

## MINUTES – QUARTERLY MEETING

The quarterly meeting of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was held on Thursday, September 16, 2010 at 1:15 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; Sr. Patrol Officer Joe Pennington; Sheriff Joel Richardson; Ms. Patt Scheckel-Hollingsworth; and Chief Ruben Villescas.

Also attending was Assistant Attorney General John Beauchamp, Assistant Attorney General Raymond Winter, and TCLEOSE staff members including Executive Director Timothy A. Braaten, Director Kim Vickers, Director Brian Roth, Laurie Abernathy, Lynn Beard, Jim Clifton, Darla Dixon, David Englert, Thurman Felder, Dennis Graffious, Susan Gregory-Brundage, Richard Gutierrez, John Helenberg, Nicole Hendrickson, John Hunt, Carey McKinney, Kenny Merchant, Ken Mobley, Ivan Messer, James Oswalt, 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 colors by the Arlington Police Department Color Guard. Commissioner Hollingsworth led the Pledge of Allegiance and Commissioner Pennington led the Pledge of Allegiance to the Texas flag. Commissioner Hollingsworth thanked Chief Theron Bowman of the Arlington Police Department, and introduced Color Guard members Jill Hummel, Troy Medina, Jesse Minton, Brian Garcia, and Michael Farmer.

Presiding Officer Hall called on Mr. Vickers to read the line of duty deaths.

- Reading of Line of Duty deaths and Invocation

Houston Police Department

Officer Eydelmen Mani

May 19, 2010

Officer Mani was killed in an automobile accident while responding to a call. His patrol car struck a guardrail and overturned.

Survivors: Officer Mani is survived by his wife and 3 year old son.

Service time: 7 years

Lancaster Police Department

Officer Craig Shaw

June 20, 2010

Officer Shaw was shot and killed after responding to a call about a shooting in which one person had been killed. The suspect opened fire, killing Officer Shaw

Survivors: Officer Shaw is survived by his wife and 2 children

Service time: 5 years

Cedar Park Police Department

After completing a traffic stop, Officer Reed's motorcycle struck a curb, causing him to be thrown to the ground. He died from internal injuries.

Survivors: Officer Reed is survived by his wife and 2 children

Service time: 4 years

- Roll call of board members  
Kaye Wilson called roll and announced that all members were present.

**Agenda item #2 - Approval of the minutes of the June 3, 2010 Commission meeting at Austin, Texas**

Commissioner Griffith made a motion to approve the minutes of the June 3, 2010 meeting. Commissioner Lovejoy seconded the motion and it passed with a unanimous vote.

**Agenda Item #3 - Presiding Officer's Report**

This item was covered in the work session.

**Agenda Item #4 - Executive Director's Report**

This agenda item was covered during the work session.

Presiding Officer Hall asked if there have been recent problems with downloading the completion of POSEIT courses to the officer's file. Mr. Braaten and Mr. Vickers both reported that there have been no further problems with this.

Commissioner Lovejoy made a motion to accept the executive director's report and Commissioner Oakley seconded. The motion passed unanimously.

**Agenda Item #5 - Take action on Items of Interest**

Presiding Officer Hall asked Mr. Braaten if any action needed to be taken on the Items of Interest. Mr. Braaten reviewed each item and the action he understood the commission wanted taken.

- Peace Officers and Bailiffs to become certified to watch / handle inmates  
This item is on hold.
- Family violence issues  
Bring forward as a proposed rule at the January 2011 meeting.
- Full-time – Part-time Paid – Reserve designation  
This is being covered with the revision of the L-1 form.
- Role of the Advisory Board member and tutorial for board members  
Mr. Braaten stated that this item was placed on the agenda in order to report that the tutorial is on line. Presiding Officer Hall asked if a rule change would be necessary to require all board members to complete the training and Mr. Braaten confirmed this will take a rule change. Presiding Officer Hall asked that this be brought forward as a proposed rule.

