

POST COMMISSION MEETING
TUESDAY, JANUARY 26, 2010, 10:00 A.M.
CHEYENNE, WY

A P.O.S.T. Commission meeting was held in Cheyenne, Wyoming on Tuesday, January 26, 2010. Chairman Colson, called the meeting to order.

A contested case hearing in the matter of Justin Snell, Docket #09-026 was held and Deb Baumer with the Office of Administrative Hearings presided.

MEMBERS PRESENT

Bruce Salzburg, Attorney General
Rich Adriaens, Chief, Gillette PD
Sam Powell, Colonel, WHP
Michael S. Thompson, Lt., Casper PD
Cary Berry-Smith, member at large
Jerry Colson, Sheriff, Carbon County

MEMBERS ABSENT

Bob Lampert, Director, DOC

STAFF MEMBERS

Betty Haukap, P.O.S.T. Director
Trish Newberry, P.O.S.T. Executive Assistant
Ken Nelson, Assistant Attorney General
Eric Easton, Assistant Attorney General

GUESTS

Kebin Haller, DCI
Mark Timmons, DCI
Justin Snell, WY DOC
Robert Kuchera, WPEA

INTRODUCTIONS

Upon completion of the hearing, Chairman Colson presided and asked everyone to introduce themselves.

APPROVAL OF MINUTES

Commissioner Berry-Smith made a motion to approve the September 10, 2009 meeting minutes. Commissioner Adriaens seconded the motion. All were in favor and the motion carried.

Commissioner Berry-Smith made a motion to approve the October 26, 2009 meeting minutes as corrected. Commissioner Salzburg seconded the motion. All were in favor and the motion carried.

OLD BUSINESS

Commissioner Adriaens made a motion to move Old Business items after portions of New Business on the agenda. Commissioner Berry-Smith seconded the motion. All were in favor and the motion carried.

NEW BUSINESS

SETTLEMENT AGREEMENTS

Commissioner Powell recused himself from docket numbers 09-009, and 09-010.

Commissioner Thompson made a motion to accept the settlement agreement and voluntary surrender of certification in the matter of Marvin O. Shoemaker, docket #09-009. Commissioner Adriaens seconded the motion. All were in favor and the motion carried.

Commissioner Berry-Smith made a motion to accept the settlement agreement and voluntary surrender of certification in the matter of Joshua G. Blanchard, docket #09-010. Commissioner Thompson seconded the motion. All were in favor and the motion carried.

Commissioner Salzburg made a motion to accept the settlement agreement and voluntary surrender of certification in the matter of Joanie P. Rouse, docket #09-023. Commissioner Adriaens seconded the motion. All were in favor and the motion carried.

Commissioner Salzburg made a motion to accept the settlement agreement and voluntary surrender of certification in the matter of John M. Radomicki, docket #09-025. Commissioner Thompson seconded the motion. All were in favor and the motion carried.

Commissioner Berry-Smith made a motion to accept the settlement agreement in the matter of Michael A. Grubbe, docket #09-029. Commissioner Powell seconded the motion. All were in favor and the motion carried.

RATIFICATION OF DECERTIFICATION

Commissioner Adriaens made a motion to ratify and confirm the Notice of Decertification of Gary R. Hazen, docket #09-006. Commissioner Berry-Smith seconded the motion. All were in favor and the motion carried.

Commissioner Powell recused himself from docket number 09-018.

Commissioner Thompson made a motion to ratify and confirm the Notice of Decertification of Franklin J. Ryle Jr., docket #09-018. Commissioner Salzburg seconded the motion. All were in favor and the motion carried.

OLD BUSINESS

Proposal to define high school equivalency.

Commissioner Salzburg stated that after speaking with the Department of Education, he proposes to defined in the POST Rules, a "high school diploma or equivalent achievement" as "a diploma from a high school which is accredited by any State; a general equivalency diploma; a home school diploma which evidences successful completion of a home school curriculum which has been accredited by any nationally recognized accrediting organization; a home school diploma *plus* matriculation in a college which is accredited by any nationally recognized accrediting organization; or, a degree issued by an institution of high learning which is accredited by any nationally recognized accrediting association. For the purpose of this definition, 'nationally recognized accrediting organization' means an association which has been recognized by the Secretary of the United States Department of Education, or the Council for Higher Education Accreditation."

