



Texas

DPSOA Magazine

#1 2021



Harold 'Buddy' Owles (1948-2020)
DPSOA Retiree Representative

DPSOA Magazine

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**TEXAS DEPARTMENT OF PUBLIC
SAFETY OFFICERS ASSOCIATION**
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Texas DPSOA Magazine



Issue 1, 2021

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Texas Department of Public Safety Officers Association

WRITING FOR THE MAGAZINE

DPSOA encourages its members and any other persons in the law enforcement community to write articles for publication in DPSOA Magazine. We are looking for articles related to law enforcement, and especially related to the Texas Department of Public Safety or any of its divisions. Articles relating to sporting or professional experiences are welcome, too. You could be read by readers across Texas, as well as by numerous agencies across the country. Below is a list of guidelines for articles to be submitted to DPSOA Magazine. Pick up your pens and start writing. The magazine needs your input.

Submission Guidelines

Manuscript Specifications

Length: 1,000 to 3,000 words on 5 to 12 pages double spaced.

Format: All manuscripts should be in MS Word format. Please include your name, address and subject/title on each page.

PUBLICATION/BASIS FOR JUDGING

Manuscripts:

Manuscripts will be judged on the following points: factual

accuracy, style and ease of reading, structure and logical flow, length, relevance to audience, analysis of information.

Query Letters:

The Editor suggests that authors submit a detailed one- to two-page outline before writing an article. This is intended to help authors but does not guarantee publication of the article.

Author Notification:

Receipt of manuscript will be confirmed. Letters of acceptance or rejection will be sent following review. Articles accepted for publication cannot be guaranteed a publication date.

Copyright:

Articles are copyrighted individually by the authors and rights are transferred to DPSOA Magazine for one time printing.

Editing:

DPSOA Magazine reserves the right to edit all manuscripts.

Submission:

Authors may contact the district representatives in their areas or manuscripts may be forwarded directly to: **editor@dpsoa.com**.

ABOUT THE TEXAS DPSOA . . .

The Texas Department of Public Safety Officers Association is a non-profit Association organized under the State of Texas.

Purpose: The purpose of the Association shall be: To cooperate with the Administration in ensuring the best law enforcement agency in the state; to assist all Department personnel in improving their educational achievements; to promote professionalism within the Department and to work in all regards for the betterment of all Department personnel and the citizens of the State of Texas.

Membership: Membership in the DPSOA is as follows: All DPS Commissioned Officers, including retired personnel, and members of the DPS Communications Service where TCLEOSE Certification is required by DPS, including retired personnel and including Charter Members, Polygraph Operators, Chemists and Chemist Technical Supervisors in the DPS, including retired personnel.

DPSOA Change of Address Form

NAME _____

LAST FIRST M. INITIAL

TITLE _____

SERVICE _____

DOB _____

DISTRICT _____

MAILING ADDRESS _____

PHYSICAL HOME ADDRESS _____

HOME PH: _____ OFFICE PH: _____

EMAIL ADDRESS _____

****Please note: You may also visit www.dpsoa.com under the Members Only Area to submit any address changes.****

THE ONLY WAY WE KNOW IF YOU HAVE MOVED IS IF YOU SEND US A CHANGE OF ADDRESS FORM BY EMAIL (**members@dpsoa.com**), FAX (512-451-0709), PHONE (800-933-7762), THE WEBSITE (**www.texasdpsoa.com**) OR YOU CAN SEND CHANGES BY MAIL (DPSOA, 5821 Airport Blvd., Austin, TX 78752).

Texas Department of Public Safety Officers Association

PRESIDENT

*Richard L. Jankovsky, III,
President, DPSOA*

Hello to all from the Coastal Bend!

What a year 2020 has been. We can certainly agree that it has been one for the books. We have all experienced challenges, suffered losses, and adapted to events that we thought to be impossible. But through it all, our resilience and devotion to duty has ensured that we were triumphant. Before I get to the article, I would like to pause for a moment and reflect upon the passing of one of our board members.

Buddy Owles was one of the best. His love for the Association and its members cannot be explained with words. He selflessly devoted his time to making us all better. Buddy had served on the Board since I became a Regional Representative. Not a meeting was started without him offering a blessing. He will be missed.

As we know, the 87th Legislative Session is here. In addition to supporting the Agency with their legislative agenda, we will have a few items specific to the Association. I will dive right into three of the items on our legislative agenda. The full agenda is posted in the magazine and on our website.

Pay increase in line with the recommendations of the State Auditor:

At the time of this writing, the State Auditor's report on our salary schedule has not been released. It should be out in December. However, we already know from the previous report that our pay has fallen behind our peer agencies, and several local police departments such as those in Dallas and Austin increased salaries after publication of the last report. We also know that the job duties and responsibilities of our membership have changed drastically since our last pay increase. In addition to all the "normal" duties that the employees of DPS are tasked with, we have been tasked with duties we never imagined we would be doing.

Here are some of the examples of what has become the "norm" since the last pay increase:



We have found ourselves morphing into a state police agency that is deeply embedded in a variety of activities to which we had not previously been exposed. For example, the violent crime initiatives in the large metropolitan cities throughout Texas. We found ourselves working right alongside the very police departments that are getting paid more than we are to do the same tasks. As I am writing this, Governor Abbott has directed DPS to assist Dallas PD due to a spike in violent crimes.

With the COVID-19 pandemic, we found ourselves working border security initiatives. This was not new to us. What was new was the border we were working. Who would have thought that we would be tasked to work the Louisiana border

to ensure that people entering the state were following the Governor's directives? We also found ourselves in international airports across Texas, checking passengers as they arrived to ensure they were following the Governor's directives as well. Not only did we check people as they arrived, if certain criteria were met DPS had to verify later if they were in-fact staying at the address they provided at the airport.

As we were dealing with our new responsibilities that COVID dealt us we quickly found that we were responding to civil unrest throughout the state. We saw large numbers of people flood the streets across the state. We saw the Capitol get damaged. We saw monuments, including the Alamo, threatened. We saw interstate commerce briefly shut down. We saw property, including marked patrol cars, damaged or destroyed. And what else did we see? We saw DPS rise to the call and bring order to disorderly situations. We never thought that we would be engaged in a long-term civil unrest mission. But we were. And WE WERE SUCCESSFUL! We slept on floors in the Capitol. We staged in the heat behind the Alamo. We wore civil disturbance equipment for hours. We ate what we could, when we could. But we did it! And this mission continues as I write this article.

We have had to respond to very tragic, mass casualty shooting events. These events forever changed families of Texans. These events impacted the first responders that

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Texas Department of Public Safety Officers Association

continued

rushed in to provide first aid. Then, once the chaos of the initial event began to slow down, you saw DPS at its finest. Consoling those who were affected, and either investigating the entire event or providing layers of investigative assistance to agencies in need.

