

# POST COUNCIL MEETING

September 24, 2014

*Pioneer Center for the Arts – Social Hall, 212 N. Main St., St. George, UT*

## MINUTES

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On September 24, 2014, a regularly scheduled POST Council meeting was held at 1:00 p.m. at the Social Hall, 212 N. Main St. in St. George, Utah. Chairman Terry Keefe conducted and welcomed those in attendance.

### **The following POST Council members were in attendance:**

Chief Terry Keefe, Chairman, Layton City Police Department  
Sheriff Lamont Smith, Vice-Chairman, Kane County Sheriff's Office  
Sheriff Dave Edmunds, Summit County Sheriff's Office  
Christie Moren, At Large  
Frank Budd, At Large  
Executive Director Rollin Cook, Utah Department of Corrections  
Colonel Danny Fuhr, Superintendent, Utah Highway Patrol  
Sheriff James O. Tracy, Utah County Sheriff's Office  
Bruce Bayley, Weber State University  
Commissioner Kerry Gibson, Weber County Commissioner  
Dr. Matthew Checketts, At Large  
John Crowley, UPOA Representative  
Chief Wade Carpenter, Park City Police Department  
Chief Spencer Austin, Utah Attorney General  
Chief Marlon Stratton, St. George City Police Department

### **The following were excused and/or absent:**

Chief Chris Burbank, Salt Lake City Police Department

### **POST staff present:**

Scott Stephenson, Director  
Kelly Sparks, Deputy Director  
Atty. Kevin Bolander, DPS Legal Counsel representing POST, Asst. Attorney General  
Atty. Marcus Yockey, DPS Legal Counsel representing POST, Asst. Attorney General  
Shaunna McCleve, Administrative Secretary  
Al Acosta, POST Investigations Bureau Chief  
Rex Dana, POST Investigations  
Rich Fordham, POST Investigations  
Brad Macfarlane, POST Investigations  
Robert Bench, POST Investigations  
Mary Kaye Lucas, POST Investigations  
Wade Breur, POST Basic Training Bureau Chief  
Christopher Fielding, POST Media Producer

**Others present:**

Ben Winslow  
Eric Brown  
Trent Nelson  
Nate Carlisle  
Chris Caldwell  
Derek Lewis  
Richard Davis  
Darin Durfey  
Christopher Hauser  
Jerald Bradford  
Aayela Bradford  
Dee Larsen  
Matthew Judd  
Bart Higbee  
Tyler Venema  
Denise Vincent  
Holly Lang  
M. Eleanore Dana  
Janea Vandehei  
Austin Bowcutt  
R. Todd Bills  
Doug Spencer  
Ralph Evans  
Bret Rawson  
Brian Gwilliam  
Jim Hudspeth  
Sheryl Dekker  
Robert Dekker  
Jon Richey  
Jonathan Thorne

**WELCOME AND INTRODUCTIONS**

The meeting was called to order at 1:00pm. Chairman Terry Keefe welcomed those in attendance.

**APPROVAL OF POST COUNCIL MINUTES**

The POST Council minutes of June 11, 2014, were reviewed and the following motion was made:

- Motion:** *Executive Director Rollin Cook motioned to approve the minutes of June 11, 2014.*  
**Second:** *Chief Austin Spencer seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**QUARTERLY REPORTS**

Lt. Al Acosta presented the following investigation report: POST investigations received 39 complaints, opened 22 cases, conducted two administrative hearings and five cases closed with no action. Investigations received three voluntary relinquishments and conducted 341 background investigations for applicants attending an academy. There are currently 57 active investigations.

Lt. Wade Breur presented the following training bureau report: On June 9<sup>th</sup> session #308 started with thirty-eight cadets and graduated thirty four law enforcement officers on August 18<sup>th</sup>. Session #309 SFO started on July 7<sup>th</sup> with 20 cadets and moved on to the LEO portion on August 11<sup>th</sup> with 30 cadets. On September 2<sup>nd</sup> session #310 started with 18 cadets.

POST trained 235 officers and dispatchers in 11 in-service training classes for a total of 228 hours. The following courses were hosted by POST: basic dispatch, field training officer, firearms instructor, instructor development, intoxilizer, radar/lidar recertification, firearms handgun instructor and impact weapons instructor.

## **SATELLITE AUDITS**

Lt. Wade Breur reported POST conducted two satellite audits on Salt Lake Community College Academy and Salt Lake County Sheriff's Office Academy. There were no exceptions to the audits. The satellite academies have requested POST to update the video basic training library. The video library will be updated over the course of the next year.

