



TEXAS COMMISSION ON LAW ENFORCEMENT

June 3, 2024

Mr. James P. Fullen



via First-Class Mail & CM/RRR:
9589 0710 5270 0159 7365 74

Dear Mr. Fullen

Enclosed are the Executive Director's Original Petition Recommending Revocation of Respondent's License and the Revocation Waiver.

Sincerely,

A handwritten signature in blue ink that reads "Abbygail Sunley".

Abbygail Sunley
Legal Assistant
(512) 936-7720
Abbygail.sunley@tcole.texas.gov

IN THE MATTER OF	§	THE TEXAS COMM'N
	§	
JAMES P. FULLEN (Respondent)	§	ON
	§	
FOR LICENSE REVOCATION	§	LAW ENFORCEMENT

**EXECUTIVE DIRECTOR'S ORIGINAL PETITION RECOMMENDING
REVOCATION OF RESPONDENT'S LICENSE**

1. The Executive Director of the Texas Commission on Law Enforcement (TCOLE) presents this action because Respondent made, submitted, caused to be submitted, or filed false or untruthful personal history statements to TCOLE. As such, TCOLE should enter a final order revoking Respondent's license.¹ This action is taken under the authority of Texas Occupations Code chapter 1701 and 37 Texas Administrative Code chapters 211-229. TCOLE has jurisdiction over this matter because Respondent holds a TCOLE-issued license.²
2. Fundamentally, law enforcement personnel are "a special category" of occupational licensees.³ In Texas, TCOLE is the gatekeeper for the law enforcement profession.⁴ As recognized by the Third Court of Appeals, the Legislature "expressly confers broad regulatory discretion on the Commission" to establish minimum standards relating to the competence and reliability, including the moral and mental qualifications, of peace officers, jailers, and telecommunicators.⁵
3. To further this end, TCOLE may revoke the license of a person who has made, submitted,

¹ Tex. Occ. Code § 1701.501(a); 37 Tex. Admin. Code § 223.19(f).

² An action to deny, suspend, or revoke one license operates against all other TCOLE licenses held by the person. 37 Tex. Admin. Code § 223.1. Also, a licensee can be notified of license action through several methods, including Respondent's last known address on file with TCOLE and the address shown on Respondent's Texas driver's license record. *Id.* A licensee is also required to report certain arrest, criminal dispositions, and any address changes to TCOLE within 30 days. 37 Tex. Admin. Code § 211.27(a)(2)-(5).

³ *Dixon v. McMullen*, 527 F. Supp 711, 721 (N.D. Tex. 1981); *See* Tex. Occ. Code ch. 1701 (TCOLE issues licenses to peace officers, jailers, and telecommunicators).

⁴ *See* Tex. Occ. Code §§ 1701.151, .251, .255, .301, .304, .351, .501.

⁵ Tex. Occ. Code § 1701.151(2); *Ware v. Tex. Comm'n on Law Enforcement Officer Standards and Educ.*, No. 03-12-00740-CV, 2013 Tex. App. LEXIS 5983, at *7 (Tex. App.—Austin May 16, 2013, no pet.) (mem. op.).

caused to be submitted, or filed a false or untruthful report to TCOLE.⁶

4. Respondent made, submitted, caused to be submitted, or filed false or untruthful statements on TCOLE personal history statements to the following law enforcement agencies: (1) on or about October 30, 2023, Galveston County Constable Precinct 2; and (2) on or about January 11, 2024, Texas City Police Department. Specifically, Respondent omitted, failed to disclose, or provided false or untruthful information related to job experience, having been disciplined at work, having been fired or asked to resign from a place of employment, having been accused of discrimination, having been the subject of a written complaint at work, having failed to make or been late on a court-ordered payment, having been part of a civil lawsuit, and failing to disclose two arrests. Because Respondent omitted or failed to disclose information and provided false or untruthful statements, Respondent violated TCOLE standards related to making, submitting, causing to submit, or filing reports to TCOLE. As a result, the Executive Director recommends entry of an order revoking Respondent's license.

