

Kansas Commission *on* Peace Officers' Standards *and* Training (KS•CPOST)

**Commission Meeting Minutes
Held at KS-CPOST – 1999 N Amidon Ste 350
Wichita KS
October 25, 2012 2:03 pm**

Attendees:

KS•CPOST Members Present	KS•CPOST Staff
Chairman David Moses – by telephone	Gary Steed, Executive Director
Commissioner Danny Bardez Bain – in person	Eric Williams, Counsel
Commissioner Mike Keller – in person	Vicki Mork, Administrative Assistant
Commissioner Dean Bush – by telephone	
Commissioner Ernest Garcia – by telephone by proxy Lt. Colonel Stoecklein	Attorney General's Office
Commissioner Brad Schoen – by telephone	Lisa Mendoza, Assistant Attorney General
Commissioner Herman Jones – by telephone	
Commissioner James Jarboe – by telephone	
Commissioner David Miller – by telephone	
Commissioner Mark Pierce - by telephone	
Commissioner Mark Bundy – by telephone	
Commissioner Mark Thompson – by telephone	

Chairman Moses called to order at 2:03 pm on October 25, 2012, KS CPOST public meeting conducted by conference call. Upon roll call taken, the commissioners listed above attended the meeting. As noted above, other attendees were from KS-CPOST and the Kansas Attorney General's office.

Chairman Moses explained there was one agenda item for the meeting. That item concerned the Commission's delegation of authority to the Hearing Committee to handle any matters that may arise after the Hearing Panel or Commission issued a final order. This delegation would include whether a decision by a court should be appealed and any issues that would arise while an appeal was pending, including settlements.

It was explained that Official Motion 2011 M 028 passed on December 19, 2011 established the Hearing Committee and outlined its responsibilities: to conduct hearings; to enter orders of certification or decertification of law enforcement officers; to hear and determine requests for rehearing or reconsideration, and to take any other necessary actions. The motion did not authorize the Hearing Committee to make decisions regarding appeals, settlements while an appeal is pending, or

reinstatement requests. Commission action is needed to clarify the proper course of action regarding the Hearing Committee's authority in those issues for current and future cases. Delegation of these responsibilities to the three-member Hearing Committee rather than involving the 12-person Commission is more feasible logistically.

The Commission's General Counsel, Assistant Attorney General Mendoza, offered to assist with clarification of the delegation matters through a motion. She also recommended a second motion to delegate specifically to the Hearing Committee any decision on a pending case, *In re Timothy Finney*.

After discussion of the issues, Commissioner Keller moved that the Commission delegate its authority to the Hearing Committee for all matters at all stages of any case under the Kansas Administrative Procedures Act regarding violations of the Kansas Law Enforcement Training Act or any regulations as may be necessary including but not limited to entering all necessary orders, determining all requests for rehearing or reconsideration, authorizing appeals or settlements, and any other necessary action on behalf of the Commission with respect to the certification, decertification or reinstatement of Law Enforcement Officers and any other necessary matters related thereto unless the Committee determines the matter should be considered by the full Commission. Commissioner Jones seconded the motion.

The Commission then discussed the motion whereby Chairman Moses clarified that the Hearing Committee would decide any certification question without coming before the Commission at a meeting unless the Committee wanted the matter heard by the entire Commission. Assistant AG Mendoza said the Commission could also reach down and determine to hear a matter if it chose. Counsel Williams explained that this motion would delegate to the Hearing Committee additional authority than what was delegated in the motion on December 19, 2011.

Following further discussion on the motion, the question was called. A roll call vote was taken and the motion passed unanimously. The vote included Commissioner Thompson who explained that he joined the call right after Chairman Moses called roll at the beginning of the meeting.

Upon motion by Commissioner Bardezbain and seconded by Commissioner Schoen, the Commission delegated to the Hearing Committee the authority to determine all matters related to the case titled *In re Timothy Finney* including hearings of any kind, appeals, settlements, and any other action it determined necessary for the good of the Commission. A roll call vote was taken and the motion passed unanimously.

Upon motion by Commissioner Schoen and seconded by Commissioner Thompson, the meeting was adjourned.