We saw a school safety program roll out in full force. Nobody thought that we would see schools provide office space to DPS, but they are. We now have numerous Highway Patrol Sergeants and Troopers that are housed in various

schools across Texas. Not only are we providing a safer place for our youth to be educated, but we are bridging gaps between the community and the police. We have become a mainstay at the schools. We have become a familiar face to the staff and students.

We saw our uniformed Troopers helping the Driver License Division with driving tests. This is something that had not been done in years. But, by doing so, we shortened the wait time to obtain a driver license. This was a proactive step that helped reduce the lines. Lines that all of us have had to stand in at one point or another.

And all the while, as we took on every task we were handed, we still had to maintain our normal duties across the state. And during the "normal" duty responsibilities, we were handed Hurricane Harvey. What a response that DPS provided! From Corpus Christi to Orange, communities were devastated. Some wiped off the map by hurricane-force winds and others submerged due to flooding rains.

And in each of the aforementioned events we had the voice of reason behind the scenes. Our unsung heroes that we call Police Communication Operators. At every event, mission or response they are right there with us, making sure we have everything that is needed. A part of the team that is always heard but seldom seen. A part of the team that makes every mission a success. A part of the team that terribly needs a pay increase. It is hard to believe that we find duty stations like San Antonio having to route traffic through Austin because there are not enough operators to provide coverage every hour of every day. Without a significant pay increase we will lose the voice that plays such an integral part in our success.

Creation of an injury benefit for Schedule C Officers that are permanently disabled in the line of duty:

Everyone employed by the State of Texas as a Schedule C employee should be afforded this type of benefit. Unlike the military, there is not a medical retirement for which we would qualify should we sustain a permanently disabling injury in the line of duty. In fact, there is nothing more available than what is provided by Workers Compensation. Anyone who has experienced Workers' Comp knows how challenging that process can be. We envision a benefit that will provide any Schedule C employee permanently disabled in the line of duty a salary and insurance, just as if they had retired from the State of Texas.

We also believe that this should encompass any Schedule C employee that is deployed to an active duty military mission and returns home with a permanent disability. Rather than thanking them for their service to their country and their state and showing them the door, they should be entitled to this same type of injury benefit. Men and women of the reserve branches of the military services get injured and

Sleep Apnea

Dear friends, colleagues, and members, it has come to our attention that our medical insurance does not provide complete coverage for sleep apnea therapy. According to a Cleveland Clinic study, about 70 million Americans (20%) suffer from sleep disorders, such as sleep apnea. Left untreated Obstructive Sleep Apnea (OSA) increases the risk of developing hypertension, heart disease, including heart attacks and heart failure, stroke, and diabetes. These conditions lead to increased medical costs, reduced quality of life and life span. (Sleep Apnea has been linked to justice Antonin Scalia's death.) I suffer from this disorder and have found my treatment, the CPAP, to be a life-changer. I sleep better, my medical presentation has improved, and I am more alert and less stressed.

The good news is that we have medical coverage for CPAP treatment. The bad news is that as few as 35% of those who have the CPAP use it consistently. We all know of someone that has tried CPAP and failed using it. More bad news is that our current medical insurance carrier provides inadequate coverage for the other most popular treatment for sleep apnea, Oral Appliance Therapy. Oral Appliance Therapy involves wearing a removable oral appliance in your mouth as you sleep. The device fits much like a sports mouthguard. Medical studies have documented that patients prefer an oral appliance because it is small, portable, and easy to use. This therapy is recommended by the American Academy of Sleep Medicine for mild and moderate cases of sleep apnea.

Virtually all major medical insurance carriers provide adequate coverage for Oral Appliance Therapy (our current carrier does not). We plan to address this deficiency with our current insurance carrier and find a remedy as quickly as possible on your behalf. You will hear more about this in the coming weeks.

Sincerely,
Richard J.

Texas Department of Public Safety Officers Association

exposed to hazards that can permanently disable them, rendering them unable to be a police officer. We as a state can do better for them.

Support legislative efforts to make ERS actuarially sound:

Early in 2020 we thought that this session would be the session that offered a complete fix to ERS. With the budgeting challenges that we believe legislators will face this session, I am not certain that ERS will see the same actions that TRS did last session.

Nonetheless, it is imperative that the fund become actuarially sound, and we must continue to educate legislators on this important matter. If the fund is made actuarially sound, this will provide an opportunity to provide some relief to the retirees. We would like nothing more than to see a relief package crafted that will include some type of cost of living increase for retirees, particularly those that have been retired over 20 years. As we know, we cannot do anything until the fund is sound. We will be actively looking for ways to make the fund sound and, in doing so, ensure that a relief package is incorporated in the fix.

As the session progresses, we will be providing information

on legislative matters that affect our membership. We have a great team assembled and are dedicated to achieving the best results that we can for the membership.

I could not be prouder to be a member of DPSOA. DPSOA is the ONLY association that ACTIVELY works for its members. You will not find another association that does the things that DPSOA does. There is no association that represents DPS employees in the way that DPSOA does. They simply do not exist. DPSOA is often imitated but never duplicated. We have faced many challenges this year, but we have prevailed.

I want to thank each one of you for everything that you do daily. It makes it so easy to tell stories of the membership and what they do!

I hope everyone had a Happy Thanksgiving. I am wishing you a very Merry Christmas and a Happy New Year! God bless you, God bless the USA,
and God Bless Texas.

Richard L. Jankovsky, III
DPSOA President □

Texas Department of Public Safety Officers Association

VICE PRESIDENT

*Lt. T.J. Phillips,
Vice President, DPSOA*

Howdy!

I hope everyone is doing well. This year has been a crazy year to say the least. Between Covid, the riots, airport duties, and other new and challenging aspects of law enforcement your membership is more important than ever. DPSOA has been at the forefront supporting all our members. Whether it be phone calls, conversations, or providing meals and snacks to all commissioned personnel, we will continue to support all our members going forward.

By the time that you read this article, the holidays will have past and I hope you get to spend as much time with family as possible. While the craziness of 2020 takes its toll on every one of us, it also takes a toll on those family members and friends that support every one of you. It is with great admiration that we at DPSOA send our heartfelt gratitude to those friends and family members.

To begin 2021, DPSOA and the legislative committee are gearing up for the 87th Legislative Session. The session will



have new and upcoming challenges to include strict budgetary items and Covid procedures. These challenges will not slow down DPSOA's pursuit of our published legislative itinerary.

On a positive note, it appears that we will be able to host our annual DPSOA Conference. The conference will be in Rockwall in the early fall of 2021. We anticipate offering TCOLE approved training and an opportunity for our members, both past and present, to catch up with each other. The past DPSOA conferences held in Rockwall have been successful and we look to build upon that in 2021. I want to send out a heartfelt thank you to Conrad Rodriguez for his initiative and fortitude in hosting the DPSOA Conference in 2020.

In closing, I want to wish everyone a very Merry Christmas and a Happy New Year! While we look forward to 2021, please know that regardless of what may come we will always be here to support all of our members.

T.J. Phillips
DPSOA Vice President

□

Texas Department of Public Safety Officers Association

SECRETARY / TREASURER

*Veronica Gideon,
Secretary / Treasurer, DPSOA*

Happy New Year from Austin!