## **ELIGIBILITY FOR URS RETIREMENT**

Director Stephenson addressed the Council and reported Millard County Sheriff's Office is appealing the decision of the Utah Retirement Board regarding two Millard County officers not meeting public safety retirement requirements. By statute the appeal is brought before the POST Council by the chief administrator. The statute reads: If there is any dispute between the office and a participating employer/employee over any position to be covered, the disputed position shall be submitted to Peace Officer Standards and Training Council. Director Stephenson then turned the time over to Sheriff Dekker to present his cases.

Sheriff Dekker addressed the Council to discuss two employees that work for his department. The first is a dispatch supervisor who has been corrections certified since 2002. At that time Dekker's department was encouraged, by corrections, to certify all employees who deal with inmate movement. This dispatch supervisor monitors activity in the jail. The dispatch center is located in a locked portion of the jail facility. Dekker informed the Council his employee transports prisoners, helps with [cell searches], bookings and more. For this reason Dekker has kept the dispatch supervisor as a certified officer. He said he did not rewrite the job description when submitting it to Utah Retirement System (URS). Sheriff Dekker took the dispatch supervisor and corrections officer description and combined the duties. Utah code 49-14-201 describes the positions covered under the public safety retirement system and states the position must place the employee's life or personal safety at risk. Sheriff Dekker feels this officer meets the criteria.

Council members inquired if he performed correctional officer duties and Sheriff Dekker stated he did. Council members discussed that a number of officers perform multiple duties in the smaller departments. Council discussed further about the duties of employees and why they need correctional officer certification, such as transporting inmates to the hospital or courts. Attorney Bolander asked if Sheriff Dekker's agency was tracking the amount of time the employee was spending on law enforcement duties. Sheriff Dekker stated a few things would be tracked such as transports, taking a work crew out or working as a bailiff, but if he was stepping out of dispatch to assist in the jail those duties would not be tracked. Council member stated the distinction in this case is the officer is required to oversee inmates; therefore, he is required to be correctional officer certified.

Dee Larsen, legal counsel for the Utah Retirement System, addressed the Council. The discussion should be whether a particular position qualifies for public safety retirement or should be covered under the Utah public retirement system. This is not an individual case, the Council will be deciding if the position qualifies for the public safety retirement. The decision today will not affect their POST certification, but will decide if the

position being brought before the Council qualifies for public safety retirement. The job of URS is not to micro manage employers, but to look at this systemically. There are ramifications and consequences if a dispatch position is qualified for public safety retirement, because that decision will apply across the board to all employers. By statute similarly situated people could go and apply for retroactive benefits.

Mr. Larsen read from Utah Code 49-15-201 informing the Council of the requirements to have an employee in the public safety retirement system. The key point is the position is classified as a dispatch supervisor which assists with corrections, verses a correctional officer which assists with dispatch. The primary function was listed as dispatch, which is not covered in the public safety retirement and that is why the URS committee voted, unanimously, not to cover it under that system. A Council member asked for the definition of "primary". Attorney Larsen stated "a preponderance, it's the principle or chief duty".

The Council decided after much discussion to form a sub-committee and the following motion was made.

**Motion:** *Sheriff Tracy motioned to create a sub-committee to review the request and report at the December POST Council meeting.*  
**Second:** *Chief Spencer Austin seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

Sheriff Dekker presented a second request to the Council for their review. This officer position requires them to supervise inmates in the kitchen. After a brief discussion by the Council it was decided the sub-committee will review and make a recommendation in December.

**Motion:** *Colonel Fuhr motioned to have a sub-committee to review this request at the same time as the previous case.*  
**Second:** *Sheriff Dave Edmunds seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

*Sub-committee members are: Sheriff Tracy, Director Cook, Kerry Gibson, Kevin Bolander and a POST staff member (Director Stephenson).*

## **UPDATE ON IN-SERVICE TRAINING HOURS AUDIT**

Director Stephenson addressed the Council and reported the in-service training audit is almost complete. On August 1<sup>st</sup> there were 224 officers that were deficient; however, the list is down to 48. Suspension notification letters were sent to officers and their agencies.

## **LEGISLATIVE ITEMS**

Director Stephenson reported, POST and the Corrections academy have been working together to propose making the special function officer certification a requirement for basic correctional officer certification. This has been the practice, but POST would like to add the requirement to administrative rule. Dir. Stephenson will solicit input from the Sheriff's Association and would like the Council's approval in concept. Dir. Stephenson will report back to the Council in December.

