman, Robert G.	12-02-0646LS	Shamrock Police Department

Edwards, Derrick D.	12-02-0647LS	Harris County Constable Pct. 6
Ellsworth, Terry M.	12-02-0650LS	Hunt County Constable Pct. 3
Filoteo, Michael J.	12-02-0667LS	Bexar County Sheriff's Office
Filoteo, Shirlee S.	12-02-0668LS	Bexar County Sheriff's Office
Fletcher, Bradley J.	12-02-0669LS	Lavon City Marshal's Office
Flores, Arnold R.	12-02-0670LS	Laguna Vista Police Department
Flores, Ricardo	12-02-0674LS	El Paso Fire Department
Fredieu, Edwin L.	12-02-0676LS	Tyler County Sheriff's Office
Gamez, Leoncio	12-02-0680LS	Los Fresnos Police Department
Garcia, Francisco S.	12-02-0681LS	Edinburg Police Department
Garza, Jesus R.	12-02-0686LS	Maverick County Constable Pct. 3 Place 2
Gaytan, Ruben R.	12-02-0687LS	Bexar County Sheriff's Office
Gruetzner, Zachary C.	12-02-0694LS	Hamilton County Sheriff's Office
Guckian, Howard M.	12-02-0695LS	Rollingwood Police Department
Guest, Johnny P.	12-02-0696LS	Wise County Sheriff's Office
Harms, Debbie M.	12-02-0699LS	Wise County Sheriff's Office
Henson, Johnny G.	12-02-0704LS	San Augustine Police Department
Hernandez, Eduardo	12-02-0713LS	La Joya ISD Police Department
Holmes, Elroy	12-02-0717LS	Ralls Police Department
Holt, Faith D.	12-02-0718LS	Navarro County Sheriff's Office
Hunter, Jeffery T.	12-02-0719LS	Harris County Constable Pct. 6
Isbell, Scott B.	12-02-0715LS	Yoakum County Sheriff's Office
Jesttes, Michael J.	12-02-0721LS	Dallas County Sheriff's Office
Jones, Alvin D.	12-02-0724LS	Roman Forest Police Department
Kennedy, Derrick L.	12-02-0726LS	Rusk Police Department
Klingle, Curtis D.	12-02-0728LS	Grimes County District Attorney's Office
Kohler, Edward O.	12-02-0729LS	Bastrop County Sheriff's Office
Laurel, Francisco L.	12-02-0731LS	Webb County Sheriff's Office
Lemons, Charles J.	12-02-0732LS	Galveston Police Department
Lofton, David M.	12-02-0733LS	Guadalupe County Constable Pct. 3
Long, Jody M.	12-02-0734LS	Kemp Police Department
Lopez, Lisa J.	12-02-0735LS	Maverick County Constable Pct. 1
Marriott, Charles G.	12-02-0740LS	Slaton Police Department
Marshall, Don M.	12-02-0741LS	Bexar County Sheriff's Office
Marshall, Henry M.	12-02-0742LS	Crosby County Sheriff's Office
Mercer, Luke W.	12-02-0748LS	Travis County Constable Pct. 1
Metsgar, Cynthia L.	12-02-0750LS	Lubbock Intl. Airport Police Dept.
Miller, Carrell E.	12-02-0752LS	Henderson County Constable Pct. 2
Miller, Emmit M.	12-02-0753LS	Angelina County Sheriff's Office
Milner, Donald W.	12-02-0754LS	Polk County Sheriff's Office
Mitchell, Paul J.	12-02-0755LS	Matagorda County Constable Pct. 6
Molina, Roberto	12-02-0756LS	Duval County Sheriff's Office
Moreno, Elma G.	12-02-0758LS	Duval County Sheriff's Office
Morley, Jefferson L.	12-02-0760LS	West Tawakoni Police Department
Mott, Jason M.	12-02-0762LS	Rusk Police Department
Nevil, Dale M.	12-03-0765LS	Harris County Constable Pct. 3
Nguyen, Hank T.	12-03-0766LS	Harris County Constable Pct. 6
Oglesby, Patty M.	12-03-0769LS	Parker County Sheriff's Office
Olivarez, Edward	12-03-0770LS	Bexar County Sheriff's Office
Owen, Janna S.	12-03-0772LS	Callahan County Attorney's Office
Pena, Abel	12-01-0441LS	Laredo Police Department