Despite the difficult times, I hope the holiday season filled your home with joy and precious memories! As you reflect on your 2020 accomplishments, I wish you health, happiness, and continued success in the year to come, and that soon the world will be a safe place again. DPSOA understands the sacrifices that you make to help and serve others. Thank you. We hope there will be time for you to rest and recover.

The legislative team met in October in Austin to review, discuss, and prepare the legislative agenda for the upcoming 87th Session in 2021. We will continue to support the Department's efforts to maintain the 50-hour workweek. Additionally, we will request legislation to include overtime pay to the retirement benefits.

We will support and request funding for a pay increase for commissioned officers and non-commissioned personnel, including those who serve in Public Safety Communications.

The Texas State Auditors 2018 report concluded Salary Schedule C is below the average max and mid-range base pay compared to the seven largest local law enforcement



departments in the state (the 2020 State Auditor's Report was unavailable for review).

We will also continue with legislative efforts to provide additional funding for our state retirement system to achieve actuarial soundness and allow for cost-of-living adjustment or a 13th check for retired DPS employees.

Please visit our website texasdpsoa.com for a complete list of the legislative agenda.

The scholarship committee also met in June 2020. Texas DPSOA/DPSTF awarded \$50,000 in scholarships to 84 students across the state. DPSOA/DPSTF awards scholarships to high school students based on their academic achievements, community involvement, and

potential success.

On behalf of DPSOA, I would like to congratulate each scholarship recipient who has demonstrated intelligence, leadership, and motivation. May you continue to develop and succeed to positively impact the future. Best wishes to each of you.

Take care of yourself and stay safe!

Veronica Gideon
DPSOA Secretary / Treasurer

□



Rheanna Blair



Malorie Dickey



Francheska Garcia



Taylor Hamilton



Kaitlyn Jankovsky



Jaden Johnson



Justin Johnson



Hannah Landenberger



Isabelle Mestres



Reese Weatherford



Brady Weaver



Ms. Wilmore

Texas Department of Public Safety Officers Association

DPSOA DUES LETTER



Texas DPS Officers Association

5821 Airport Blvd.

Austin, Texas 78752

December 1, 2020

Dear members:

In 2009 the Association ended its public telemarketing campaign, which had been our primary source of revenue. At that time, we became a dues-based membership, relying upon dues paid by our members. The dues increased from \$3.00 per month to \$15.00 per month payroll deduction. All members were notified via mail that their dues were increasing. In 2013, following the 83rd legislative session in which the DPSOA was successful in lobbying for the largest pay increase in the department's history, dues increased from \$15.00 to \$25.00 per month. Unfortunately, we still have approximately 150 members who have not updated their payroll deduction to reflect the dues increase. Those persons are still paying either \$3.00 or \$15.00. We have sent out communications numerous times advising that in order to receive the benefits of a member in good standing, including legal and death benefits, you must be paying dues at the current level of \$25.00 per month if you are active, or \$4.00 per month if you are retired.

The association is reaching out again to those members who are not in compliance. If you are not paying the required dues, you are not a member in good standing and therefore do not qualify to receive any association financial benefits, including legal representation and death benefits. Please use this as an opportunity to contact DPSOA at the telephone number listed below or email info@texasdpsoa.com with any questions.

****Note: This does not apply to life-time members, your dues are good for the lifetime of the member****

Thanks for your attention to this very important matter.

Sincerely,

Clay Taylor
Executive Director
director@texasdpsoa.com

(800) 93-DPSOA

info@texasdpsoa.com

www.texasdpsoa.com

Texas Department of Public Safety Officers Association

DPSOA EXECUTIVE DIRECTOR

*Clay Taylor,
Executive Director, DPSOA*

Greetings from the Capitol of Texas!

I hope this finds you COVID-19-free and enjoying the holidays of 2020 with your loved ones. What a year it has been. Even the most optimistic person, if he or she is honest, will be happy when this year comes to an end. So much has happened. As of this writing the country does not have a clearly elected President. Many parts of the country are still in shutdown, and violence continues to occur and contribute to a lot of financial loss.

DPSOA has not been exempt from losses this year either. We lost two pioneers in Charlie Adams and Buddy Owles. Charlie served many positions with DPSOA including 5 terms as President of the Association. Buddy was a long-time District Representative for the Tyler District as a Trooper. When DPSOA restructured, the Board of Directors added three retiree positions. Buddy was elected and re-elected numerous times to serve in this position until his death. I will miss his wit and dry humor, and his faithful representing of the DPSOA. We opened every



board meeting with a prayer, and Buddy ALWAYS said the opening prayer. He did not tolerate profanity during board meetings which can become very heated at times. He did not consume a board meeting with speech, but when he did talk, it was usually something you needed to hear. He also served on the scholarship committee which has awarded hundreds of thousands of dollars to deserving children of members to help in their financial aid for college. My thanks and prayers go out to both families who lost these great men who served the State of Texas and the Association with great pride and honor.

The elections for DPSOA have come and gone. There were 2 contested regions and one non-contested region. In West Texas, Brandon 'Bo' Speed did not run for re-election, and Justin Baker ran uncontested for the position and was elected. Richard Krenek was elected to represent Southeast Texas. Monte Carroll was elected to represent Central Texas. He was appointed to this position in June to replace Veronica Gideon who was appointed Secretary-Treasurer. Darla Freeman retired from the Department after a long career and was

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Region Reps take the oath of office in Rockwall



Region Reps take the oath of office in Rockwall

Texas Department of Public Safety Officers Association

continued



Veronica Gideon takes the oath of office for Secretary Treasurer in El Paso from President Richard Jankovsky.

appointed to fill Buddy Owles retiree position at the October Board meeting in Rockwall. My thanks to all who ran for election and to Bo Speed for his service on the Board. Board members serve 2-year terms with Regional Representatives running in even numbered years, and Executive and Retiree board members running in odd numbered years.

I am very happy to report that we secured financial donations for the purchase of all the Highway Memorial signs that were approved during the 86th Legislative Session. The initial purchase of these signs must come from private donations. Once purchased, Tx DOT will maintain them for life. Memorial signs are either erected or in production for Trooper Damon Allen (US 84 in Freestone and Limestone counties), Corporal Roel Garcia (US 281 in South Texas), Trooper Carlos Ray Warren (SH 71 in Travis County), Trooper Jerry Don Davis (US 84 in Lubbock County) and Trooper

Tom Nipper (IH-35 in Bell County). Many thanks to all those who donated to these memorials, to HEB and the 100 Club of Central Texas, and to the Senators and State Representatives who sponsored and voted to get these bills passed. I have taken on the task of identifying our department personnel who have been killed in the line of duty that do not have a highway memorial in their honor, and will work to one day have a memorial for each of them.

