

Quarterly Meeting Minutes

September 5, 2019

On Thursday, September 5, 2019, 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; Major Jason D. Hester, Assistant Presiding Officer; Patricia Burruss, Secretary; Chief Kim Lemaux; Jack W. Taylor, and Janna Atkins, and Commissioner Tim Whitaker. Commissioner Sharon Breckenridge Thomas and Constable Ron Hood were absent.

Attending from the Office of the Attorney General were Raymond C. Winter, Halie Daniels, and Robert Savage. TCOLE staff attending included Executive Director Kim Vickers, Credentialing and Field Services Director Kenny Merchant, Enforcement and Special Services Director Michael Antu, Government Relations Director Gretchen Grigsby, Finance Director Brian Roth, General Counsel John Beauchamp, Lisa Landry, Doug Skolaut, David New, Shane Norie, Derry Minor, Lynn Beard, Jessica Capraro, Trey Slider, Gary Connella, Lita Rendon, Iris Martinez, Richard Gutierrez, Kaitlyn Tonkin, Cullen Grissom, Nikki Johnson, Hillary Lyon, and Laurie Jackson.

Agenda item #1, Call to order.

The Presiding Officer called the meeting to order at 9:30 a.m. Sergeant Cordine McMurray, Sergeant Thomas Popp, Deputy Amy Moser, and Officer Eric Campana of the Travis County Sheriff's Office Color Guard posted the colors. Commissioner Atkins led the pledges of allegiance and Commissioner Hester gave the invocation. Roll was called and a quorum was present.

Agenda item #2, Reading of peace officer/jailer deaths since the June 20, 2019 meeting.

Director Grigsby read the name of the officers killed in the line of duty.

- Corporal Jose Espericueta, Jr., Mission Police Department, EOW June 20, 2019
- Deputy Carlos Ramirez, Kendall County Sheriff's Office, EOW July 2, 2019

- Deputy Omar Diaz, Harris County Sheriff's Office,
EOW July 6, 2019
- Deputy Jose Blancarte, Kinney County Sheriff's Office
EOW August 23, 2019
- Trooper Moises Sanchez, Texas Department of Public Safety
EOW August 24, 2019

A moment of silence was observed.

Agenda item #3, Approval of the minutes of the June 20, 2019, quarterly commission meeting at Austin, Texas.

Commissioner Burruss made a motion to approve the minutes. Commissioner Lemaux seconded the motion. The motion passed unanimously.

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

Executive Director Kim Vickers acknowledged Chief Mike Heidingsfield from the University of Texas System Police and thanked him for coming to the meeting. Executive Director Vickers announced staff changes and the new employee was introduced. Executive Director Vickers talked about the TCOLE Training Conference. The conference will offer training sessions and special focus sessions. As of last week, there were 634 registered for the conference. Legislative changes now require elected constables to take Civil Process training. The provider chosen to provide the training is the Justice Court Training Center. Commissioner Hester asked about how we finished the fiscal year. Director Roth gave an overview of what was done in the previous fiscal year.

Enforcement and Special Services Director Michael Antu stated that the Basic Peace Officer Course has been released. It will become mandatory to use April 1st. The Telecommunicator course will be released in the next few weeks. The VAWA grant will be closing out this month. The goals of the grant were met. A provider has been found to reestablish the My TCOLE Account. There is not a definitive date that it will be back online. A new vendor is being looked at for a new Learning Management System.

Credentialing and Field Services Director Kenny Merchant noted that the number of non-compliant licensees is expected to be around 1,000 after all rosters are entered. There have been several updates to documents on our website as a result of legislative changes.

Government Relations Director Gretchen Grigsby noted that the Sunset evaluation process has begun. Our self-evaluation report has been turned in. The School Marshal process continues

with 2 providers conducting the training. A School Marshal day was held in College Station for legislators and media. There were 26 attendees.

Commissioner Atkins made a motion to accept the reports as presented. Commissioner Burruss seconded the motion. The motion passed unanimously.

Agenda item #5, Consideration for cost reimbursement for court reporter and transcript under TCOLE rule §223.5.

This agenda item was not addressed.

Agenda item #6, Request to rescind the permanent surrender of Frank S. Stilley.

General Counsel John Beauchamp reviewed the basic facts of the case and the background of permanent surrenders. Executive Director Vickers spoke about the decision making process that leads to decisions on permanent surrenders and the background of the case. Attorney Greg Cagle, Assistant Chief Carl Shaw, and Constable Alan Rosen spoke on behalf of Frank Stilley. No motion was made and no action was taken on this request.

The Commission took a break from 10:26 – 10:45 a.m.

Agenda item #7, Discuss and take action on proposed orders of amendments to existing and new TCOLE rules.

Mr. Beauchamp recommended that each proposed rule be discussed separately.

- Proposed Amendment 1
§211.1. Definitions.
Commissioner Hester made a motion to approve proposed rule number 1. Commissioner Burruss seconded the motion. The motion passed unanimously.
- Proposed Amendment 2
§217.1. Minimum Standards for Enrollment and Initial Licensure.
Director Merchant explained that this proposal was to help understand the requirements for enrollment and licensure purposes. Mr. Beauchamp added proposed changes to (b)(13). Commissioner Hester made a motion to approve proposal amendment 2 with the addition by Mr. Beauchamp. Commissioner Atkins seconded the motion. The motion passed unanimously.
- Proposed Amendment 3
§211.26. Law Enforcement Agency Audits.
- Proposed Amendment 4
§217.7. Reporting Appointment and Separation of a Licensee.
Proposal 3 and 4 were discussed together. Commissioner Atkins made a motion to accept proposed rule amendments 3 and 4 as written. Commissioner Taylor seconded the motion.

