

## **Quarterly Meeting Minutes**

### **September 2, 2021**

On Thursday, September 2, 2021, at 9:30 A.M., the quarterly meeting of the Texas Commission on Law Enforcement (TCOLE) was held at the John H. Reagan Building, Room 120, 105 West 15<sup>th</sup> Street, Austin, Texas, 78701.

Commissioners attending were Presiding Officer Kim Lemaux, Major Jason D. Hester, Assistant Presiding Officer; Patricia Burruss, Secretary; Constable Ron Hood; Janna Atkins; Sheriff Michael Griffis; and Jack Taylor. Commissioner Sharon Breckenridge Thomas and Commissioner Tim Whitaker were absent.

Attending from the Office of the Attorney General were Raymond C. Winter and Robert Savage. TCOLE staff attending included Executive Director Kim Vickers, Credentialing and Field Services Director Cullen Grissom, Enforcement and Special Services Director Michael Antu, Government Relations Director Gretchen Grigsby, Finance Director Brian Roth, General Counsel John Beauchamp, Lita Rendon, Iris Martinez, Jessica Capraro, Dennis Graffious, Gary Connella, Doug Skolaut, David New, Shane Norie, Kaitlyn Tonkin, Lisa Landry, and Laurie Jackson.

#### **Agenda item #1, Call to order.**

The Assistant Presiding Officer called the meeting to order at 9:32 a.m. Commissioner Taylor led the pledges of allegiance and Commissioner Hester gave the invocation. Roll was called and a quorum was present. Welcoming remarks were made by Presiding Officer Kim Lemaux.

#### **Agenda item #2, Reading of peace officer/jailer deaths since the June 3, 2021, meeting.**

Director Grigsby read the name of the officers killed in the line of duty and COVID-19 deaths.

Sergeant Paul Mooney, Texas Department of Public Safety - Texas Highway Patrol, TX  
EOW: Monday, June 14, 2021

Lieutenant Clinton Joseph Ventrca, Corinth Police Department, TX  
EOW: Sunday, June 20, 2021

Sergeant Joshua Blake Bartlett, Lubbock County Sheriff's Office, TX  
EOW: Thursday, July 15, 2021

Detective Juan Alfonso "John" Delgado, Bay City Police Department, TX  
EOW: Thursday, July 15, 2021

Reserve Deputy Sheriff Tom Larry Hoobler, Childress County Sheriff's Office, TX  
EOW: Saturday, July 17, 2021

Police Officer Ricky Neal Roberts, McLennan Community College Police Department, TX  
EOW: Monday, July 19, 2021

Police Officer Lewis "Andy" Traylor, Austin Police Department, TX  
EOW: Saturday, July 31, 2021

Border Patrol Agent Edgardo Acosta-Feliciano,  
US Department of Homeland Security, Customs and Border Protection  
EOW: Saturday, July 31, 2021

Deputy Sheriff Shaun Waters, Harris County Sheriff's Office  
EOW: Sunday, August 1, 2021

Border Patrol Agent Ricardo Zarate,  
US Department of Homeland Security, Customs and Border Protection  
EOW: Monday, August 16, 2021

Sergeant Kuo-sheng "Johnny" Wang, South Houston Police Department  
EOW: Thursday, August 19, 2021

Senior Police Officer Randolph Boyd, Jr., Austin Police Department  
EOW: Wednesday, August 25, 2021

Sergeant Christopher Ray Wilson, Texas Parks and Wildlife Department  
EOW: Thursday, August 26, 2021

Senior Sergeant Steve Urias, Austin Police Department  
EOW: Thursday, August 26, 2021

Corrections Officer James Henry, Hays County Sheriff's Office  
EOW: Friday, August 27, 2021

A moment of silence was observed.

**Agenda item #3, Approval of the minutes of the June 3, 2021, quarterly commission meeting at Austin, Texas.**

Commissioner Burruss made a motion to approve the June 2021 minutes. Commissioner Atkins seconded the motion. The motion passed unanimously.

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

Executive Director Kim Vickers gave an update about the new FTE's being hired. 40-year Service award certificates are in the process of being created. Director Vickers explained the proposed amendment for rule §219.1. The change would allow an individual to become licensed once the state exam is successfully passed. Historical data for the reports provided to the commissioners was requested by Commissioner Burruss, as well as state and/or national comparisons. Presiding Officer Lemaux stated that the commission will identify what information is wanted from TCOLE staff and the process will be laid out in the next 30-60 days.

Enforcement and Special Services Director Michael Antu stated that the Enforcement Division will be receiving the noncompliance cases on October 1<sup>st</sup>. The Peer-to-Peer Network is being worked on with the Carruth Center. Commissioner Burruss asked for an explanation regarding how the Peer-to-Peer Network will work. There was discussion about TCOLE purchasing TCLEDDS and the process to complete the purchase. The TCOLE website is being updated and will be more secure. Presiding Officer Lemaux asked about the timeline to complete the purchase of TCLEDDS. Director Antu anticipates the process will be complete within sixty days.

