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Board Members

- John W. Suthers**
Attorney General
Chair
- Chief Daniel J. Oates**
City of Aurora
Vice Chair
- Ronald Beckham**
Public Member
- Chief Mark R. Beckner**
City of Boulder
- Detective Scott Black**
City of Glendale
- Chief Dan Brennan**
City of Wheat Ridge
- Sheriff Ron Bruce**
Hinsdale County
- Chief John S. Camper**
City of Grand Junction
- Officer Rafael Chanza**
City of Colorado Springs
- Exec. Dir. James H. Davis**
Department of Public Safety
- David Donaldson**
Logan County Commissioner
- Sheriff James F. Faull**
Prowers County
- Sheriff Shayne Heap**
Elbert County
- Sheriff Chris Johnson**
Otero County
- Inv. Gilbert Perales**
Southern Ute Indian Tribe
- SAC Thomas Ravenelle**
Federal Bureau of Investigation
- Sheriff Kirk M. Taylor**
Pueblo County
- Sheriff David A. Weaver**
Douglas County
- Chief Robert C. White**
City of Denver
- Chief David Wohlers**
City of Idaho Springs

Board Staff

- Pete Dunbar**
Director
- Becky Calomino**
Grant & Training Manager
- Cristine S. Mack**
POST Investigator
- Tom Mullen**
Compliance Officer
- Stefanie Mackey**
Grant & Training Coordinator
- Lori Jeneks**
Administrative Assistant

POST Board Meeting

Hosting Agency:
Pueblo County Sheriff's Office
Hampton Inn and Suites-North
4790 Eagleridge Circle
Pueblo, CO

Friday, September 20, 2013

SME Committee Meetings: 8:00 am – 10:00 am

**Peace Officer Standards and Training (POST) Board Meeting:
 10:00 a.m.**

Introductions:

- | | | |
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| 1. | Welcome | Attorney General John Suthers
Sheriff Kirk Taylor |
| 2. | Pledge of Allegiance | Attorney General John Suthers |
| 3. | Introduction of Board Members, SME Members, Staff and Guests | |
| 4. | Roll Call | Director Pete Dunbar
Declaration of a Quorum (11) |
| 5. | Approval of POST Board Minutes from June 14, 2013
(See supplemental handout) | |

Presentations:

6. Subject Matter Expert (SME) Committee Reports:

- | | |
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| <p>A. Curriculum
(See attached Refresher and Reserve Curricula)</p> | <p>Sgt. Darren O’Driscoll, Chair
Sgt. Graham Dunne, Vice-Chair
Sheriff Kirk Taylor, Board Member</p> |
| <p>B. Arrest Control
(Included in Refresher Curriculum)</p> | <p>Sgt. Richard Webb, Co-Chair
Capt. Erik Bourgerie, Co-Chair
Chief Dan Oates, Board Member</p> |
| <p>C. Firearms</p> | <p>Deputy Ed Kafel, Chair
Trng. Mgr. John Hood, Vice-Chair
Sheriff Chris Johnson, Board Member</p> |
| <p>D. Law Enforcement Driving
(See supplemental handout)</p> | <p>Cmdr. Karl Smalley, Chair
Al Padilla, Vice-Chair
Chief John Camper, Board Member</p> |

Action Items:

- | | |
|---|--|
| <p>7. Strategic Plan Adoption</p> | <p>Director Pete Dunbar</p> |
| <p>8. Sunrise Review
(See supplemental handout)</p> | <p>Sheriff David Weaver,
Subcommittee Chair</p> |
| <p>Department of Revenue
Criminal Tax Enforcement Section Special Agents</p> | |
| <p>Department of Revenue
Motor Vehicle Investigations Unit Investigators</p> | |
| <p>A. Subcommittee Recommendations
B. Board Vote</p> | |
| <p>9. Peace Officer Certification Revocation Actions
(See supplemental handout)</p> | <p>Attorney General John Suthers
Director Pete Dunbar
Board Counsel Julie Selsberg</p> |
| <p>A. <u>POST Rule 9 – Revocation of Peace Officer Certifications – Misdemeanor Convictions:</u></p> | |

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or has otherwise failed to meet the certification requirements established by the

Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes are recognized in § 24-31-305(1.5) (b) thru (h), C.R.S.

1. No. 13-05, **Gerald L. Bumgarner**, Certification No. B14430, (PID 133119), On March 6, 2013 Respondent pled Nolo Contendere to 1 count of Attempted Official Misconduct I, § 18-8-404, C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 1, 2012 – Separated: May 12, 2012).* The Respondent appeared at and gave testimony at the Show Cause Hearing. Director Dunbar recommends revocation of Gerald L. Bumgarner’s Colorado Peace Officer Certificate No. B14430 (PID 133119).
2. No 13-06, **James Michael Gallegos**, Certification No. B11416 (PID 120679). On March 14, 2013, Respondent pled guilty to 1 count of Harassment/Strike-Shove-Kick; § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: September 25, 2011 – Separated: July 3, 2012).* The Respondent has failed to comply with POST Show Cause Order 12-06 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of James Michael Gallegos’ Colorado Peace Officer Certificate No. B11416 (PID 120679).
3. No 13-07, **Nicholas Joseph Ward**, Certificate No. NONE (PID 136111). On October 24, 2012, the Respondent pled guilty to 1 count of Assault 3 – Know/Reckless Cause Injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 11, 2012 –Never Employed).* The Respondent has failed to comply with POST Show Cause Order 13-07 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Nicholas Joseph Ward’s Colorado Peace Officer Certification PID 136111.
4. No. 13-08, **Robert Alan Vasko II**, Certificate No. B17100 (PID 137793). On May 14, 2013 the Respondent pled guilty to 1 count of Assault 3 – Know/Reckless Cause Injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 20, 2013 – Separated: February 15, 2013).* The Respondent has failed to comply with POST Show Cause Order 13-08 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Robert Alan Vasko II’s Colorado Peace Officer Certificate No. B17100 (PID 137793).
5. No. 13-9, **Kelsey Elise Houser**. Certification No. NONE (PID 134168). On May 23, 2013 the Respondent pled guilty to 1 count of Assault 3 – Know/Reckless Cause Injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor, and 1 count of Resisting Arrest, §18-8-103 C.R.S., a class 2 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 21, 2012 – Separated: March 18, 2010).* The Respondent has failed to comply with POST Show Cause Order 13-9 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Kelsey Elise Houser’s Colorado Peace Officer Certification (PID 134168).