Perkins, David M.	12-03-0787LS	Kleberg County Constable Pct. 1
Pritchett, Charles G.	12-03-0789LS	Tarrant County District Attorney's Office
Ramirez, Carlos H.	12-03-0791LS	Crystal City Police Department
Ramirez, Manuel C.	12-03-0792LS	Jefferson County Sheriff's Office
Rankin, Walter H.	12-03-0794LS	Harris County Constable Pct. 1
Renault, Virginia A.	12-03-0798LS	Harris County Constable Pct. 4
Rodriguez, Leobardo	12-03-0803LS	Maverick County Constable Pct. 2
Ruiz, Johnny J.	12-03-0809LS	Bexar County Constable Pct. 2
Russell, Billy J.	12-03-0811LS	Tarrant County Constable Pct. 2
Russell, William E.	12-03-0812LS	Tarrant Reg. Water District
Sanders, Nathan G.	12-03-0809LS	Walker County Sheriff's Office
Sanderson, Daniel W.	12-03-0813LS	Hardin County District Attorney's Office
Self, Cindy D.	12-03-0815LS	Tyler County Sheriff's Office
Sherman, Michael W.	12-03-0819LS	Shelby County Sheriff's Office
Shoemaker, William D.	12-03-0820LS	Walker County Constable Pct. 3
Shouse, Carroll W.	12-03-0821LS	Fannin County Sheriff's Office
Smith, Jimmy D.	12-03-0826LS	Liberty-Eylau Rural Fire District
Smith, Ricky B.	12-03-0827LS	Gaines County Sheriff's Office
Stennett, Debbie M.	12-03-0829LS	Bexar County Sheriff's Office
Stephenson, Robby E.	12-03-0830LS	Bee County Sheriff's Office
Stevens, Richard L.	12-03-0831LS	Lavaca County Sheriff's Office
Stewart, Larry N.	12-03-0833LS	Galveston County Sheriff's Office
Stout, Gregory A.	12-01-0463LS	Rains County Sheriff's Office
Strybos, Shannon M.	12-03-0834LS	Chambers County Sheriff's Office
Thomas, Christopher E.	12-03-0835LS	Travis County Sheriff's Office
Trevino, Rick	12-03-0837LS	Corpus Christi Police Department
Underwood, Preston S.	12-03-0840LS	Dallas/FW Airport D.P.S.
Vallejo, Paul A.	12-03-0842LS	Lynn County Sheriff's Office
Valles, Alredo	12-03-0843LS	Encinal Police Department
Villarreal, Daniel G.	12-03-0845LS	Harris County Constable Pct. 6
Webber, David L.	12-03-0850LS	Cut and Shoot Police Department
Weisner, James I.	12-03-0853LS	Tarrant County Sheriff's Office
Wells, Royce G.	12-03-0854LS	Polk County Constable Pct. 1
White, Charles J.	12-03-0857LS	Franklin County Constable Pct. 1
White, Todd I.	12-03-0858LS	Fort Bend County Constable Pct. 2
White, Joseph W.	12-03-0859LS	Swisher County Sheriff's Office
Woodard, Robert J.	12-03-0866LS	Harris County Constable Pct. 6

Mr. Winter read the names of those listed for Default Suspension Orders. 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 223.3, and as required under the provisions of Texas Occupations Code, Chapter 1701, Section 1701.501 to suspend the licenses of the names that were read by Mr. Winter. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Agreed Waiver Suspension Orders

Hensarling, Eric W.	12-02-0703LS	Tyler County Sheriff's Office
Lopez, Federico	12-02-0736LS	Zapata County Sheriff's Office

McCarty, Roy	12-02-0746LS	San Augustine County Constable Pct. 3
Olivarez, Samuel	12-03-0771LS	Harris County Constable Pct. 6
Pleytez, Carlos E.	12-03-0788LS	Montgomery Police Department
Rogers, Dale P.	12-03-0804LS	Galveston Police Department

Mr. Winter read the names of those listed for Agreed Waiver Suspension Orders. Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a final agreed waiver suspension order for the names that were read by Mr. Winter. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Proposed Misconduct Orders

Proposed Agreed Suspension Orders

Botello, III, Domingo M.	10-11-0169LS	Travis County Sheriff's Office
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Mr. Winter noted that the agreed order for a two (2) year suspension included that it be backdated for 25 days from today's date as a hard suspension. The remainder of the two (2) years are to be probated. The 25 days represent the days that Mr. Botello was on suspension from the Travis County Sheriff's Office.