The 87th Legislative Session starts in January 2021. Republicans held on to both the House and Senate in the November elections. We still do not know who the Speaker of the House will be, but it looks very much like Representative Dade Phelan (District 21) will have the votes to succeed in that position. Speaking of challenges, it is not clear who will be able to attend the session, where the session will be held, or what changes will occur due to COVID-19 protocols. Should be interesting.

Have you updated your information on our new website? We have a very dynamic and useful communication tool that provides members with timely information. It does require you to sign up for the service. We sent a mailer to show you how to register but if you have not done so, you are missing out on keeping up with what is happening with the Association. Please go to the following website and register. <https://texasdpsoa.nepconnect.com>. If you need help registering, you can send an email to info@texasdpsoa.com. We should also have an app for a smart phone by the time this gets published. The website is <https://texasdpsoa.com>. I hope you all have a safe and happy holiday. Until next time.....

Clay Taylor
Executive Director
director@texasdpsoa.com

□



DPSOA office with Christmas lights



DPSOA office with Christmas lights

Texas Department of Public Safety Officers Association

DPSOAA

Blessings to all!

I hope and pray everyone is well and staying healthy. This year has been full of more ups and downs than any I can remember, especially for our DPS family with all the extra assignments and the stigma that has been placed on the law enforcement and their families. May we continue to pray daily for protection over those who protect and serve.

The craziness of this year also postponed our annual DPSTF/DPSOA Conference that was scheduled in October. The conference is now set for September 30th through October 2nd, 2021 at the Hilton Dallas/Rockwall Lakefront Hotel in Rockwall. We are looking forward to the time when we can all gather together with DPS family and friends.

The DPSOA Auxiliary would also like to congratulate the 2020 Auxiliary Scholarship Recipients. We wish them all the best in their collegiate journey.

Alyson LynnLee Bennett, daughter of James and Cheryl Bennet of Skidmore, Texas. She will be attending Texas A&M University.

Kathleen Tes Rodriguez, daughter of Conrad and Tes Rodriguez of Rockwall, Texas. She will be attending Gannon University in Erie, Pennsylvania.

Madison Jake Sparkman, son of Jay and Kelly Sparkman of Clifton, Texas. He will be attending Tarleton State University.

Be sure to check out our Facebook group, Texas DPSOA Auxiliary. Look for the "closed" group. We would like to invite all active members to join us and keep in touch with your fellow Auxiliary members. The Auxiliary also has a page for each region that is open to all DPS Spouses.

Prayers for everyone to stay safe and healthy. Here's to a better year in 2021.

Blessings,
Tes Rodriguez
DPSOA Auxiliary President
www.txdpsoaa.weebly.com
dpsoaa@gmail.com

□



Alyson Bennett



Kat Rodriguez



Jake Sparkman

When is a Lawsuit “Frivolous?”

By your DPSOA Attorney, Bob Gorsky



We are often asked by clients who are named in a job-related lawsuit about sanctions against the opposing party. A lawyer's decision to bring or not to bring a particular cause of action must be based on many factors. One of those factors is the attorney's consideration of whether the case is frivolous.

A lawyer's actions in filing a frivolous case are governed in Federal Court by the Federal Rules of Civil Procedure Rule 11 and in State Courts by the Texas Rules

of Civil Procedure Rule 13 and The Texas Civil Practices and Remedies Code Section 10, as well as the Texas Disciplinary Rules of Professional Conduct Section 3.1. Each of these rules reflect the legal system's desire to curtail the filing of unjust cases while encouraging attorneys to vigorously represent their client's positions.

Federal Practice Rules

By his signature, an attorney filing documents in federal court, states his belief that following a reasonable inquiry, the case is not being presented for an improper purpose;

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Texas Department of Public Safety Officers Association

the claims are warranted by existing law, or by a nonfrivolous argument for extending or modifying existing law, and that the factual contentions will be supported by evidence. Fed. R. Civ. P. 11(b). Should the court find a case to be frivolous, the court may sanction the attorney, the attorney's firm, and the party represented. Fed. R. Civ. P. 12(c). The court may examine the frivolity of a case upon motion of the opposing party or on its own motion. *Id.* at (c)(2)(3).

Texas Practice Rules

Under the Texas Code of Rules of Civil Procedure attorneys are put on notice when they sign a pleading that after reasonable inquiry, the cause of action, motion, or plea is not groundless and brought in bad faith and is not groundless and brought for harassment. Tex. R. Civ. P. 13. Like the federal system, a party must prove the cause of action was groundless and brought in bad faith to show a violation. A cause of action is considered groundless if there is no basis for the case in law or fact, or there is no good-faith argument to extend, modify, or reverse existing law. *Id.* A Texas court may also examine frivolity on the motion of the opposing party or on the court's own motion. *Id.*

When a court decides whether a claim is groundless, the court judges whether the attorney conducted a reasonable inquiry based on the facts known to the attorney at the time the pleading was signed. *Cypress Creek EMS. v. Dolcefino*, 543 SW3d 673, 694 (Tex. App.—Houston [1st dist.] 2018). The presumption of the court will be that pleadings are filed in good faith and the moving party bears the burden to prove bad faith. *Id.* To meet this standard, the movant must show that an attorney did more than merely exercise bad judgment or act negligently. *Id.* The facts must show the attorney subjectively acted in a dishonest, discriminatory, or malicious manner in bringing a cause of action. *Id.*

The Texas Civil Practice and Remedies Code also addresses frivolous pleadings and motions. The provisions of the code are basically the same as Rule 13. Tex. Civ. Prac. & Rem. Code § 10.001. A court may sanction the attorney, the represented party, or both to the extent the court believes sanctions are needed to deter others from filing frivolous lawsuits. *Id.* at 10.004. Sanctions may take the form of an order to do or stop the doing of an act; a penalty paid to the court, or a penalty paid to the opposing party for expenses, including attorney's fees. *Id.*

Lastly, Texas lawyers must abide by the ethical rules established by the State Bar of Texas. These rules contain a similar provision requiring an attorney to refrain from commencing a proceeding unless the lawyer has a reasonable belief there is a non-frivolous basis for the cause of action. Tex. Disciplinary Rules Prof'l Conduct R. 3.01. This rule explicitly states a cause of action is not considered frivolous merely because an attorney advocating for a client believes

the action will ultimately be unwinnable. While the Texas rule allows a lawyer to commence a cause of action before the facts are fully known, the attorney is required to continuously re-examine the case and withdraw if the facts show the case to be frivolous. 48A Tex. Prac., Tex. Lawyer & Jud. Ethics § 8:1 (2020 ed.).

