

Quarterly Meeting Minutes

September 8, 2016

On Thursday, September 8, 2016, at 9:30 a.m., the quarterly meeting of the Texas Commission on Law Enforcement (TCOLE) was held at the J.J. Pickle Research Campus, The Commons Learning Center, 10100 Burnet Road, Bldg 137, Austin, Texas.

Commissioners attending were Sheriff Joel W. Richardson, Presiding Officer; Ms. Patt Scheckel-Hollingsworth, Assistant Presiding Officer; Major Jason Hester, Secretary; Ms. Patricia Burruss; Constable Ron Hood; Mr. Rob Kyker, Mr. James Oakley; Senior Police Officer Joe Pennington; and Chief Ruben Villescas.

Raymond Winter of the Office of the Attorney General assisted the commissioners in the absence of General Counsel John Beauchamp. Veena Mohan and John Banaszak represented the Office of the Attorney General. TCOLE staff attending included Executive Director Kim Vickers, Operations Director John Helenberg, Finance Director Brian Roth, Government Relations Director Gretchen Grigsby, Division Chief Michael Antu, Lisa Landry, Richard Gutierrez, Lynn Beard, Ashtyn Cain, Thurman Felder, Cera Garrett, Dennis Graffious, Mike Hobbs, Laurie Jackson, Kenny Merchant, Derry Minor, Ken Mobley, Stan Roper, Candice Simon, Doug Skolaut, Jessica Teseny, Chris Varady, and Kaye Wilson.

Agenda item #1, Call to order

Presiding Officer Richardson called the meeting to order at 9:30 a.m. The presentation of colors was by the Randall County Sheriff's Office Honor Guard members Lt. Tommy Bushek, Sgt. Jeff Hooten, Sgt. Raymond Gibbons, Cpl. Cody Weavers, Deputy Jay Claxton, and Deputy Richard Beals. Commissioner Hood led the pledge of allegiance and Commissioner Hester gave the invocation. Roll was called and a quorum was present.

The Presiding Officer introduced special guests Representative John Raney and Chief Robert Moore. Rep. Raney represents House District 14, which is a portion of Brazos County, the College Station area, and serves on the House Appropriations Committee. Chief Moore is the Presiding Officer of the Texas Commission on Fire Protection and

has 20 years with the Texas A&M Engineering Extension Service Emergency Services Training Institute.

Efforts are being made for police, fire, and EMS to work closely in active shooter situations.

The Presiding Officer announced the 2017 commission meeting dates which are:

March 2, 2017

June 8, 2017

September 7, 2017

December 7, 2017

Agenda item #2, Reading of peace officer/jailer deaths since the June 23, 2016, meeting.

Ken Mobley read the names of eleven line of duty deaths since the last commission meeting.

Police Officer Calvin "Mark" McCullers, Southern Methodist University Police Department, EOW Tuesday, July 5, 2016

Police Officer Mark McCullers drowned when his vehicle was washed away in torrential flooding while he was working an off duty assignment at a construction site in Highland Park.

Officer McCullers was a U.S. Marine Corps veteran and had served with the Southern Methodist University Police Department for 17 months. He is survived by his wife and six children.

Senior Corporal Lorne Bradley Ahrens, Dallas Police Department, EOW Thursday, July 7, 2016

Corporal Ahrens had served with the Dallas Police Department for 14 years and had previously served with the Los Angeles County, California, Sheriff's Office for 11 years. He is survived by his wife and two children. His wife also serves with the Dallas Police Department.

Sergeant Michael Joseph Smith, Dallas Police Department, EOW Thursday, July 7, 2016

Sergeant Smith was a U.S. Army veteran and had served with the Dallas Police Department for 27 years. He is survived by his wife and two daughters.

Police Officer Michael Leslie Krol, Dallas Police Department, EOW Thursday, July 7, 2016

Officer Krol had served with the Dallas Police Department for nine years and had previously served with the Wayne County, Michigan, Sheriff's Office for four years.

Police Officer Patricio E. Zamarripa, Dallas Police Department, EOW Thursday, July 7, 2016

Officer Zamarripa was a U.S. Navy veteran and had served with the Dallas Police Department for six years. He is survived by his wife, 2-year-old daughter, and stepson.

Police Officer Brent Alan Thompson, Dallas Area Rapid Transit Police Department, EOW Thursday, July 7, 2016

Officer Thompson was a U.S. Marine Corps veteran and had served with the Dallas Area Rapid Transit Police Department for nine years. He is survived by his wife, six children, and three grandchildren. His wife also serves as an officer with the DART Police.

Police Officer Patrick Zamarripa, Senior Corporal Lorne Ahrens, Police Officer Michael Krol, Sergeant Michael Smith, of the Dallas Police Department and Police Officer Brent Thompson, of the Dallas Area Rapid Transit Police Department, were shot and killed by an active shooter during a protest in downtown Dallas.