Commissioner Salzburg recommended adding the definitions to Chapter 2, Section 1 (a)(v), Chapter 2, Section 2 (a)(v), for peace officers, detention officers, and dispatchers, and Chapter 6, Section 1 (b)(v) for correctional officers and possibly Chapter 11, Section 2 (a)(i) for instructors.

Director Haukap explained that since the conception of POST, educational standards for instructors have not been changed, but explained there is a committee to review chapters 10 and 11 for courses and instructors. Commissioner Adriaens proposed that the committee address the language in chapter 11 regarding minimum education standards for instructors and present the proposed changes to the Commission at a later date for approval.

Commissioner Adriaens made a motion to accept the language for high school equivalency for chapters 2 and 6 as recommended by Commissioner Salzburg. Commissioner Berry-Smith seconded the motion. All were in favor and the motion carried.

Director Haukap stated that the proposed language defining high school education or equivalent as recommended by Commissioner Salzburg, has been included with the initial employment form as page 3 of the form, and that since the definition has been approved it will now be a required part of the initial employment form that must be signed by the agency administrators verifying that the applicant's, "high school diploma or equivalent achievement" education meets the requirements as outlined in the definition. Director Haukap stated that this insures educational standards have been met through background investigations conducted by the hiring agency. The Initial Employment form is available on the POST website.

Define Comparable Basic

POST Rules, Chapter 3, Section 7(c)...

(i) Those officers who have previously established certification or completed basic training in states other than Wyoming may petition the Commission for certification only upon the following conditions:

(B) The applicant officer can provide documentation of successful completion of a peace officer basic program that is, in the Commission's opinion, comparable to the Wyoming peace officer basic offered during the same time period.

Director Haukap explained that this language is also in POST Rules Chapter 4, 5, and 7. She asked the Commission to discuss, "What, in the Commission's Opinion, is a comparable basic" and for guidelines on what is comparable.

Commissioner Adriaens suggested that this topic be researched to determine how other states define "comparable" and that based on the findings, the Commission would be able to offer some guidelines.

NEW BUSINESS

Consideration to accept a Special Investigator's course as comparable peace officer basic – Mark Timmons

Commissioner Salzburg recused himself from the matter of Mark Timmons.

DCI Deputy Director Haller stated that Mark Timmons was employed with the US Air Force Office of Special Investigations as an investigator for 20+ years and has recently been hired to work for DCI in the ICAC (investigation of internet crimes against children) unit. He asked the Commission to consider the Special Investigators Course that Special Agent Timmons completed as a comparable basic and grant him reciprocity which would allow him to complete the challenge process rather than attend a full peace officer basic training course.

Director Haukap stated that in Chapter 3, Section 7 c of the P.O.S.T. Rules entitled, Officers certified/trained in states other than Wyoming, specifically allows a "basic peace officer program that is, in the Commission's opinion, comparable to the Wyoming peace officer basic offered during the same time period" for consideration when determining an applicant's eligibility for the challenge process and that advanced training and additional experience cannot be considered. Director Haukap did not find the course to be comparable, denied the request for reciprocity, and that decision is being appealed to the Commission.

Commissioner Powell made a motion to accept the Special Investigators course that Special Agent Timmons completed as being comparable to the WLEA basic training course in 1998 and allow Special Agent Timmons to challenge the peace officer basic training course. Commissioner Thompson seconded the motion. Cary Berry-Smith opposed, and the motion carried.

Other Matters

Commissioner Adriaens made a motion to proceed into executive session. Commissioner Powell seconded the motion. All were in favor and the motion carried.

Chairman Colson made a motion to leave executive session and reconvene the meeting. Commissioner Thompson seconded the motion. All were in favor and the motion carried.

Chairman Colson stated no action was taken in the executive session.

Commissioner Adriaens made a motion to revoke certification in the matter of Justin Snell, docket #09-026. Commissioner Powell seconded the motion. All were in favor and the motion carried.

Mr. Nelson stated that the revocation would not take effect until the Commission meets and approves the Order. Director Haukap will set up a teleconference meeting after the order has been drafted.

Chairman Colson stated that the next scheduled P.O.S.T. Commission meeting will take place at the WLEA in Douglas, Wyoming, on April 15, 2010, from 2:30 – 5:00 p.m.

Commissioner Salzburg made a motion to adjourn the meeting. Commissioner Thompson seconded the motion. All were in favor and the motion carried.

Respectfully submitted,

Trish Newberry

POST Executive Assistant