- Discussion of rule 211.1(3) definition of colleges and universities accreditation accepted by TCLEOSE for training credits  
This item is on hold.
- Minimum background required in officer's file, meet or exceed a minimum background requirement  
Bring forward as a proposed rule at the January 2011 meeting.
- Dual credit for college hours while in high school  
This will either be a rule or statute change, depending on the outcome of the legal interpretation.
- Date used by TCLEOSE for officers' date of proficiency certification (basic, intermediate, advanced, master, instructor, civil process, etc.) and the requirements (rules) for attaining these certificates  
Currently on hold, bring additional information to the next meeting, i.e. the rule in effect at the time in question
- Military discharge  
Bring forward as a proposed rule at the January 2011 meeting.
- Report on the Intermediate proficiency certification requirement committee  
Pull this item down, it was an advisory item only.
- Review the process for approval of on-line courses with intent to simplify the process and make on-line courses more accessible  
Go forward, with clarification
- Other items of interest  
Proceed with a study committee on the L-3 psychological.

**Agenda Item #6 - Take action on clarification of Agenda item #12 from the June 3, 2010 quarterly meeting reference adding one field service agent for the Dallas region.**

This item was not discussed, no action taken.

**Agenda Item #7 - Take action on the application of the Texas Association of Hostage Negotiators to be a contractual training provider**

Commissioner Griffith made a motion to approve the application of the Texas Association of Hostage Negotiators to be a contractual training provider. Commissioner Lovejoy seconded the motion and it passed unanimously.

**Agenda Item #8 - Take action on the application of the Combined Law Enforcement Associations of Texas (CLEAT) to be a contractual training provider**

Executive Director John Burpo assured the commissioners that his organization will provide meaningful, valuable training to their members.

Commissioner Oakley made a motion to approve the application of the Combined Law Enforcement Associations of Texas to be a contractual training provider. Commissioner Goodwin seconded the motion and it passed unanimously.

**Agenda Item #9 - Take action on the application of the San Patricio County Sheriff's Office to be a contractual training provider**

This item was tabled until the January 2011 meeting.

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

- 11-01-221.13 Emergency Telecommunications Proficiency
- 11-02-211.28 Responsibility of a Law Enforcement Agency to Report an Arrest of a Licensee [Peace Officer or County Jailer]
- 11-03-217.20 Retired Peace Officer Reactivation
- 11-04-219.1 Eligibility to Take State Examinations
- 11-05-219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police
- 11-07-221.33 SFST [Standardized Field Sobriety Testing (S.F.S.T.)] Instructor Proficiency
- 11-08-221.9 Standardized Field Sobriety Testing (SFST) Proficiency [Standardized Field Sobriety Testing Practitioner (SFST)]
- 11-09-221.37 Cybercrime Investigator Proficiency

Commissioner Griffith made a motion to approve all proposed orders and Commissioner Richardson seconded the motion. The motion passed unanimously.

**Agenda Item #11 - Take action on the final 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 Basic Licensing 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 Griffith made a motion to approve all final orders and Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

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

**FINAL ORDER DEFAULT REVOCATIONS**

<b><u>NAME OF LICENSEE</u></b>	<b><u>DOCKET#</u></b>
Tiffany L. Baker	06-08-1960LR

**LAST DEPARTMENT TO HOLD COMMISSION**

**(I – INACTIVE)**  
I-Brazos 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(s) of Tiffany L. Baker. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

**FINAL ORDER STATUTORY REVOCATION**

<b><u>NAME OF LICENSEE</u></b>	<b><u>DOCKET#</u></b>
Gordon Clark Bohannon	09-07-0673LR
Alvetta Georgette Collier	03-09-0017LR
Howard Lanson Fluitt	10-03-0300LR
Yatashka Zaire Jefferson	09-07-0645LR
Pedro Martinez Jr.	09-02-0349LR
Brenda Medina-Salinas	09-09-0005LR
Maria Melchor	09-05-0533LR
Latoria Pete	09-02-0281LR
Jose Jesus Quintanilla	09-07-0674LR
Michael Scott Randall	09-12-0180LR
Michael Scott Randall	09-01-0236LR
Jose Armando Sanchez	08-10-0101LR
Juan Francisco Sanchez	09-09-0019LR
Esequiel Saucedo	10-12-0178LR
Brenda Darlene Sentell	09-02-0341LR
Joshua Wayne Thorsen	10-02-0306LR

**LAST DEPARTMENT TO HOLD COMMISSION**

**(I – INACTIVE)**  
I-Hockley County Sheriff's Office  
I-Fort Bend County Constable Pct. 2  
I-Texas Parks & Wildlife Department  
I-Fort Worth Police Department  
I-Bexar County Sheriff's Office  
I-Dallas County Sheriff's Office  
I-Bexar County (GEO) Central Detention Facility  
I-Jefferson County Sheriff's Office  
I-Hockley County Sheriff's Office  
I-Galveston County Sheriff's Office  
I-Galveston County Sheriff's Office  
I-Hidalgo County Sheriff's Office  
I-Texas Parks & Wildlife Department  
I-Cameron County Sheriff's Office  
I-Montague County Sheriff's Office  
I-Newton County Sheriff's Office

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 license(s) of those as read by the Assistant Attorney General. Commissioner Lovejoy seconded the motion and it passed unanimously.