Attorney Nadia Stewart spoke on Mr. Botello's behalf. Mr. Botello also addressed the Commission and answered questions.

Commissioner Griffith made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter Agreed Suspension Orders for Domingo Botello. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Proposal for Decision Orders

Blue, Christopher E.	12-09-0040C	San Jacinto County Sheriff's Office
Cabral, Alfredo	10-04-0476LS	Jacinto City Police Department
Carrier, Fairalee F.	10-08-0725LS	Hale Center Police Department
Copelin, Adam S.	11-03-0586LS	Nacogdoches County Sheriff's Office
Essary, Bobby J.	11-03-0490LS	Hunt County Constable Pct. 4
Fuentes, Jr., Jesus	10-12-0198LS	Elsa Police Department
Jones, Thomas R.	11-06-1017LS	Merkel Police Department
Martinez, John P.	09-01-0218LR	Nueces County Sheriff's Office
Reed, Jovon L.	12-10-0092LR	Jersey Village Police Department

Christopher E. Blue – Mr. Winter noted that Mr. Blue was recently licensed and it has since been discovered that he had received a Class B misdemeanor in the state of Washington. The agency recommends cancelling the license and the Administrative Law Judge from the SOAH hearing agreed to the cancellation.

Mr. Blue spoke on his own behalf stating that the ticket he'd received in Washington was for driving with license suspended. He reported the ticket on all applications and didn't know that

this was considered a Class B in Texas. He asked for reinstatement based on having no criminal history.

Commissioner Griffith made a motion to accept the recommendation of the SOAH judge in reference to Christopher Blue. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Alfredo Cabral – Mr. Winter stated that Mr. Cabral was convicted of driving while intoxicated and he requested a SOAH hearing. The Executive Director recommended a ten (10) year suspension of Mr. Cabral's license. The Administrative Law Judge recommended a ten (10) year probated suspension. The Executive Director filed an exception and recommends a ten (10) year suspension with two (2) years hard suspension and eight (8) years probated.

Commissioner Griffith made a motion to accept the recommendation of the Executive Director for a two (2) year hard suspension and eight (8) year probated suspension in the case of Alfredo Cabral. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Fairalee F. Carrier – Mr. Winter said that Ms. Carrier was convicted of driving while intoxicated. She requested a SOAH hearing, but failed to appear. The Administrative Law Judge took the Executive Director's request for default under consideration and has issued the proposal for decision recommending a ten (10) year suspension of her license.

Commissioner Griffith made a motion to accept the Executive Director's recommendation in the case of Fairalee Carrier. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Adam S. Copelin – Mr. Winter stated that Mr. Copelin failed to complete the continuing education for the 2005 – 2009 training cycle. Mr. Copelin requested a SOAH hearing, but failed to appear at the hearing, so the Administrative Law Judge remanded the case to the commission for a default order, 90 day suspension of the license.

Commissioner Griffith made a motion to suspend Mr. Copelin's license for a period of 90 days per the recommendation of the Executive Director. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Bobby J. Essary – Mr. Winter said that Mr. Essary was convicted of theft by check and requested a SOAH hearing. The Administrative Law Judge issued a proposal for decision and the Executive Director filed exceptions. TCLEOSE has received additional information that is pertinent to the matter and the Executive Director asks that the Commission take no action on either the PFD or the Executive Director's exceptions and that the Commission remand the case back to SOAH to consider the new evidence.

Commissioner Griffith made a motion that in the case of Bobby Essary we accept the Executive Director's recommendation to remand the case back to SOAH. Commissioner Lovejoy seconded the motion. The motion was passed unanimously.

Jesus Fuentes, Jr. – Mr. Winter said that Mr. Fuentes was convicted of driving while intoxicated. After the SOAH hearing, the Administrative Law Judge issued a proposal for decision recommending a reprimand in lieu of other disciplinary action. The Executive Director filed exceptions, and in light of the mitigating circumstances that Mr. Fuentes submitted, the Executive Director recommends a ten (10) year suspension with two (2) years hard suspension and eight (8) years probated suspension.