5. Respondent may agree to the proposed license action by signing the attached Waiver and returning it to TCOLE within 20 days of receiving this petition. In the alternative, if Respondent does not wish to settle this matter, Respondent also has the right to a hearing on this petition's allegations or the recommended disciplinary action.⁷ To preserve a right to a hearing, Respondent must file an answer to this petition as required by TCOLE rules.⁸

6. In order to preserve your right to a hearing, an answer must be filed with TCOLE not later than 20 days after the date you receive notice of this petition. If you fail to return a signed Revocation Waiver or file an answer within 20 days after you receive notice of the Executive

⁶ 37 Tex. Admin. Code § 223.19(f).

⁷ Tex. Occ. Code § 1701.504; 37 Tex. Admin. Code § 223.5.

⁸ 37 Tex. Admin. Code § 223.3(a).

Director's Petition, the Executive Director may recommend that the Commission enter a default judgment against you.

PRAYER

The Executive Director respectfully requests entry of an order revoking Respondent's TCOLE-issued license and any other relief as allowed by law.

Respectfully submitted,



MARK DUNCAN
Assistant General Counsel
State Bar No. 24044916

JENNIE HILBIG
Assistant General Counsel
State Bar No. 24114501

DANIEL WALKER
Assistant General Counsel
State Bar No. 24070810

AARON HEATH
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Austin, Texas 78723
Telephone: (512) 936-7709
Mark.Duncan@tcole.texas.gov

*Attorneys for the Executive Director,
Texas Commission on Law Enforcement*

CERTIFICATE OF SERVICE

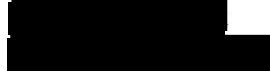
I certify that a true and correct copy of the Executive Director's Original Petition was filed with TCOLE on June 3, 2034, and a true and correct copy was served on the same day by first-class mail and certified mail to:

9589 0710 5270 0159 7365 67

9589 0710 5270 0159 7365 74

Mr. Gregory Cagle
Texas Municipal Police Association
9219 Jamaica Beach
Galveston, TX 77554

Mr. James P. Fullen



A handwritten signature in blue ink, appearing to read 'Mark Duncan', written over a horizontal line.

Mark Duncan
Assistant General Counsel
Texas Commission on Law Enforcement

REVOCATION WAIVER

I, _____, have read and understand the foregoing Executive Director's Original Petition. I also understand that by signing this Waiver, I am acknowledging that I:

- Sign this Waiver knowingly and voluntarily;
- Agree to the revocation of my license;
- Waive my right to a contested case hearing regarding the revocation of my license;
- Waive my right to appeal the Agreed Order;
- Understand this Waiver contains the entire agreement and there is no other agreement of any kind;
- Understand the consequences of my action; and
- Understand this Waiver will be incorporated into the Agreed Order.

Any final order is conditioned upon the TCOLE Commissioners accepting this Waiver and entering a corresponding Agreed Order.

Signed on _____, ___ 20__.

Respondent
TCOLE PID: [REDACTED]

SWORN TO and subscribed before me on the ___ day of _____, 20__.

Notary Public, State of Texas

Notary's Printed or Typed Name

Notary's Commission Expires

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. James P. Fullen



9590 9402 8851 4005 5882 66

2. Article Number (Transfer from service label)

9589 0710 5270 0159 7365 74

PS Form 3811, July 2020 PSN 7530-02-000-9053

ED Orig. Pet. [Redacted]

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

407

AS

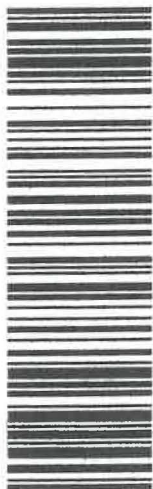
3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
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- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

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Mr. James P. Fullen

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