As the protesters walked down Main Street between South Lamar Street and South Market Street, a sniper opened fire on police officers who were providing security for the event. The man shot a total of 12 officers, killing five and wounding seven.

The subject was cornered in an adjacent parking garage and barricaded himself inside for several hours while he spoke to negotiators. He was killed when the Dallas Police Department's Bomb Squad moved an explosive device to the man's location using a robot and detonated it.

Police Officer Marco Antonio Zarate, Bellaire Police Department, EOW Tuesday, July 12, 2016

Police Officer Marco Zarate was killed in a motorcycle crash while pursuing a vehicle that had been involved in an earlier shoplifting.

Officer Zarate was a U.S. Marine Corps veteran and had served with the Bellaire Police Department for seven years. He is survived by his wife and three daughters.

***Corrections Officer Mari Johnson, Texas Department of Criminal Justice, EOW
Saturday, July 16, 2016***

Corrections Officer Mari Johnson was killed by a male inmate inside of the Robertson Unit in Abilene, Texas.

Officer Johnson had served with the Texas Department of Criminal Justice for seven years.

Police Officer Justin Scherlen, Amarillo Police Department, EOW Thursday, August 4, 2016

Police Officer Justin Scherlen succumbed to injuries sustained 11 months earlier when his patrol car was struck head-on by another vehicle. He underwent numerous surgeries and continuous rehabilitation following the crash, but died from complications on August 4th, 2016.

Officer Scherlen had served with the Amarillo Police Department for 11 years and was assigned to the Uniformed Division. He also served on the agency's Honor Guard and Dive Team. He is survived by his wife and four children.

Senior Police Officer Amir Abdul-Khaliq, Austin Police Department, EOW Sunday, September 4, 2016

Senior Police Officer Amir Abdul-Khaliq succumbed to injuries sustained four days earlier in a police motorcycle crash while providing an escort for a funeral.

Officer Abdul-Khaliq was a U.S. Marine Corps veteran and had served with the Austin Police Department for 17 years. He is survived by his five children.

***Deputy Sheriff Kenneth Hubert Maltby, Eastland County Sheriff's Office, EOW
Wednesday, September 7, 2016***

Deputy Sheriff Kenneth Maltby was killed in a vehicle crash when his patrol car was struck head-on by another vehicle.

Deputy Maltby had served with the Eastland County Sheriff's Office for two years and had 42 years of law enforcement service.

Agenda item #3, Approval of the minutes of the June 23, 2016, quarterly commission meeting at Austin, Texas.

Commissioner Hester made a motion to approve the minutes of the June 23, 2016, meeting. Commissioner Oakley seconded the motion. The motion passed unanimously.

Agenda item #4, Receive reports. Take action if necessary.

- Presiding Officer's Report

- Executive Director's Report

The Executive Director referred to an agenda item from the June 23, 2016 meeting where a reprimand was being issued to Constable Beth Villarreal. That agenda item was abated pending further review of the documents. Mr. Vickers noted that after a subsequent investigation and review of information the Constable provided at the previous quarterly meeting, the reprimand has been withdrawn and staff is seeking a suspension of her license. Constable Villarreal has been notified of this action and has the opportunity to go before a SOAH (State Office of Administrative Hearing) hearing.

Mr. Vickers reminded the commissioners of the annual conference at the Omni Hotel in Corpus Christi, October 3 – 6. Commissioners were invited to attend.

Staff changes include the retirement of Donna Soldner Manning after more than 14 years of service, and the hiring of Ashtyn Cain in Legal, Cera Garrett in Credentialing, and Stan Roper in Enforcement.

- Operations Director's Report

Responding to a question asked by Commissioner Hester, Director Helenberg noted that the Enforcement Division is working on approximately 100 active cases, primarily complaints. There are current openings in the Enforcement Division, Special Services, and the Credentialing Division. Next we will then begin the process of hiring additional field agents.

- Government Relations Director's Report

Director Grigsby welcomed Seth Christenson from the Governor's Office and Hannah Bell from Rep. Molly White's office. The agency's Legislative Appropriations Request (LAR) was submitted on August 5, and we will have a budget hearing with the Governor's Office and the Legislative Budget Board (LBB) on September 26. The pre-filing of bills will begin in early November.

Commissioner Kyker made a motion to accept the staff reports. Commissioner Burruss seconded the motion. The motion passed unanimously.

Agenda item #5, Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.

Mr. Winter addressed the Commission, reviewing the disciplinary actions.