Commissioner Griffith made a motion in the case of Jesus Fuentes that the Commission accept the Executive Director's recommendation for a ten (10) year suspension with two(2) years hard suspension and eight (8) years probated. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Thomas R. Jones – Mr. Winter stated that Mr. Jones received a deferred adjudication for the offense of criminal trespass and he requested a SOAH hearing. The Executive Director recommended a one (1) year suspension. The Administrative Law Judge recommended a one (1) year suspension with the full one (1) year to be probated. The Executive Director filed exceptions recommending three (3) months hard suspension and nine (9) months probated suspension.

Commissioner Griffith made a motion in the case of Thomas Jones that in this case a one (1) year suspension with three (3) months of hard suspension and nine (9) months probated. Commissioner Lovejoy seconded the motion. The motion passed with Commissioner Scheckel-Hollingsworth opposing.

John P. Martinez – Mr. Winter noted that Mr. Martinez was placed on deferred adjudication for the offense of tampering with a government document. Mr. Martinez requested a SOAH hearing, but failed to appear. The Administrative Law Judge in the proposal for decision recommended revocation of the license.

Commissioner Griffith made a motion in the case of John Martinez to accept the Administrative Law Judge's recommendation for revocation of the jailer's license. Commissioner Scheckel-Hollingsworth seconded the motion. The motion passed unanimously.

Jovon L. Reed – Mr. Winter stated that Mr. Reed had received two (2) dishonorable reports of termination (F-5) from two (2) agencies and is subject to revocation of his license. He requested a SOAH hearing, but failed to appear. Due to Mr. Reed's absence, the Administrative Law Judge ordered the case dismissed from the SOAH docket and remanded back to the agency for default revocation.

Commissioner Griffith made a motion in the case of Jovon Reed that we have a default revocation of his license. Commissioner Lovejoy seconded. The motion passed unanimously.

For Information Only

Mr. Winter noted that the following disciplinary actions are for information only and no action needs to be taken.

Permanent Surrenders

Altamirano, Giovanni N.	12-05-1006PS	Harris County Sheriff's Office
Ault, Morton H.	12-05-1009PS	Helotes Police Department
Barker, David E.	12-02-0631PS	Crosby County Sheriff's Office
Cavin, Michael A.	10-04-0450PS	Bexar County Sheriff's Office
Fomby, Angela S.	11-11-0153PS	Hardin County Sheriff's Office
Gunter, Jr., David K.	12-06-1053PS	Houston Police Department
Ledesma, Michael I.	12-10-0124PS	Bexar County Sheriff's Office
McLin, Sr., Kenneth R.	12-03-0777PS	Patton Village Police Department
Ramos, Raymond	12-05-1022PS	San Antonio Police Department
Reza, Ana L.	12-01-0377PS	El Paso Police Department
Robinson, Mark E.	12-03-0802PS	Harris County Constable Pct. 1
Rozacky, Jason W.	10-09-0059PS	San Antonio Police Department
Villasenor, Johnny D.	12-05-1007PS	Longview Police Department

Cancellation

Brent, Shari L.	12-11-0171C	San Jacinto County Sheriff's Office
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FY '09-'11: Continuing Education Noncompliance Orders

Reprimands

Brown, Clara	12-02-0591RP	Texas Department of Public Safety
Cantu, Hector S.	12-02-0598RP	Lamesa Police Department
Couch, James E.	12-02-0621RP	Sunray Police Department
Johnson, Miguel F.	12-02-0723RP	Jarrell Police Department
Rosen, Ryan	12-03-0807RP	Dalworthington Gardens Police Department
Valdez, Oscar E.	12-03-0841RP	Bandera Police Department

Agenda item #11, Receive public comment on any topic, without action.

Thomas Williams, Hico, Texas, addressed the Commission concerning the difficulties of reactivating his license by attending a basic peace officer course. Mr. Williams gave his law enforcement history and his current plans to serve as city marshal in Hico.

Patty Cross informed the Commission that the Texas 911 trainers group has now made available quality, low-cost, standardized training in crisis communication. This training is now reported through the North Central Texas Police Academy.

Mr. Beauchamp noted that the Commission has a letter in their notebook from Chris Johnson.

Agenda items 12 and 13, 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. Return from Executive Session to report and/or discuss further actions to be taken as a result of the Executive Session.

Agenda Items 12 & 13 Skipped, no items to Discuss or Pending

Agenda item #14, Adjourn.

Presiding Officer Richardson adjourned the meeting at 11:40 a.m.

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