After discussion, changes were made to proposed amendment 4. The motion passed unanimously with the proposed changes.

- Proposed Amendment 5

§218.3. Legislatively Required Continuing Education for Licensees.

Director Grigsby explained the proposed amendment as a result of legislative changes. Commissioner Hester made a motion to approve proposed rule 5 as discussed. Commissioner Lemaux seconded the motion. The motion passed unanimously.

- Proposed Amendment 6

§218.9. Continuing Firearms Proficiency Requirements.

Director Grigsby explained the proposed amendment as a result of legislation. Commissioner Burruss made a motion to approve rule number 6 as presented. Commissioner Atkins seconded the motion. The motion passed unanimously.

- Proposed Amendment 7

§219.2. Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police.

Director Merchant explained the proposed changes. Commissioner Hester made a motion to approve proposed amendment 7. Commissioner Burruss seconded the motion. The motion passed unanimously.

- Proposed Amendment 8

§219.11. Reactivation of a License.

Director Merchant explained the proposed changes. Commissioner Atkins made a motion to approve proposed amendment number 8. Commissioner Burruss seconded the motion. The motion passed unanimously.

- Proposed Amendment 9

§221.1. Proficiency Certificate Requirements.

- Proposed Amendment 10

§221.43. School-Based Law Enforcement Proficiency Certificate.

- Proposed Amendment 11

§221.45. Jailer Firearm Certificate.

Director Grigsby explained the changes for proposed amendments 9, 10, and 11. Commissioner Burruss made a motion to approve proposed rules 9, 10, and 11. Commissioner Hester seconded the motion. The motion passed unanimously.

Agenda item #8, Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.

Raymond C. Winter reviewed the disciplinary actions.

Default Suspension Orders

Garza III, Eduardo	Jailer	Webb Cnty. Sheriff's Office
Lancaster, Eugene R.	Peace Officer, Jailer	Harris Cnty. Sheriff's Office
Matthew, Michael J.	Jailer	Wichita Cnty. Sheriff's Office
Valle, Adrian	Jailer	Deaf Smith Cnty. Sheriff's Office

Commissioner Hester moved 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 501 to suspend the licenses of Eduardo Garza, Eugene Lancaster, Michael Matthew, and Adrian Valle. Commissioner Burruss seconded the motion. The motion passed unanimously.

Agreed Suspension Waivers

Gray, Tytravious D.	Telecommunicator	Paris Police Dep't
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Commissioner Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter a final Agreed Suspension Waiver for Tytravious D. Gray. Commissioner Burruss seconded the motion. The motion passed unanimously.

Default Revocation Orders

Bender, Guy E.	Peace Officer, Jailer	Poteet Police Dep't
Harris IV, Samuel F.	Jailer	Harris Cnty. Sheriff's Office
Juarez, Hugo L.	Jailer	Cameron Cnty. Sheriff's Office

Commissioner Hester moved 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 Chapter 1701, Section 501 to revoke the licenses of Guy Bender, Samuel Harris, and Hugo Juarez. Commissioners Burruss seconded the motion. The motion passed unanimously.

Raymond C. Winter noted that the remaining disciplinary items require no action and are for information only.

For Information Only*Statutory Revocations*

Hernandez, Salvador	Peace Officer	San Juan Police Dep't
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Permanent Surrenders

Dean, Brandley J.	Peace Officer	Farmersville I.S.D. Police Dep't
Dennis, Michael G.	Peace Officer, Jailer	Fritch Police Dep't
Dieguez, Alan E.	Peace Officer	El Paso Police Dep't
Kala, Krzysztof J.	Peace Officer	Nolanville Police Dep't
Lam, Thomas T.	Peace Officer	Houston Police Dep't
Lockett, Jason J.	Peace Officer	Tarrant Cnty. Constable, Precinct 8
Lopez, Willy A.	Peace Officer	Waco Police Dep't
Ly, Huy	Peace Officer	Houston Police Dep't
Martin, Ethan W.	Peace Officer, Jailer	Montgomery Cnty. Sheriff's Office
Nguyen, Larry	Peace Officer	Houston Police Dep't
Roddy, Eric W.	Peace Officer, Jailer	Harris Cnty. Sheriff's Office
Walton Sr., Ted E.	Peace Officer	Lexington Police Dep't
Wilson, James J.	Peace Officer	Bertram Police Dep't

Reprimands for Administrative Violations

Godlove, Jimmy J.	Peace Officer	Lubbock Cnty. Sheriff's Office
Rodriguez, Alberto A.	Peace Officer	Progreso Police Dep't

Agenda item #9, Receive public comment on any topic, without action.

The Presiding Officer invited anyone in the audience to address the Commission. No one came forward.

Agenda item #10, 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.

The Commission went into Executive Session.

Agenda item #11, 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.

No decisions were made and no votes were taken during the Executive Session.

Agenda item #11, Adjourn.

The Presiding Officer adjourned the meeting until the next meeting on December 5, 2019.

Patricia G. Burruss, Secretary
PGB/lj