6. No. 13-10, **David Trevino Galvan**. Certification No. B10241 (PID 100294). On August 17, 2012 the Respondent was found guilty of 1 count of Assault 3 – Know/Reckless Cause Injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 17, 2012 – Never Employed)*. The Respondent has failed to comply with POST Show Cause Order 13-10 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of David Trevino Galvan’s Colorado Peace Officer Certification No. B10241 (PID 100294).
7. No 13-11, **Jeffrey Allan Haifley**, Certification No. B13316 (PID 129845). On April 15, 2013, Respondent was found guilty of 1 count of Harassment –strike-shove- kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 9, 2013 – Separated: November 24, 2008)*. The Respondent has failed to comply with POST Show Cause Order 13-11 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Jeffrey Allan Haifley’s Colorado Peace Officer Certification No. B13316 (PID 129845).

B. POST Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder *has been convicted of a felony at any time*, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or, has otherwise failed to meet the certification requirements established by the Board.

For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

1. No. 13-01, **Hector Abraham Paez**, Certification No. B13617 (PID 129989). On December 18, 2012, Respondent was found guilty and was convicted of one count of Kidnapping 2 – Victim Sex offense/Robbery, § 18-8-302(1)(3), C.R.S., a class 2 felony; one count Sex Assault –Victim In Custody, § 18-3-402(1)(f), C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: May 16, 2010 –Separated February 22, 2013)*. The Respondent has failed to comply with POST Show Cause Order 13-01 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Hector Abraham Paez’s Certification No. B13617 (PID 129989).
2. No. 13-08, **Eric K. Janusz**, Certification No. B01401 (PID 111696). On August 27, 2012, Respondent was found guilty and was convicted of one count of Sexual Assault/Child/Position of Trust/Vic 15-18, § 18-3-405 (3)(1), C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: July 7, 2000 –Separated February 18, 2012)*. The Respondent has failed to comply with POST Show Cause Order 13-08 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Eric K. Janusz’s Certification No. B01401 (PID) 111696).

3. No. 13-09, **Christian Dale McCracken**, Certification No. B13461 (PID 130368). On February 11, 2013, Respondent pled guilty to 1 count of Stalking – Threat/Following/Surveil; § 18-3-602(1)(a), C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: March 1, 2012 – Separated August 15, 2012).* The Respondent has failed to comply with POST Show Cause Order 13-09 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Christian D. McCracken’s Certification No. B13461 (PID 130368).
4. No 13-10, **Darrell Lingle**, PID 135119 (Conditional Certification issued). On April 18, 2013, Respondent pled guilty and was convicted of one count of Sexual Exploitation/Child Poss Material, § 18-6-403 (3)(b.5), C.R.S., a class 6 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: August 10, 2011 – Separated September 12, 2011).* The Respondent has failed to comply with POST Show Cause Order 13-10 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Darrell Lingle’s PID 135119 (Conditional Certification issued).
5. No. 13-11, **Sydney Rose Huffman**, Certification No. B14828, (PID 133103). On April 29, 2013, Respondent pled guilty to and was convicted of one count of Public Servant-attempt To Influence, §18-8-306, a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: April 7, 2010 – Separated May 2, 2013).* The Respondent has failed to comply with POST Show Cause order 13-11 by failing to appear the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Sydney Rose Huffman’s Certification No. B14828, (PID 133103).
6. No. 13-12, **Michael Samuel Jimenez**, Certification No. B7776, (PID 113659). On June 14, 2013, Respondent pled guilty to and was convicted of one count of Vehicle Assault - DUI, §18-3-205 (1) (b), a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 9, 2013 – Separated May 2, 2013).* The Respondent has failed to comply with POST Show Cause order 13-12 by failing to appear the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Michael Samuel Jimenez’s Certification No. B7776, (PID 113659).

10. **Formal Rule Making Hearing**
(See supplemental handout)

Attorney General John Suthers
Board Counsel Julie Selsberg
Director Pete Dunbar

Public Announcement of Formal Rule Making Hearing

A. Summary of Proposed POST Rule Changes Director Pete Dunbar

Colorado Department of Regulatory Affairs Review/Response

- 1) Rule 1 – Definitions
- 2) Rule 15 – Certification Examination-Basic, Provisional, Renewal
- 3) Rule 20 – Vehicle Identification Number Inspector Programs

B. Public Comment on Rule Making

C. Board Vote

Informational Items:

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| 11. | POST Board Member Reimbursement
(See supplemental handout) | Director Pete Dunbar |
| 12. | POST Online Test Update | Director Pete Dunbar |
| 13. | Comments from Others on POST Issues | |
| 14. | Adjournment | |

Next POST Board Meeting

December 6, 2013

Colorado Department of Law
1300 Broadway, 1st Floor
Denver CO 80203

SME Meetings – 8:00 am
POST Board Meeting – 10:00 am