

**POST COMMISSION MEETING  
TUESDAY, JULY 19, 2011; 9:00 A.M.  
PUBLIC SERVICE COMMISSION MEETING ROOM  
2515 WARREN, SUITE 300  
CHEYENNE, WY**

A P.O. S.T. Commission meeting was held in Cheyenne, Wyoming on Tuesday July 19, 2011. Chairman Colson called the meeting to order at 9:00 A.M. and welcomed all the Commission members and guests.

**MEMBERS PRESENT**

Gregory Phillips, Attorney General  
Bob Lampert, Director DO  
Mike Thompson, Lt. Casper PD  
Jerry Colson, Chairman  
Cary Berry-Smith, At-large  
Troy Lane, Chief UW PD

**MEMBERS ABSENT**

Rich Adriaens, Chief Sheridan PD

**GUESTS**

Bernice Madvig  
Scott Steward, Sheriff Park Co. SO

**STAFF PRESENT**

Don Pierson, Interim POST Director  
Ken Nelson, Assistant Attorney General  
Eric Easton, Assistant Attorney General  
Trish Carson, POST Staff

**INTRODUCTIONS**

Chairman Colson called the meeting to order and turned the meeting over to Peter Froelicher, Hearing Examiner from the Office of Administrative Hearings to conduct the scheduled contested case hearings. Mr. Froelicher asked that everyone introduce themselves.

**CONTESTED CASE HEARINGS**

Contested case hearings in the matter of John P. Noland , Docket #10-002; Abigale A. Eichorn, Docket #10-017; Mareo L. Stewart, Docket #10-034 and John F. Grier Docket #10-033 were held and Peter Froelicher with the Office of Administrative Hearings presided.

Upon completion of the hearings, Chairman Colson called the meeting back to order.

**APPROVAL OF MINUTES**

Commissioner Lampert made a motion to approve the May 12, 2011, POST Commission meeting minutes. Attorney General Gregory Phillips seconded the motion. All were in favor and motioned carried.

## **NEW BUSINESS**

In the matter of Mareo L. Stewart docket #10-034, Eric Easton of the Attorney General's Office, representing the POST Executive Director, stated that on November 10, 2010, Mr. Stewart was arrested for speeding in a state vehicle and for the possession of the controlled substance marijuana, to which he plead guilty. Mr. Stewart was released from the Department of Corrections and a complaint was filed with the Commission on November 25, 2010. Mr. Stewart has not responded to the documentation sent to him by POST, and notification was received at POST indicating he had moved and left no forwarding address. Under the rules of Administrative Hearings he is required to file a disclosure statement and appear at a preconference hearing in which he failed to do either. Mr. Easton asked the Commission to grant a motion for default and decertify Mr. Stewart. Commissioner Lampert recused himself from the vote. Commissioner Lane made a motion to decertify Mr. Stewart by default. Attorney General Phillips seconded the motion. All were in favor and the motion carried.

In the matter of John P. Noland docket #10-002, OAH docket #10-102-015, Eric Easton, of the Attorney General's Office representing the POST Executive Director, stated that since Mr. Noland was found not guilty of criminal charges that were filed against him while working at the Carbon County Sheriff's Office as a correctional officer, and due to the duration of time that has lapsed since the case opened, he asks that the Commission grant a motion to dismiss the case. Mr. Easton stated that Mr. Noland was dismissed from employment with Carbon County Sheriff's Office, and although Mr. Noland requested to challenge his dismissal, his request was denied. Mr. Easton stated that Mr. Noland could seek employment elsewhere and become employed again as a detention officer. He stated that within the POST Commission files a record is kept showing a petition had been filed against him. Ken Nelson prepared an order to dismiss the case and presented it to Commissioner Lampert. No motions were made to dismiss the case and it was approved for contested hearings which will be scheduled for the next POST Commission meeting.