An example of a groundless claim can be found in *Robson v. Gilbreath*, 267 S.W.3d 401 (Tex.App.—Austin 2008). In that case, a father allowed a sixteen-year old, licensed driver to use the family vehicle, a Chevrolet Suburban. *Id.* at 404. The child was involved in a fatal crash and the victim's family sued the father for "negligently entrusting a large vehicle, such as his Chevrolet Suburban, to a sixteen-year-old minor [Garrett] who had little driving experience." *Id.* Throughout the entirety of the lawsuit, there were no facts beyond the son's lack of experience in driving to support the claim the father negligently entrusted the vehicle to his son. *Id.*

The father's attorney sent a letter brief to Robson, asking that he non-suit the negligent entrustment case because it was groundless. He attached a copy of the son's driver's license to the letter. Robson ultimately refused to nonsuit the claim and the court later awarded \$10,000 in sanctions against Robson. *Id.* at 405. The court went on to reason that not only had Robson failed to conduct a reasonable inquiry of the facts, but after discovery revealed more facts showing the claim was groundless. The court in that case held when a party learns facts through discovery that put him on notice his understanding of events is incorrect and he persists in filing documents without further reasonable inquiry, that person has acted in bad faith. *Id.*

Because many cases involving police work deal in complex nuances of law, it can be challenging to show a plaintiff has filed a frivolous action against a police officer. Search and seizure law, use of force, consent searches, arrests, both with and without a warrant are all complex issues that must be examined on a case by case basis.

In sum, although courts support an attorney's ability to bring a cause of action prior to conducting significant research beyond an initial conversation with a client, a party to a lawsuit and the attorney are not allowed to continue on a path pursuing a claim that facts have shown to be groundless.

Thank you to the University of North Texas - Dallas law student Neal Maranto for his research and assistance with this article.

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Texas Department of Public Safety Officers Association

REGION 1 – NORTH TEXAS

*Conrad Rodriguez,
DPSOA Region 1 Representative*

Hello from Region 1 in North Texas!

As the DPSOA Region 1 Representative, I have noticed a lot happening across the Area. Several promotions, new transfers and new hires have come to the Area. Also, as we adjust to new duties and assignments, new questions come up. We continue to adjust and change with the all too familiar COVID-19 pandemic rules and regulations. We all have had to adapt to tough times. Some of our members have also come upon major hardships. From losing a home to fire, having a loved one go through a medical hardship, to losing a loved one. Our Association, DPSOA, received requests for assistance and recognized the strain on our members and

family. On behalf of DPSOA, we met with and provided financial assistance to some of our North Texas members. My wife Tes Rodriguez and I met a young Trooper at Target on a Sunday morning after they just lost their home to fire. We bought the family clothes, food and essentials to help make it through the near future. Region 1 Regional Director, Highway Patrol Major and HP Sergeant Jim Kain (Region 1 Field Director) assisted tremendously with providing time-sensitive information to make this happen. Also, DPSOA received a request from a retired Trooper to provide financial assistance to support at-risk youth participation in a high school fishing tournament. DPSOA sponsored the Grand Saline Bass Anglers for their Lake Fork High School Fishing Tournament. Seeing smiling faces, some covered with face masks, is a great feeling. I truly appreciate DPSOA

for helping our people.

We had a few of our Highway Patrol Troopers in Palestine TX assist a true American hero in October 2020. 95-year old US Navy World War II veteran Ernie Andrus was making a run across the US as he did from 2013-2016. It is a five-year plan that began in March 2019. But Ernie was unable to complete, so his friend John Martin has continued on. Passing through Anderson County for a few days, Troopers Jack Hallock, Brent Taylor, Leonard Sandifer, Brad Fulton and Tom Bledsoe were there to keep him safe during his travels through the area. Awesome job, guys!

Unfortunately, due to COVID concerns, the 2020 DPSOA/DPSTF Conference to be hosted in Rockwall, TX was cancelled. It was a fundraising effort lost, but we will move forward to 2021.

[more ➤](#)



Texas Department of Public Safety Officers Association

continued



Now the good news. The 2021 DPSOA/DPSTF Conference has been



planned to be at the Hilton Rockwall Lakefront Hotel once again! Stay tuned for events, speakers, training and more fun to be had.

In closing, keep families of retirees, DPSOA family members and non-members, and friends that have gone through tragedy in your thoughts and prayers.

Everyone, take care and God bless.

Conrad Rodriguez
DPSOA Region 1 Representative



□

Texas Department of Public Safety Officers Association

REGION 2 – SOUTHEAST TEXAS

*Richard Krenek
DPSOA Region 2
Representative*



Hello from Region 2, Southeast Texas!

I will first introduce myself. I am Richard Krenek, and I was elected this fall as the newest Region 2 Representative.



Parked State Trooper vehicles on deployment in Houston



Rosenberg District FFO deployment in Houston



Rosenberg Supervisors on deployment in Houston

I replaced Darla Freeman, whom I congratulate on her retirement. Darla's knowledge and experience remains with

us, as she serves on the DPSOA Board of Directors. Also, I thank my old friend Alex Bartee for nominating me for this

more ►



Region 2 CRU team members with 83 lbs of cocaine seized on US 59

Texas Department of Public Safety Officers Association

continued

position. Alex is in some of my earliest childhood memories as he and my dad worked together in the Highway Patrol service in Waller County way back in the 1970's. I graduated patrol school in class A-96 and have lived in Bellville nearly all my time with DPS. I am currently stationed in Columbus, 2D03.

One of my first tasks as the Region 2 Representative was requesting a monetary benefit for a Region 2 DPSOA member who sustained serious line-of-duty injuries when he was exposed to



Rosenberg District FFO deployed to State Capitol

a haz-mat spill in a container truck. This benefit would not have been available had the trooper not been a member. The trooper and his family are also communicating with the Association's legal representation. If you have a colleague who you know is not a member, please encourage them to join or have them contact me and I will certainly encourage membership and get them signed up. Your Association works tirelessly for all its members. □

Texas Department of Public Safety Officers Association

REGION 3 – SOUTH TEXAS

*Jarrad Williams
DPSOA Region 3 Representative*



Greetings from South Texas!

As I write this article, we are close to making it through this year called 2020. The end cannot get here soon enough. Outside of the COVID-19 cases that spread throughout the state, Hurricane Hanna started off South Texas with a bang. Luckily, there was not the severity of damage as hurricanes in years past. Troopers deployed all over the region, expecting the worst but came out ahead. Many Troopers deployed for Hurricane Laura to Houston as well, and again, Texas was spared.

Just before the hurricanes, protests erupted all over the country and continue to today. As we do continually, the Texas Tan responded and took care of business. The quick response, long nights, and multiple deployments to various cities by all Troopers from across the State helped control the chaos and destruction, and lessen the damage that we have seen elsewhere in the nation.

While we all have been hit hard
more ►



Border District Troopers handing out backpacks



Hurricane Hanna damage



Trooper Agustin Urieta seized 9.1 kg of methamphetamine hidden underneath a compartment below a passenger seat



South Texas Troopers deployed to the Capitol

Texas Department of Public Safety Officers Association

continued



Troopers assisting with an armed barricaded suspect in La Joya



Troopers in 3D receiving goodie bags from a family as a Thanks for assisting with Crash in Mission



Troopers wishing visiting nurses farewell for assisting RGV hospitals with COVID patients

with everything going on this year, DPS has not stopped providing a tremendous service to the citizens of South Texas. The Violent Crimes Task Force in Corpus Christi has continued with the surge of personnel to assist the growing crime in the coastal city. OST has not slowed down and neither have our Troopers. Hopefully, there is an end in sight to the madness but either way, "We will be there!"