**FINAL ORDER STATUTORY SUSPENSIONS**

<b><u>NAME OF LICENSEE</u></b>	<b><u>DOCKET #</u></b>
Ruth Eileen Arthur	09-07-0686LS
Ryan Mark Canady	10-01-0285LS
Adrian M. Cepeda	10-11-0151LS
Ira Dean Gaston	09-01-0196LS
Audie Wade Hamm	09-08-0752LS
Michelle A. Harris	10-10-0100LS
Mary Elizabeth Laskoskie	10-11-0164LS
Cheryl A. Rhoades	09-08-0714LS

**LAST DEPARTMENT TO HOLD COMMISSION**

**(I-INACTIVE)**  
I-Travis County Sheriff's Office  
I-Anna Police Department  
I-Bexar County Sheriff's Office  
I-Dickens County Sheriff's Office  
I-Texas Parks & Wildlife Department  
I-Milam County Sheriff's Office  
I-Washington County Sheriff's Office  
I-Refugio County Sheriff's Office

Amparo Sierra Pena	09-05-0492LS	I-Webb County Constable Pct. 1
Jose Luis Mata Villarreal	10-10-0116LS	I-Hidalgo County Sheriff's Office
Tammy D. Woods	10-03-0423LS	I-Fannin County Constable Pct. 3

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 the individuals as read by the Assistant Attorney General. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

**FINAL ORDER SUSPENSION OF LICENSE**

Joni L. Garza 05-04-0448LS

**LAST DEPARTMENT TO HOLD COMMISSION**

Karnes County Correctional Center

Commissioner Griffith made a motion that the Commission accept and adopt the recommendation of the Executive Director to enter a final order for a ten (10) year suspension, for the license of Joni L. Garza. Commissioner Lovejoy seconded the motion and it passed unanimously.

Autumn Lea Wheat 08-08-1663LS I-Fort Worth Police Department

Ms. Wheat and her attorney, Jannice Joseph, CLEAT, appeared before the commissioners making themselves available for questions. The commissioners had several questions for Ms. Wheat.

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 probated suspension, for the license of Autumn Wheat. Commissioner Oakley seconded the motion. Commissioners Oakley and Goodwin voted for and Commissioners Villescas, Pennington, Lovejoy, Griffith, Hollingsworth, and Richardson voted against. The motion failed.

Commissioner Griffith made a motion that the commission suspend the license of Autumn Wheat for five (5) years from the date of conviction. The motion died for lack of a second.

Commissioner Lovejoy made a motion to issue a reprimand and accept reinstatement after the reprimand. There was discussion. The motion died for lack of a second.

Commissioner Griffith made a motion for a hard suspension of the license for a period of five (5) years. Commissioner Richardson seconded the motion. Commissioners Villescas, Griffith, Hollingsworth, and Richardson voted for the motion. Commissioners Oakley, Pennington, Lovejoy, Goodwin, and Hall voted against. The motion failed.

Commissioner Oakley made a motion for a five (5) year probated suspension of the license. The motion died for lack of a second.

Presiding Officer Hall postponed the decision on Autumn Wheat until the January 13, 2011 meeting.

Assistant Attorney General Beauchamp noted that he and staff had no knowledge of the case being under appeal until the meeting today.

