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TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD. - BOX 4087 - AUSTIN, TEXAS 78773-0001
512/424-2000



DUDLEY M. THOMAS
DIRECTOR

THOMAS A. DAVIS, JR.
ASST. DIRECTOR

January 8, 1998

COMMISSION
JAMES B. FRANCIS, JR.
CHAIRMAN
RONALD D. KRIST
ROBERT B. HOLT
COMMISSIONERS


Lieutenant Jaime Adan Ballesteros
Narcotics Service
Department of Public Safety
9000 IH-35
Austin, Texas 78753

Dear Lieutenant Ballesteros:

I have carefully considered all the points raised by you and your attorney in our meeting of November 19, 1997, and I have determined that you have not rebutted the charges set out in the Statement of Charges of October 20, 1997. No cause has been presented to alter my preliminary decision. Therefore, it is now my decision that you be discharged from the Texas Department of Public Safety effective at 5:00 p.m., upon the date you receive this letter, pursuant to the authority vested in me by Section 411.007, Government Code.

As an employee who has served more than one year with the Department, you have the right to appeal my action to the Public Safety Commission pursuant to Section 411.007, Government Code, and Department of Public Safety General Manual Section 07.46.02(1). If you wish to exercise your right of appeal, such notice of appeal must be given in writing and received by me at the Department of Public Safety Headquarters in Austin, Texas, within fifteen (15) days from the date you receive this letter.

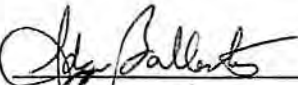
Sincerely,



Dudley M. Thomas
Director

DMT:JW:s

Lieutenant Jaime Ballesteros
January 8, 1998

I acknowledge receipt of the original copy of this document, dated January 8, 1998, signed by the Director of the Department of Public Safety, regarding the status of my employment.

Signed:  Date/Time 01/13/98

Witness:  Date/Time 01/13/98

- cc: Lt. Colonel Thomas A. Davis, Jr., Assistant Director
- Mike Scott, Chief, Criminal Law Enforcement
- Walter C. Eeds, Commander, Narcotics Service
- James W. Brubaker, Captain, Narcotics Service
- Eliseo de Leon, Commander, Human Resources Bureau
- David Outon, Captain, Internal Affairs
- John C. West, Jr., Chief, Legal Services

**DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM**

Col. Thomas

M N

RECEIVED

JAN 28 1998

CRIMINAL LAW
ENFORCEMENT

TO: Eliseo de Leon, Commander, Human Resources Bureau
Tom Haas, Chief, Accounting

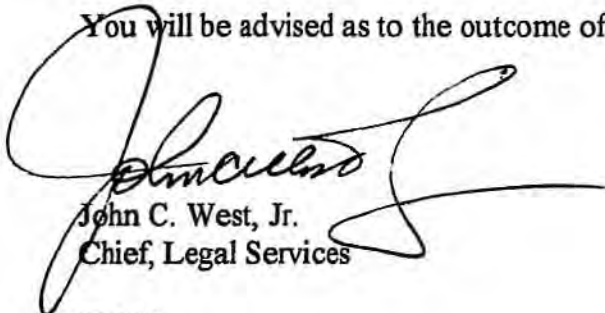
FROM: John C. West, Jr., Chief, Legal Services

DATE: January 27, 1998

SUBJECT: Jaime Adan Ballesteros - IA #C96-076.

Please be advised that Jaime Adan Ballesteros has appealed his discharge to the Public Safety Commission.

You will be advised as to the outcome of the discharge appeal hearing.



John C. West, Jr.
Chief, Legal Services

JCW:js

cc: Mike Scott, Chief, Criminal Law Enforcement ✓
David Outon, Captain, Internal Affairs

copy to
NCC
9/14/98

IN THE MATTER OF § **BEFORE THE**
THE APPEAL OF § **PUBLIC SAFETY COMMISSION**
DISCHARGE OF § **OF THE**
JAIME ADAN BALLESTEROS § **STATE OF TEXAS**

ORDER

BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Jaime Adan Ballesteros on the 12th and 13th of August, 1998. Be it also remembered that on said dates the Commission proceeded to hear the evidence in the above captioned matter and now enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jaime Adan Ballesteros received adequate notice of hearing. Appellant Ballesteros appeared in person on August 12th and 13th, 1998, and by and through his attorneys, Carl A. Parker and Donald W. Dickson, II.
2. The facts admitted in evidence fully supported the allegations contained in the Statement of Charges served October 21, 1997.
3. The evidence supports and justifies the discharge of Jaime Adan Ballesteros.

CONCLUSIONS OF LAW

1. All necessary due process requirements have been met.
2. The evidence presented by the Department is legally sufficient to support the allegations in the Statement of Charges on October 21, 1997.
3. All of the employee's rights with regard to his appeal of discharge have been afforded.
4. The discharge by the Director should be affirmed.
5. There is legal cause to affirm the discharge.

On motion of Comm. McHugh, seconded by Comm. Holt, the appeal of discharge was denied by a vote of 3-0, and the actions of the Director are affirmed.

Entered and signed on the 10th of September, 1998.

James B. Fanning, Jr.
Chairman of the Public Safety Commission