Credentialing and Field Services Director Cullen Grissom gave an update on the involvement that TCOLE has with the Border Support Task Force. The number of out of state, federal, and military applications that had been approved in the previous and current fiscal years was provided. The last mailing of compliance letters have been sent out. The numbers are significantly down from the last report run. The COVID shutdown did not have a significant impact on training compliance. Field Services has completed two New Training Coordinator Training classes since the last quarterly meeting. This class will continue to be offered around the state. Director Grissom gave an update on the Education Services Division.

A 15-minute break was taken.

Commissioner Hester asked for an update on the licensing exam and how it was set up. The licensing exam was updated when the BPOC was updated. Director Grissom gave an update on curriculum. Course 3187, Legislative Update, is published on the TCOLE website. The Mental Health Officer training course has been reviewed and will be updated. There was discussion about requiring an update course. The creation of Telecommunicator Assisted CPR is a priority. Director Grissom gave

an update on the number of calls, emails, name changes, and amended rosters handled in the Credentialing Division.

Government Relations Director Gretchen Grigsby stated that the legislative session has ended, and TCOLE has been extended two years and will be undergoing a limited scope Sunset evaluation. The same Sunset staff team will be assigned to TCOLE during this process. TCOLE is working on the findings that were addressed in the Sunset report and the implementation of legislation. Plans for the Peace Officer Memorial Monument ceremony, which will be held on the Capitol grounds, have begun.

Finance Director Brian Roth gave an update on job postings. TCOLE has two active grants. The curriculum update grant is eighty percent complete, and the school marshal grant is twenty six percent complete. The agency quarterly performance measures, contract management and oversight report, expenditure proposal report, and EEO report have been submitted. The finance division is working on the purchase of TCLEDDS and negotiating additional office space. The annual financial report is being worked on to submit to the CPA and other oversight agencies. Legislative changes are being implemented. There was discussion regarding who approves the budget.

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

**Agenda item #5, Assignment of authorization to execute purchase agreement of the Texas Commission on Law Enforcement Data Distribution System pursuant to H.B. 2, 87th Regular Session and Texas Government section 2261.254(c),(d).**

After discussion, the commission decided that the Presiding Officer and the Executive Director will sign the purchase agreement of the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS) when finalized.

**Agenda item #6, Discuss and take action on staff's ability to determine transferability of Class A and B waivers after initial commissioner approval.**

General Counsel John Beauchamp explained that this agenda item referred to Class A and B waivers that had been previously approved by the commission. Commissioner Griffis made a motion to provide delegation of authority to the Executive Director to waive the non-transferability portion only after initial commissioner approval. Commissioner Taylor seconded the motion. The motion passed unanimously.

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

General Counsel John Beauchamp explained that Proposed Amendment 1, 2, and 7 clarifies dishonorable discharge.

- Proposed Amendment 1  
§211.27. Reporting Responsibilities of Individuals.

Commissioner Hester made a motion that we approve the Proposed Amendment number one for posting to the Texas Register. Commissioner Burruss seconded the motion. The motion passed unanimously.

- Proposed Amendment 2  
§217.1. Minimum Standards for Enrollment and Initial Licensure.

Commissioner Hester made a motion that to approve Proposed Amendment number two for posting to the Texas Register. Commissioner Burruss seconded the motion. The motion passed unanimously.

- Proposed Amendment 3  
§218.3. Legislatively Required Continuing Education for Licensees.

General Counsel John Beauchamp explained the proposed amendment is based on HB 786. Commissioner Atkins made a motion to approve item number three, the Legislatively Required Continuing Education. Commissioner Burruss seconded the motion. The motion passed unanimously.

- Proposed Amendment 4  
§219.1. Eligibility to Take State Examinations.
- Proposed Amendment 5  
§219.11. Reactivation of a License.

General Counsel John Beauchamp explained that the proposed amendment was related to reactivation and license vs. appointment. Proposed Amendments 4 and 5 may be voted on together. Commissioner Hester made a motion to approve amendment four and five for posting to the Register. Commissioner Burruss seconded the motion. The motion passed unanimously.

- Proposed Amendment 6  
§221.31. Retired Peace Officer and Federal Law Enforcement Officer Firearms Proficiency.

General Counsel John Beauchamp explained that this repeal is based on SB 198. Commissioner Hester made a motion to approve amendment number six to repeal §221.31. Commissioner Burruss seconded the motion. The motion passed unanimously.

- Proposed Amendment 7  
§223.19. License Revocation.

General Counsel John Beauchamp explained that this amendment clarifies dishonorable discharge. Commissioner Burruss made a motion to approve proposed amendment number seven. Commissioner Atkins seconded the motion. The motion passed unanimously.

- Proposed Amendment 8  
§227.7. School Marshal Renewals.

General Counsel John Beauchamp explained that §227.7 School Marshal Renewals is based on SB 785. The second half will be based on §211.30(g) with changes discussed. Commissioner Burruss made a motion to adopt the language in proposed amendment number eight including §227.7, the School Marshal Renewals as well as §211.30(g) with the language as read. Commissioner Hester seconded the motion. The motion passed unanimously.