**DEFAULT FINAL ORDER SUSPENSIONS**

<b>NAME OF LICENSEE</b>	<b>DOCKET #</b>
Billy V. Ailey	08-01-1279LS
David Alfaro Jr.	09-06-0614LS
Aserea M. Allen	09-12-0163LS
Heath G. Bagwill	09-07-0639LS
Angelica M. Barrera	10-02-0350LS
Hiram C. Battreall	09-02-0285LS
Alice A. Cadena	09-01-0235LS
James R. Chapman	08-10-0088LS
Jesse Delgado	09-05-0547LS
Robert E. Donahue	10-11-0159LS
Jonathan C. Drewa	10-02-0284LS
Jon K. Fitzgerald	10-07-0656LS
Derek P. Follis	09-02-0319LS
Leonard Darrell Ford	09-05-0498LS
Gerald R. Garcia	09-03-0359LS
Leonard R. Gilbert	09-01-0212LS
Dina P. Guzman	09-03-0375LS
Gabriel M. Hale	09-07-0695LS
Roxanne Hernandez	10-12-0206LS
Wilmer R. Ivie	09-05-0490LS
John R. Killen	09-05-0522LS
Kelly H. Lawrence	10-03-0415LS
Enrique L. Ledesma II	09-08-0745LS
Justin L. Luman	10-12-0214LS
Craig A. Murrah	08-09-0077LS
Allen R. Northcutt	09-04-0409LS
Patrick J. Ouzenne	08-02-1351LS
Ariel Regado Pestanas	09-06-0606LS
Kenneth L. Renk	09-01-0256LS
Jeremy Ryan Stogner	10-02-0321LS
Enrique J. Valdez	09-07-0713LS
Alonzo Catarino Villarreal	09-02-0305LS

**LAST DEPARTMENT TO HOLD COMMISSION (I-INACTIVE)**

I-Dallas Police Department
I-East Hidalgo Detention Center
I-Galveston Co. Sheriff's Office
I-Lewisville Police Department
I-Harris County Sheriff's Office
I-Limestone County Detention Center
I-Guadalupe County Sheriff's Office
I-Port of Galveston Police Department
I-Ellis County Sheriff's Office
I-Grand Prairie Police Department
I-Bexar County Sheriff's Office
I-Baytown Police Department
I-Houston Police Department
I-Galveston County Sheriff's Office
I-Comal County Sheriff's Office
I-Johnson County Sheriff's Office
I-Galveston County Sheriff's Office
I-Haskell County Sheriff's Office
I-LaSalle County Sheriff's Office
I-Coriscana Police Department
I-Wise County Sheriff's Office
I-Longview Police Department
I-EI Paso Police Department
I-Anderson County Sheriff's Office
I-Fort Worth Police Department
I-Houston Police Department
I-Waller County Constable Pct. 3
I-Harris County Sheriff's Office
I-Houston Community College System
I-Randall County Sheriff's Office
I-Scurry County Sheriff's Office
I-Comal 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 Texas Administrative Code, Section 223.3I, and as required under the provisions of Chapter 1701, Texas Occupations Code, Section 1701.501 to suspend the license(s) of the individuals whose names were read. Commissioner Oakley seconded the motion. The motion passed unanimously.

**AGREED FINAL ORDER SUSPENSIONS**

**LAST DEPARTMENT TO HOLD COMMISSION**

Jeffrey Paul Boyd	09-05-0546LS	I-Ellis County Sheriff's Office
Robert Z. Childress	10-10-0124LS	I-Hays County Sheriff's Office
Michael P. Gilby	10-10-0071LS	I-Aransas 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(s) of Jeffrey Boyd, Robert Childress, and Michael Gilby. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

**FOR YOUR INFORMATION**

**CANCELLATIONS**

<b><u>NAME OF LICENSEE</u></b>	<b><u>DOCKET#</u></b>	<b><u>LAST DEPARTMENT TO HOLD COMMISSION</u></b>
Jojuan Martel Clemons	10-06-0618CAN	Hunt County Sheriff's Office
April F. Esparza	10-06-0614CAN	Frio County Sheriff's Office
James W. Mitchell	10-02-0299CAN	Somerset Police Department
Harold Dean Pressley	10-01-0257CAN	Chambers County Sheriff's Office