Proposal for Decision Orders

Chapa, Gabriella

Jailer

Uvalde Sheriff's Office

The Executive Director seeks to cancel the jailer license issued to Gabriella Chapa as her criminal history makes her ineligible for licensure. The Administrative Law Judge (ALJ) recommends that the license be cancelled.

Commissioner Hollingsworth made a motion to accept the ALJ's recommendation to cancel the jailer license of Gabriella Chapa. Commissioner Hester seconded the motion. The motion passed unanimously.

Mitchell, Robert L.

Peace Officer

Jim Wells Co. Constable Pct. 3

The Executive Director seeks a ten year suspension of the peace officer license of Robert L. Mitchell. Mr. Mitchell received a deferred adjudication for Assault Causes Bodily Injury-Married, a Class A misdemeanor involving family violence. The Administrative Law Judge (ALJ) recommends the ten year suspension.

Commissioner Hollingsworth made a motion to accept the ALJ's recommendation to suspend the peace officer's license of Robert L. Mitchell for a period of ten years. Commissioner Hester seconded the motion. The motion passed unanimously.

Moore, Artez J.

Peace Officer

Harris Co. Constable Pct. 1

The Executive Director seeks a ten year suspension of the jailer and peace officer licenses of Artez J. Moore. Mr. Moore was convicted of Impersonating a Peace Officer/Misrepresentation of Property, a Class B misdemeanor, deferred adjudication. The Administrative Law Judge (ALJ) recommends a ten-year suspension of the licenses.

Commissioner Hollingsworth made a motion to adopt the ALJ's recommendation to suspend the peace officer license of Artez J. Moore for a period of 10 years. Commissioner Hester seconded the motion. The motion passed unanimously.

Turner, Bradley L. Peace Officer Trinity County Sheriff's Office

The Executive Director seeks to cancel the peace officer license issued to Bradley L. Turner as his criminal history makes him ineligible to enroll in peace officer training and be licensed. The Administrative Law Judge (ALJ) recommends cancellation of the peace officer license. Mr. Turner was placed on community supervision in an order of deferred adjudication for Burglary of a Vehicle, a Class A misdemeanor.

Mr. Turner appeared on his own behalf and spoke with the commissioners and asked that they reconsider the cancellation.

The Presiding Officer explained that there is a procedure to follow to obtain a waiver for the Class A misdemeanor. The Executive Director offered to visit with Mr. Turner and explain the procedure.

Commissioner Hollingsworth made a motion to accept the ALJ's recommendation to cancel the peace officer license of Bradley L. Turner. Commissioner Hester seconded the motion. The motion passed unanimously.

For Information Only

Statutory Revocation

Becarra, Salvador	Peace Officer	Odessa Police Department
Carrizales, Tessie C.	Jailer	Cameron County Sheriff's Office
Cummings, Joe E.	Jailer/Peace Officer	Denton County Sheriff's Office
Duncan, Keith M.	Jailer	Collin County Sheriff's Office
Fierros, Manuel	Jailer	Hale County Sheriff's Office
Gonzales, Carmelo	Jailer/Peace Officer	Zavala County Sheriff's Office
Selmser, James E.	Jailer/Peace Officer	Montgomery County Constable Pct. 1

Statutory Suspension

Admas, Kontina G.	Jailer	Angelina County Sheriff's Office
Cordell, Delbert	Jailer	Bastrop County Sheriff's Office
Eich, Joe F.	Jailer	Ellis County Sheriff's Office
Garcia, Blas	Jailer/Peace Officer	Hidalgo County Sheriff's Office
Juarez, Isau	Jailer	Val Verde Correctional Facility
Lewis, Tawatha C.	Jailer	Harris County Sheriff's Office
Morris, David K.	Peace Officer/Jailer	Frisco Police Department

Permanent Surrenders

Aston, Andrew W.	Peace Officer	Bexar County Constable Pct. 3
Best, Adam	Peace Officer	Austin Police Department
Bolling, Christopher W.	Peace Officer	Fort Worth Police Department
Broadus, Clyde R.	Peace Officer	Tarrant Co. Constable Pct. 8
Diaz Jr., Johnny	Peace Officer	San Antonio Police Department
Dominguez, Mario L.	Jailer/Peace Officer	Bandera County Sheriff's Office
Gallegos, Miguel	Peace Officer	Amarillo Police Department
Garcia, Marcos	Peace Officer	Comal Co. Constable Pct. 3
Hinshaw, Gary	Peace Officer	Whitehouse Police Department
Hodgers, Jose A.	Jailer	Williamson Co. Sheriff's Office
Hodges, Theodore B.	Jailer	Williamson County Sheriff's Office
Martinez Jr., Guillermo	Peace Officer	Victoria County Sheriff's Office
Miramontes Jr., Rigoberto	Jailer	Bexar Co. Sheriff's Office
Moore Jr., Billy B.	Peace Officer	Guadalupe Co. Constable Pct. 2
Ramos, Jesus E.	Peace Officer	San Antonio Police Department
Sanchez, Johnny J.	Jailer/Peace Officer	Terry Co. Sheriff's Office
Sanders, Kelli V.	Peace Officer	Huntington Police Department
Sellers, Michael W.	Peace Officer	Cockerill Hill Police Department
Serros, Robert	Jailer	Bexar Co. Sheriff's Office
Trahan, Jason J.	Peace Officer	Dallas Police Department
Vidal, Anthony G.	Jailer /Peace Officer	Bexar County Sheriff's Office