In the matter of John F. Grier docket #10-033, OAH docket #11-145-015. Commissioner Lampert recused himself. Mr. Grier, appearing late for the hearing, was introduced to the POST Commission by Mr. Froelicher. Mr. Froelicher then asked Mr. Easton to proceed forward with the presentation of evidence in the case. Mr. Easton stated that Mr. Grier was first employed by the Department of Corrections Torrington facility January 3, 2010, and that during that time he also collected unemployment benefits from the State of Wisconsin. Bernice Madvig, Human Resource Manager for the Torrington facility, who was contacted by the State of Wisconsin, did determine that Mr. Grier collected unemployment benefits while employed by the Department of Corrections from January to October of 2010. Mr. Grier sited financial insufficiencies caused him to collect both unemployment benefits from Wisconsin and his pay check from the Department of Corrections, intentionally choosing not to notify Wisconsin he had become employed. When asked by Mr. Easton, Mr. Grier admitted that what he did was not right. Mr. Grier stated that although he was not being criminally charged with any crime, he did enter into a repayment agreement with the State of Wisconsin agreeing to repay \$75.00 every two weeks until the debt is paid. His

total debt is \$8900.00. Mr. Grier, who is currently working as a nursing assistant, mentioned that he is now working toward a nursing degree and would like to return to corrections at some point in the future. Mr. Grier stated that he worked in Wisconsin as a mental health technician for the department of Corrections, later transferring to a correctional officer position and worked in that capacity for about 7 years. Mr. Grier had no further testimony and had no witnesses to call. Mr. Easton closed by stating Mr. Grier's illegal actions, although he was not charged with a crime, provided with Commission with grounds for revocation of certification. Mr. Grier had no closing statements.

A motion was made and seconded to enter into Executive Session for deliberation. All were in favor and the motion carried.

A motion was made by Attorney General Phillips to revoke Mr. Grier's certification. Commissioner Lane seconded the motion. All were in favor and the motion carried.

In the matter of Roger L. Dunn, currently employed with Park County Sheriff's Office. Questions were discussed regarding Mr. Dunn's eligibility for a detention officer mini basic course in lieu of a full detention officer basic course. Discussions were based on the paperwork previously submitted to POST from Park County Sheriff's Office removing Mr. Dunn as a detention officer, and paperwork recently submitted to POST from Park County Sheriff's Office requesting Mr. Dunn's employment status be changed from full-time peace officer, to full-time detention officer and part-time/reserve peace officer. Based on previously submitted POST forms from Park County Sheriff's Office and correspondence sent to Park County Sheriff's Office from POST regarding Mr. Dunn's training records and certification requirements, past POST director Betty Haukap recommended that Mr. Dunn complete a full detention officer basic academy course. Sheriff Scott Steward made the argument that because Mr. Dunn has been continuously employed at Park County Sheriff's Office, although not continuously as a detention officer, he should be considered for the detention officer mini basic in lieu of the full basic course. Sheriff Steward based his request on Chapter 4, Section 7 of the POST Rules and Regulations. Sheriff Steward also mentioned that Park County Sheriff's Office usually maintains dual certification for each officer if applicable, and that removing Mr. Dunn as a detention officer under the previous administration was a clerical error. A vote between the commissioners to decide if Mr. Dunn should attend a mini detention officer basic in lieu of a full basic tied, and the motion to send Mr. Dunn to a mini detention basic failed. It was mentioned that Mr. Dunn's detention certification was not revoked, but lapsed due to a lack of training specific to detention certifications to become recertified, and the change in status form received from Park County Sheriff's Office removing him as a detention officer from their facility.

#### Settlement Agreements

In the matter of Christopher R. Konija Docket #10-026. Commissioner Lampert recused himself. Commissioner Troy Lane made a motion to revoke Mr. Konija's certification by default. Commissioner Mike Thompson seconded the

motion. All were in favor and the motion carried.

In the matter of Richard R. Grauberger Docket # 11-011. Commissioner Thompson recused himself. Commissioner Lampert made a motion to accept the settlement agreement stipulation order. Attorney General Phillips seconded the motion. All were in favor and the motion carried.

**OTHER**

Don Pierson announced Mary Kay Gonzales' resignation and the hiring of Liz Ambers to replace Mary Kay. The position was announced for state employees only. Ms. Ambers, being the only person to apply for the position, was interviewed and a background investigation conducted. After the results of the investigation came back, she was offered the position. Her first day as a full-time state employee will be August 1, 2011.

POST Commission entered into Executive Session and upon completion the POST Commission meeting adjourned.

Respectfully submitted,

Trish Carson  
Executive Assistant  
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