Looking forward to 2021!
Jarrad Williams
South Texas Regional
Representative

□



Texas Department of Public Safety Officers Association

REGION 4 – WEST TEXAS

*Justin Baker,
DPSOA Region 4
Representative*

Greetings from West Texas!

I hope everyone is doing well. My name is Justin Baker. I serve in the Highway Patrol as a Sergeant in Media Communication Safety Education service in San Angelo. Over the past few years, I have served DPSOA as a Field Director and I am now privileged to be the new DPSOA Representative for Region IV. I have been with the Department for 18



5th annual row across Texas participation coin

years and have proudly served all 18 years in West Texas. My first duty station was Ozona and after 2 ½ years I was able to transfer to our current duty station/home in San Angelo. During my career, I served 11 years in Highway Patrol, 2 years in Commercial Vehicle

Enforcement and the rest has been as a PIO/Safety Education Staff Sergeant. I hold a Master Peace Officer certification as well as multiple instructor certifications. My hobbies include working out, playing any and all sports that my body will allow, watching my two daughters compete in a variety of sports, and spending quality time with my wife and two daughters.

I would also like to thank Bo Speed for devoting his time and service to DPSOA as the Region IV Representative for the past 10 years. Bo did an amazing job in this position and I hope that I can build on the solid foundation he laid before me.

more ►



Charles Franklin in San Angelo Retiree shoot



Sgt Frasier at Cornerstone Christian School teaching 2nd through 5th graders

Texas Department of Public Safety Officers Association

continued

New Field Directors:

Hello everyone. I am Russell Weatherby and I'd like to thank you for the opportunity to serve as a West Texas Region Field Director. I have been with the Department and DPSOA for 7 years and spent the entire time here in the West Texas Region. I am currently the Highway Patrol Sergeant for Odessa - East. I began my law enforcement journey in 1999 by joining the United States Air Force and becoming a Security Forces Airman. After 8 years of Active Duty service I transitioned in the Air Force Reserves which gave me the opportunity to follow my father's footsteps in civilian law enforcement. I recently retired from the United States Air Force Reserves in June 2020 after more than 20 years of service, which included multiple deployments in support of Operation Southern Watch, Operation Iraqi Freedom, and Operation Enduring Freedom. Since joining DPS, I have obtained my Master Peace Officer License and a Master of

Science Degree in Criminal Justice from Grand Canyon University. My hobbies include working on the family ranch, hunting and most of all spending time with my wife and two daughters. Again, thank you for this opportunity and I look forward to working with DPSOA Representative Justin Baker and the other field directors to maximize the DPSOA impact here locally.

Sergeant Oscar Villarreal began his career with the Texas Department of Public Safety in July of 1998. He has worked in various positions within the Department, and now serves in the Safety Education Division as the Public Information Officer covering 15 counties in the West Texas Area. He holds a Master Peace Officer certification as well as multiple instructor certifications. He has fostered and maintained a strong rapport with his local media, oil field businesses, and local community members. He has participated with the media to further drive important safety topics including child safety seat events, and

various school safety programs including Shattered Dreams. He has made it a high priority to focus on preventing traffic issues, including the high rate of fatal crashes in his area by offering safety education programs to the public. As a result of his efforts, companies have partnered with him to provide his traffic safety program to all new employees as part of their orientation. One company recorded part of his program, posted it to social media and, to date, has received over 1.3 million views. He is a certified instructor for Civilian Response to Active Shooter Events and holds his national certification as a child passenger seat technician. His consistent and continual efforts in educating youth and other community members demonstrates his excellence in community and civic engagement. His efforts have positively impacted community members and potentially saved an unknown number of lives.

Sergeant Villarreal has been decorated several times for outstanding performance in the line of duty. He was awarded "The Director's Citation" for his courageous actions during the apprehension of an armed fugitive that left two of his fellow officers wounded. Sergeant Villarreal was also awarded the 2019 William P. Clements Award in recognition of his exceptional performance of duties throughout the course of his career.

I am Sergeant Marc A. Couch, and I am assigned to the Highway Patrol Division with Safety Education/Media Communications stationed in El Paso for the West Texas Region - 4B. I have been a member of DPSOA since graduating the DPS Academy with the class of A-2000.

My career in law enforcement spans 30 years including as a city policeman, a sheriff's deputy, a school police officer and State Trooper. I have worked for Texas Department of Public Safety for 13 years and I have served in the Highway Patrol, Commercial Vehicle Inspection, Aircraft Operations, and currently with Safety Education / Media Communications. I have a Bachelor in Science as a Professional Pilot and a hold a Master



Sgt Hope Hohertz is all smiles while on a conservation hunt in the mountains of New Mexico



Sgt Marc Couch recording a move over slow down PSA in Fort Stockton



West Texas Row Race image drawn by Alvin Hale



Sgt Owens and Trooper McMillan on deployment in Dallas



Troopers Eric Young and Jason McMillan

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Peace Officer license with an Instructors certification.

I have been married, to my wife Kristi, for 30 years and we have one daughter, McKenna, who is 15 years old. There is nothing more important and that which guides my life than my relationship with God through His son, Jesus Christ. I am active in my local church and help in ministries, serve as a deacon, teach adult small groups, and assist with worship.

Thank you for the opportunity to

serve as a West Texas Region Field Director. I look forward to serving with our DPSOA Representative, Justin Baker and assisting him to extend his service to our large region.

By the time you're reading this article, 2020 will have come and gone. I think we can all agree 2020 was a year like no other! We had many firsts not only as a department, but as a country. With the multiple deployments throughout the year, not only did our personnel rise to the challenge, but they did it with

exemplary professionalism and class while still meeting the demands of their local duty stations. It is an honor to work for a department that regardless of societal view, will hold the line and stay true to our core values: Integrity, Excellence, Accountability and Teamwork. 2020 may not have given us what we all wanted for the year, but it certainly taught us to value what we have. Best wishes to all as we enter the New Year!

□

Texas Department of Public Safety Officers Association

REGION 5 – NORTHWEST TEXAS

*Joe Cannon,
DPSOA Region 5
Representative*



Did any of you ever think you would see a bank demand its customers wear a mask before being allowed inside? Or that restaurants would be delivering alcohol to customers' doorsteps by the gallon? I wonder how our Christmas dinner conversations would have gone had we known all of the things we would be doing the same time next year. I think a lot of us would have probably headed down the toilet paper aisle a lot sooner.

Although we don't know when this will end, we can be confident that it will end, eventually. If nothing, this past year has given us something to talk about around the campfire at night.

We hope.

Unprecedented actions from the United States and Texas governments have been taken to curb a controversial virus. Things none of us would have

imagined were doable within our jobs have been done. At DPS, no matter your political stance, the virus, or the changing economy, we have come together to make sure things moved ahead and our co-workers and families were taken care of.