Suspensions for Failing to Complete Legislatively Required Continuing Education

Ashby, Matthew M.	Peace Officer	Liberty Co. Constable Pct. 4
Doty, Ann M.	Peace Officer	Hubbard Police Department
Maranto, Joseph	Peace Officer	Harrison Co. Sheriff's Office
Mauricio, Manuel	Peace Officer	Bexar County Sheriff's Office

Muniz, Aidee T.	Peace Officer	The Colony Police Department
Picard, Trey	Peace Officer	Brazoria County Sheriff's Office
Rangel, Arturo	Peace Officer	Harris County Constable Pct. 6
Sosa, Magdalena	Peace Officer	Harris County Constable Pct 3

Reprimands for Failing to Complete Legislatively Required Continuing Education

Adams, Daniel.	Peace Officer	Trinity County Constable Pct. 1
Bruhn, Jeffery	Peace Officer	Upshur County Sheriff's Office
Crawford, Terry L.	Peace Officer	Winters Police Department
McEwin, Emily	Peace Officer	Clarksville Police Department
Morgan, Roland	Peace Officer	Montgomery Co. Fire Marshal's Office
Omberg Jr., Max	Peace Officer	Benbrook Fire Department
Roach, Kenny	Peace Officer	Groves Police Department

Reprimands for Administrative Violations

Bermea, Leonard	Peace Officer	Seadrift Police Department
Carruth, Michael R.	Peace Officer	Tyler County Sheriff's Office
Gonzales, Teresa	Peace Officer	San Patricio County Constable Pct. 8
Guajardo, Bartolo	Peace Officer	Jim, Wells County Constable Pct. 6
Hill, David	Peace Officer	Montgomery County Constable Pct. 5
Hushen, Thomas D.	Peace Officer	Los Indios Police Department
Longbotham, Neal	Peace Officer	Brazoria Police Department
Mendoza, Christopher	Peace Officer	Munday Police Department
Moore, Granville	Peace Officer	Crowell Police Department
Pantoja, Felix	Peace Officer	Roscoe Police Department
Rodriguez, Primitivo	Peace Officer	Elsa Police Department
Trevino, Manuel	Peace Officer	Primera Police Department
Wethington, Michael C.	Peace Officer	Stagecoach Police Department
Zarate, Santiago	Peace Officer	Starr County Const. Pct. 6

Agenda item #6, Receive public comment on any topic, without action.

The Presiding Officer asked if there was anyone wishing to make a public comment.

Ray Hunt, Houston Police Officer's Union, announced two upcoming events. The first is October 19, 2016, inviting all Texas law enforcement agencies to join a Let's Pray Texas event at your local police department or city hall at 1:00 p.m.

The 2017 Peace Officers' Memorial ceremony will be jointly sponsored by the Combined Law Enforcement Associations of Texas and the Texas Municipal Police Association. The candlelight vigil will be held on Sunday, April 30 with the ceremony on Monday, May 1.

Agenda item #7, Executive Session to discuss pending or contemplated litigation, settlement offers, and personnel issues, including evaluation of executive director's job performance, pursuant to sections 551.074 and .071 of the Texas Government Code, Open Meetings Act.

Executive Session convened at 10:10 a.m.

Agenda item #8, Return from Executive Session to report and /or discuss further actions to be taken as a result of the Executive Session. Take action, if necessary.

The commissioners returned from Executive Session at 11:43 a.m. The Presiding Officer reported that there were no votes taken during the closed session. They reconvened the meeting in open session to discuss items from Executive Session.

Commissioner Hester moved that the Commission authorize the Attorney General to negotiate a settlement in Joslin and CLEAT v. TCOLE, cause No. D-1-GN-16-001538, as discussed in Executive Session. Commissioner Oakley seconded the motion. The motion passed 6-2 with Commissioners Hollingsworth and Burruss opposing.

Agenda item # 9, Adjourn.

The Presiding Officer adjourned the meeting at 11:45 a.m. and announced that the next quarterly meeting would be December 1, 2016.

Jason D. Hester, Secretary
JDH/kw