**Agenda item #8, Discuss and take action on adaption of updated proposed Rule Review Schedule.**

Commissioner Hester made a motion to approve the Texas Commission on Law Enforcement Rule Review Plan 2021. Commissioner Atkins seconded the motion. The motion passed unanimously.

**Agenda item #9, Discuss and take action on readoption of Chapters 211-229 of 37 Texas Administrative Code not otherwise repealed or amended under proposed amendments 1-8.**

Commissioner Hester made a motion for the readoption of Chapters 211-229 of 37 Texas Administrative Code not otherwise repealed or amended under proposed amendments 1-8. Commissioner Griffis seconded the motion. The motion passed unanimously.

**Agenda item #10, Discuss and take action on the proposed Sanction Matrix.**

Commissioner Burruss made a motion to approve the Sanction Matrix as presented. Commissioner Atkins seconded the motion. The motion passed unanimously.

**Agenda item #11, Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.**

Raymond C. Winter reviewed the disciplinary actions.

*Default Suspension Order*

Oleson, Aaron                      Telecommunicator                      Wylie Police Dep't

Commissioner Hester moved that the Commission accept and adopt the recommendation of the Executive Director to enter a final default order to suspend the license of Aaron Oleson. Commissioner Griffis seconded the motion. The motion passed unanimously.

*Agreed Suspension Waiver*

Buckram, Donald R.                      Peace Officer, Jailer                      Bell Cnty. Sheriff's Office

Commissioner Hester moved I move that the Commission accept and adopt the recommendations of the Executive Director to enter a final agreed suspension waiver for Donald Buckram. Commissioner Hood seconded the motion. The motion passed unanimously.

*Agreed Suspension Order*

Williams Jr., Percy L.                      Peace Officer                      Harris Cnty. Constable Precinct 3

Commissioner Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter a final Agreed Suspension Order for Percy Williams. Commissioner Taylor seconded the motion. The motion passed unanimously.

*Proposal for Decision*

Cobb, Justin W.                      Peace Officer, Jailer                      Manvel Police Dep't

There was discussion and questions posed to Justin Cobb, his attorney, and Assistant Attorney General Winters by various commissioners, including Commissioners Burruss, Griffis, Atkins, Taylor, and Presiding Officer Lemaux. Commissioner Burruss moved to accept the recommendation of the Proposal for Decision. Commissioner Atkins seconded the motion. The motion passed unanimously.

**For Information Only**

*Statutory Suspension*

Rivera, Kristian H.                      Jailer, Telecommunicator                      Kent Cnty. Sheriff's Office

### *Statutory Revocations*

Flores, Ernesto R.	Peace Officer	Kingsville Police Dep't
Martinez, Alejandro	Peace Officer	Donna Police Dep't

### *Permanent Surrenders*

Alonzo, John R.	Peace Officer, Jailer	Texas Dep't of Public Safety
Alvarez, Johnny J.	Peace Officer	Katy Police Dep't
Calzada, Eduardo	Jailer	Harris Cnty. Sheriff's Office
Crocker, Christie N.	Peace Officer	Coffee City Police Dep't
Edds, Dyllan S.	Peace Officer, Jailer	Cameron Police Dep't
Luna, Carlos E.	Jailer	Travis Cnty. Sheriff's Office
Maxey, Karissa P.	Peace Officer	Kerens Police Dep't
Patterson, Shawn E.	Peace Officer	Harris Cnty. Sheriff's Office
Reeves, Troyce L.	Peace Officer	Pampa Police Dep't
Roberts, Steven C.	Peace Officer, Jailer	Eastland Cnty. Sheriff's Office
Sexton, Johnny F.	Peace Officer, Jailer	Houston Community College System
Shaw, Stephen L.	Peace Officer, Jailer	Lubbock Cnty. Sheriff's Office
Skeide, Tim E.	Peace Officer	Madison Cnty. Sheriff's Office
Trevino, Mary P.	Peace Officer	Bexar Cnty. Constable Precinct 4
Wiener, Traci R.	Peace Officer, Telecommunicator	West Columbia Police Dep't

### *Reprimands for Administrative Violations*

Aguilar, Reynaldo	Peace Officer	Jim Wells Cnty. Sheriff's Office
Amador, Lee	Peace Officer	Galveston I.S.D. Police Dep't
Evans, David M.	Peace Officer	Hubbard Police Dep't
Muhamet, Jerry M.	Peace Officer	Milam Cnty. & Dist. Attorney's Office
Naron, Stewart C.	Peace Officer	University Medical Center Police Dep't
Thompson, Raymond E.	Jailer	Karnes Cnty. Correctional Center

### **Agenda item #12, Receive public comment on any topic, without action.**

The Presiding Officer invited anyone in the audience to address the Commission. Robert Armbruster addressed the Commission.



**Agenda item #13, 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 was held.

**Agenda item #14, 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.**

Commissioners returned from Executive Session.

**Agenda item #15, Adjourn.**

Presiding Officer Lemaux made closing remarks. Commissioner Burruss made a motion to adjourn. Commissioner Taylor seconded the motion. The motion passed unanimously. The meeting adjourned at 2:30 P. M.

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Patricia G. Burruss, Secretary  
PGB/lj