But the COVID 19 virus has just been one part of a myriad of events that have set households, cities and the entire country on edge. Even good, pastime stress relief has become controversial. Who would have thought the NFL would be the subject of political debates and even arguments within the workplace? A lot of folks feel betrayed, unheard, worried, and even afraid.

Contrary to what political media sources tell us, the rest of the world is not looking at the United States with

more ➤



Area 5B5 takes safety seriously



Lubbock COVID Safety fashion a top priority



Low light visibility training in Region 5



Toby Zalman demonstrating proper mask procedures

Texas Department of Public Safety Officers Association

continued



Lynn and Laura Mays preparing to show some folks how it is done



PCO Laura Mays with her long distance communicator

any more scrutiny or care than they have in the past. We are not as important to the rest of the world as we like to believe. Any of you who have lived and consistently traveled outside of the United States like my family and I have will already know our elections and politics aren't much more important to them than theirs are to us. But it is certainly

a big deal to us.

I wrote a little bit about being prepared in the last magazine. I don't know exactly what we all need to do to be prepared for something this big; for something that has never occurred to the vast majority of us. What I know, what has helped us, is to be prepared with an emergency fund. Even more helpful: get

rid of debt payments so they aren't an issue when the wolf comes to the door.

In addition to the virus, the reduced household income, the increasing cost of raising a boy, and the stress of lockdown, I also became the conservator of my three teenage girls during 2020. That was something incredible in itself- poof! Three teenage girls are now living in our house. But what we never worried about was paying bills, buying groceries, traveling, surprise needs for money (clothes, doctor, and school bills, right?), or even lawyer fees. Preparing for this wasn't something we did after it happened. We just prepared. We didn't know what was going to happen this year or even when we made the decision to prepare for these kind of things. We just knew something would happen at some point.

And it will again.

Making sure those girls felt safe, warm, and full was a top priority. Adding



Lubbock Troopers showing off their hard earned testing kits



Testing and lines go hand in hand

Texas Department of Public Safety Officers Association



Retirement reception for Corporal Xavier Perez



Retirement reception for Corporal Xavier Perez



Corporal Perez shows one of his retirement gifts

that to our list was hard, but it's what we do as humans. We are here to take care of each other. I know several other DPS employees who have adopted even more kids than that and worked through it. It shows the size of the hearts of the folks who work here. We are here to help each other, ultimately.

It's just hard to do that when we have payments taking up our income each month.

As always, I'll leave my contact details for anyone who would like information, education, or help with anything regarding finance, financial behaviors, and financial planning. These are the things I can do to help others, just like others have helped me. Just like each of you have helped someone



Trooper Lynn Mays and Jourdan Coulson arming up for a long distance eye check

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PCO Olivia Gonzalez in Palo Duro Canyon



PCO Robin Doan in Palo Duro Canyon

in your own lives. I am a certified personal finance counselor and I have a separate certification in personal finance. There's no fee for any of this and I can meet with anyone, anywhere in the country. Before you contact me, it's important to understand that we will both agree on a specific time to sit down for a legitimate conversation. A five minute phone call is not something that any coach in any field would use to help someone improve their situation. My phone number is 806 336 9100 and my email is dpsoa.region5@gmail.com.

Speaking of helping others, this year, we lost someone special to us at DPS. KK Bryan with Lubbock Communications



Lubbock PCO KK Bryan EOW

lost her battle with cancer this year. She was big deal to a lot of people and she will not be forgotten. Olivia Gonzalez, who worked with KK for several years, wanted to say this:

Kimberly "KK" Bryan, I will forever miss our conversations on the night shift, and keeping each other entertained throughout our shift. You will always be remembered and forever missed in the DPS Communications family.

You fought for 3 long years with cancer and every time I came to visit you, you always had a smile on your face. Your positive spirit was a blessing to many. So many memories will remain with us all in the DPS family.

You were a very dedicated operator and a wonderful friend. I will forever cherish our friendship and our many memories we had. Until we meet again KK. Miss and love you always.

*Thin Gold Line Strong.
-Olivia Gonzalez*

Lubbock DPS PCO Kimberly "KK" Bryan

July 14, 2014 – September 6, 2020
Rest in peace KK. Never forgotten.

While I'm writing this, we are again facing the possibility of mass deployments to multiple areas of the state to help ensure public safety. DPS employees will certainly answer that call when it comes, just like we always do. Although none of us knows what will happen in the next few months, it will be history by the time you read this. I hope by the time you get this article things will have calmed down and our country will be a little more united than it has been this past year. I hope that each of you had a great Thanksgiving and an even merrier Christmas than ever. Here's to a phenomenal 2021.

Stay safe.

Joe Cannon,
DPSOA Region 5
Representative

□



Texas Department of Public Safety Officers Association

REGION 6 – CENTRAL TEXAS

*Monte Carroll,
DPSOA Region 6 Representative*



I will start with saying thank you to everyone who took the time to vote in the DPSOA Region 6 Regional Representative election. I appreciate the opportunity to represent Region 6 DPSOA members. I also want to thank Sergeant Ruben San Miguel for taking an interest



Blue Star balloons released in memory of Trooper Thomas Nipper at the conclusion of his honor chair presentation

in running for the Region 6 Regional Representative. The Association benefits from members taking an interest in representing the membership and the actions of our Association.

Like many Regions, Region 6 held Retiree Firearms Qualification throughout the three Districts. Many of these were conducted at the local level at Sergeant Area qualification days. It was a good



Trooper Thomas Nipper honor chair on display at the THP office in Belton presented by Saving a Heroes Place

opportunity for retirees to spend some time with current Troopers.

Region 6 has been busy all summer and fall with sending personnel to assist with keeping the Capitol safe. The 87th Legislative Session will be upon us before we know it. For Region 6, this typically means we will be providing Troopers to support the Capitol and the safety of

more ►

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continued

everyone attending the session.

On November 4, 2020, the Highway Patrol office in Belton was the location of the presentation of an Honor Chair in the memory of Senior Trooper Thomas Nipper, who died as a result of a crash that occurred on IH-35 during a traffic stop on November 4, 2017. It was a somber ceremony that concluded with the

release of blue star balloons into the air. Trooper Nipper's family and co-workers attended the presentation of the Honor Chair. The Honor Chair is a unique memorial in the name of peace officers and firefighters who have fallen in the performance of their duties. The Honor Chair was built by the non-profit organization Saving A Hero's Place.

In closing, I look forward to serving Region 6 and please do not hesitate to contact me with your questions and concerns.

Be safe and watch your six.

Until next time,

Monte Carroll

Region 6 Regional Representative

□

Texas Department of Public Safety Officers Association

RETIREE REPRESENTATIVE

*Alex Bartee,
DPSOA Retiree Representative*

Greetings from the DPSOA Retirees!

When the COVID restrictions finally let up a little we had a few opportunities to get together...carefully. It was pretty tough for a while staying away from people and not getting to socialize. I hate the mask.