**PERMANENT VOLUNTARY SURRENDERS**

<b><u>NAME OF LICENSEE</u></b>	<b><u>DOCKET #</u></b>	<b><u>LAST DEPARTMENT TO HOLD COMMISSION</u></b>
Jesse Alva	10-04-0489PVS	Bexar County Sheriff's Office
Saul Arellano	10-05-0524PVS	Bexar County Sheriff's Office
James N. Barrentine, Jr.	10-06-0577PVS	Freestone County Sheriff's Office
Danny A. Garcia	10-06-0613PVS	Bexar County Sheriff's Office
Nelson A. Hernandez	10-09-0013PVS	West University Place Police Department
Anthony R. Foster	09-08-0715PVS	Houston Police Department
Kedrick L. Johnson	10-05-0501PVS	Newton County Sheriff's Office
Andy L. Joslin	10-03-0394PVS	Floresville Police Department
Joseph E. Mayo	10-06-0578PVS	Hood Co. Sheriff's Office
Michael S. Melton	10-06-0554PVS	Missouri City Fire Department
Tony G. Menchaca	10-06-0635PVS	Bexar County Sheriff's Office
Patrick J. Muriel	09-02-0286PVS	San Antonio Police Department
Raymond C. Patterson	10-07-0684PVS	Bexar County Sheriff's Office
Christopher L. Pelletier	10-06-0622PVS	Diboll Police Department
Paul L. Ross	10-07-0699PVS	Thorndale Police Department
Joe A. Serrato	09-01-0234PVS	San Antonio Police Department
Nancy C. Sorto	10-05-0547PVS	Harris County Constable Pct. 5
Thomas C. Stephan	10-04-0446PVS	Collin County Sheriff's Office
William L. Tullos	10-07-0683PVS	Liberty County Sheriff's Office

**TERM VOLUNTARY SURRENDER OF LICENSE**

<b><u>NAME OF LICENSEE</u></b>	<b><u>DOCKET #</u></b>	<b><u>LAST DEPARTMENT TO HOLD COMMISSION</u></b>
Jarrett F. Adams	10-05-0551TVS	Nacogdoches Police Department

**REPRIMANDS**

<b><u>NAME OF LICENSEE</u></b>	<b><u>DOCKET #</u></b>	<b><u>LAST DEPARTMENT TO HOLD COMMISSION</u></b>
Jesse Alvarado	10-11-0152RP	

Norma A. Argueta	10-06-0571RP	
Rodrick D. Arthur	10-06-0570RP	
Alejandro Avila	10-06-0569RP	
Sergio R. Beattie	10-06-0567RP	Maverick County Attorney's Office
Gordon R. Bean	10-06-0568RP	Liberty County Sheriff's Office
Ashley C. Bell	10-06-0602RP	
Raymond J. Bonner	10-05-0549RP	
Christopher R. Bothwell	10-06-0616RP	
Roger A. Brimer	10-06-0603RP	
Eric D. Caldwell	10-06-0601RP	
John R. Davis	10-08-0720RP	
Dennis R. Johnson	10-12-0222RP	
Marcus V. Reyna	10-06-0623RP	
Tiffany R. Richie	10-06-0599RP	
Jesse B. Sanchez	10-06-0629RP	Crystal City Police Department

**APPEAL OF F-5 REPORT OF SEPARATION OF LICENSEE**

Clarence L. Dixon	Fort Bend County Sheriff's Office
Jennifer L. Dodgen	Tomball Police Department
Jerry W. Franklin	Newton County Sheriff's Office
Lauren L. Green	Sherman Police Department
Lisa L. Jones	Montague County Sheriff's Office
Russell J. King	Castle Hills Police Department
Chris L. McClure	Waller Police Department
Keith R. Pruesse	Texas Department of Public Safety
Abel Quezada	Tom Green County Const. Pct. 4
Shawn Scarborough	Armstrong County Sheriff's Office
Scott A. Sharp	Bandera County Sheriff's Office
Rosemarie C. Valdes	West University Place Police Department

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

**Agenda Item #13 - Receive public comment on any topic, without discussion**

Colette Michalec introduced herself as a member of the public and asked the commissioners where she could find a "scope of practice" for police officers, clearly defined in law, specifically identifying the role of police, guidelines, boundaries, and limitations. She would like to see a scope of practice added to the agenda.

**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 .071 of the Texas Government Code, Open Meetings Act.**

The commissioners went into executive session at 2:45 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.**

At 4:08 p.m., the commissioners returned from executive session. There was no action taken.

Presiding Officer Hall told those in attendance that the next three commission meetings would be held at the Pickle Research Center in Austin, Texas.

**Agenda Item #16 - Adjourn**

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

Presiding Officer Hall announced that Commissioner Hollingsworth has completed a Power Point program about the Texas Peace Officer Memorial and the need to repair the Memorial. This program may be used when making presentations to potential contributors. Commissioner Hollingsworth is the lead person for this project.

---

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