Finally, in October the Department allowed us to get together and qualify with our pistols. A special thank you to the Department for furnishing ammo and firearm instructors.

October 12, we got together in Bryan with a few Ole Folks and it was fun visiting and renewing old acquaintances and making new friends. A big "THANK YOU" to Sgt. Tommy Lyons and his firearm instructors for getting us qualified safely. RETIREES in attendance were Alan Riddick, Harvey Haynes, Kurt Kelm, Brian Ford, Larry Dittfurth, J.R. Allen, Dan North, Patrick Mulligan, Robert Martinez, Clay Taylor, and Alex Bartee.



October 20, I was able to attend a retiree qualification in Gonzales. We had seven retirees attend, and it was also in conjunction with the Sergeant Area Troopers qualification. All but one of Sgt. Johnson's troopers are DPSOA members. We are working on the one holdout. Sgt. Joel Johnson allowed Corporal Ron Holub to be our firearms instructor. With the help of other 6C10 Troopers we were all safely qualified. The retirees in attendance were Darrel Jarrel, Tommy Kidd, Jack Downs, Alex Bartee, David Johnson, and Corporal Ron Holub and Lt. Richard Jankovsky. Thank you to Sgt. Johnson for cooking some GREAT ribeyes and his administrative assistant, Brenda Petru, for bringing a couple of great sides and a cake. It was a good and relaxing gathering.

The DPS Tactical Training Center in Florence was the venue for the Oct. 29, 2020 Capitol Area Retiree qualification. There were 54 retirees in attendance. Before we went to the 60 Point Range there was presentation by Sgt. Victor Taylor

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Retirees at Corpus Christi qualification



Retiree qualifications at Corpus Christi

Texas Department of Public Safety Officers Association

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Lt Shelton speaking to retirees after lunch about firearms range



Lt Shelton and Retiree Raus Vargas



Gonzales Retiree shoot in Gonzales



DPS Florence Retiree qualifications at the DPS Florence Cafeteria Lunch Provided by the DPS Foundation



DPS Capitol Area Firearms Instructors at the DPS Florence Range



Bryan Retiree shoot Tommy Lyons, Alan Riddick, Kurt Kelm, Harvey Haynes, Terry Field, Brian Ford, Larry Dittfurth, JR Allen, Dan North, Patrick Mulligan, Robert Martinez, Clay Taylor, Alex Bartee

on the riots at the Texas Capitol. Capitol Troopers, with assistance from Troopers from all over Texas, had their hands full with all the crazy rioters. BUT our Troopers held the line and did not lose the

Capitol or Governor's Mansion. After we shot in the blustery north wind we went back to the TTC Main building (Taj Mahal) for a great lunch. A BBQ lunch was brought by POK-E-JOES.

Thanks to The DPS Foundation for providing the meal. Thank you to Lt. Billy Shelton for coordinating this qualification, and to Trooper Joey Osborne for calling the shooting course.

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Corpus Christi retirees after firearms qualifications

On 11/02/2020 Lt. Richard Martinez of DPS Corpus Christi hosted a DPS Retiree pistol qualification assisted by Sgt. Nathan Brandley. Corporal Jim Hildreth and Trooper Clayton Sullivan instructed us through the course safely along with the help of many troopers. Lt. Martinez had a company that cooked burgers on the spot. DPSOA furnished

water and Gatorade. The thirty retirees seemed to enjoy the fellowship with Ole Friends and meeting new ones. I spoke with Capt. Steven McQuagge who told me he invited all his Sergeants and Lieutenants to attend the retiree qualification. Capt. McQuagge said that someday he will retire and he wanted the Troopers, Sergeants, and Lieutenants to know the

necessity of the helping the retirees to qualify. He wants to keep the tradition alive. A very special "Thank you" to Capt. McQuagge and Lt. Martinez for a fun day. Also in attendance from DPSOA were Jarrad Williams, Region 3 DPSOA Representative and Retiree Representative Wayne Williams.

11/20/2020 we had our San Antonio Area retiree pistol qualification with 19 retirees attending. Sgt. Kenny Mata of San Antonio along with Sgt. Moreno and Trooper Harold Estep, got us safely through the shoot. Many thanks to Sgt. Mata and crew for their patience in getting us qualified. Enjoyed having Capt. Tellez and Lt. Pullin come by and check on us.

Alex Bartee
DPSOA Retiree Rep.
abartee@sbcglobal.net
210-913-9550

□



Texas Department of Public Safety Officers Association

RETIREE REPRESENTATIVE

*Wayne Williams,
DPSOA Retiree Representative*

Hello All from the Coastal Bend of Texas!

Not much happening here except watching the chaos going on around our country. I am truly saddened to see the state of affairs on how our law enforcement officers are being treated. Thugs and ANTIFA spit, curse, and throw objects at our LEO's, and they are to just stand there and take it. In my opinion, once a line is crossed, there must be 'law and order' complied with. And the officers and supervisors must be allowed to use lawful and legal means to command this. I know everyone is whipping out their phones and videoing their actions, and that is okay. If this is being done justly and correctly, the law as I know it will be on their side. Any reasonable person will not draw the same conclusion as some of the far-left liberals.



Law Enforcement needs to command the respect of the people they serve because if they do not get that respect, our line of defense will become very narrow. Recruiting will become the thing of the past and we will end up with total CHAOS.

Something I have said often is, none of this crap would be going on if people would just comply with a lawful order by the officer. Just comply. This does not mean you will get arrested. Allow the officer the opportunity to explain why he has stopped the person and allow him to do what he needs to do. Many times you will be issued a warning or even a verbal warning and allowed to go on your way. Just comply.

I get tired of watching videos of our troopers on the Capitol grounds in Austin and officers in various parts of the country in the media, on Facebook, and other social media get chastised for doing their job. The administration must show that they back the officers on the

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street, and not jump to conclusions that an officer has committed the misdeed he is being accused to doing. Yes, there are some officers that go beyond the line



and do things they should not do, and they must be held accountable for their actions. But do not condemn them for taking an action that is reasonable and



legal. There are many times that an officer has a second or two to react to an action taken against the officer.

I will always remember when a use

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continued



of force, like discharging your duty weapon, happens. The lieutenant comes and takes your weapon, but then hands you his weapon or another weapon that he has in his possession. This really does make you feel that the administration has your back. Here at DPSOA, we encourage you to take some time and visit with your legal team that the DPSOA will provide before giving your statement

to the Texas Ranger assigned to your case. When I was an active trooper, I watched officers that used deadly force and killed an individual, get no billed by the grand jury, and then resign because he could no longer take the pressure of the job. I guess we will never know how we will react until put in that position.

There was a retiree shoot and lunch in Corpus Christi sponsored by DPSOA

on November 2. There were about 29 retirees in attendance, including Alex Bartee, Jarrad Williams and myself. Door prizes were donated by DPSOA, with everyone getting something to take home. Thanks to Captain Steve McQuagge and Lt. Rick Martinez. With the price of ammunition these days, we retirees would have had to use our Social Security checks to buy the bullets! □