**Motion:** *Sheriff Edmunds motioned to accept the proposal in concept.*  
**Second:** *Sheriff Smith seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

Director Stephenson would like the Council's help, support and input in preparing a bill for next legislative session to address adding a sanction for refusing to report officer misconduct to POST. Dir. Stephenson asked for input in drafting this bill and would like Council member's assistance. Council members discussed the need for this to be added in law because officers can move to different agencies without the misconduct being reported. Dir. Stephenson stated one of the problems with the bill last year was trying to determine a timeframe within which the misconduct should be reported to POST. Chairman Keefe stated there would be a need to make sure new law enforcement administrators, especially those who come from out of state are aware of the sanction/bill. Dir. Stephenson stated he could present annually at the chief and sheriffs association meetings.

Director Stephenson reported he met with Representative Lee and Representative Oda to discuss ideas about private investigators and constables. They are drafting language to regulate what investigators and constables can and cannot do. They are also looking into the type of training constables are receiving and whether it supports the duties they perform. There was discussion about the possibility of creating a constable certification to replace the special function certification requirement to become a constable. By putting together a constable certification, it would be designed for constables and the duties they perform. Chief Keefe asked how this would affect POST budget. Dir. Stephenson stated he would propose the constable certification be taught through the satellite academies and not by POST. POST would create the curriculum and present it to the Council for approval and the satellite academies would deliver the curriculum.

## **DISCIPLINARY CASES**

Attorney Marcus Yockey presented the following cases to the POST Council:

### **RICHARD TODD BILLS**

Offence – Assault, Domestic Violence in the Presence of a Child

Category – C

Recommended Discipline – 3½ year suspension

Status – Terminated 9/11/13

Agency – Box Elder Co SO

On June 26, 2013, Richard Todd Bills and his wife got into an argument at their residence. During the altercation, Bills pushed his wife, hit her in the face with an open hand, pulled her by her hair and laid on top of her until she said she could not breathe. Bills' wife's 10 year old daughter was in the home at the time of the incident and heard the altercation. Bills and his wife were investigated by local police and domestic violence charges were filed on both individuals. Bills plead guilty to an amended disorderly conduct charge.

On September 15, 2014, Richard Todd Bills waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Richard Todd Bills addressed the Council and thanked the Box Elder County representatives there to support him. Mr. Bills told of how he became an officer and stated he lived his life making good decisions until this incident. He made choices he is not proud of and should have asked for help. He does not agree with the recommended 3 ½ year suspension and asked the Council to be fair.

Sheriff Edmunds asked why POST categorized this case a category "C" offence. He feels it is a category "A" due to domestic violence in the presence of a child, Class A Misdemeanor. Lt. Acosta stated investigations looked at the charges and conviction, took all of that information into consideration, and felt it was a category "C". Dir. Stephenson stated he was charged with a Class B Misdemeanor. Sheriff Edmunds stated the Council looks at not only what an officer was charged with, but what he could have been charged with.

**Motion:** Sheriff Dave Edmunds motioned to re-categorize the offence to a category "A" offence and recommended a 4 year suspension of Richard Bills' peace officer certification.

**Second:** Executive Director Rollin Cook seconded the motion.

**Discussion:** Christie Moren asked how Sheriff Edmunds was getting to category "A" and requested clarification. Sheriff Edmunds stated domestic violence in the presence of a child was a class A misdemeanor. Attorney Yockey stated this offence is a class B and the reason POST asked for 3 ½ year suspension is due to the aggravating circumstances. Sheriff Edmunds then amended his motion.

**Amended Motion:** *Sheriff Dave Edmunds motioned to accept the recommended 3½ year suspension of Richard Bills' peace officer certification (9/11/13-3/11/17).*

**Second:** *Executive Director Rollin Cook seconded the motion.*

**Vote:** *The motion passed with all in favor.*

#### **TYLER VENEMA**

Offence – Official Misconduct

Category – E

Recommended Discipline – Letter of Caution

Status – Verbal Reprimand

Agency – West Jordan PD

On March 18, 2014, Tyler Venema received a phone text message from a female who works at a local restaurant, informing him that she was being issued a citation from another officer in his agency. Venema sent a text to the citing officer telling her to "get rid of" the citation if it had not been submitted. The other officer had served the citation on the female, but had not transmitted the electronic copy to the court. The other officer informed Venema she would be cancelling the citation. After learning the citation would be cancelled by the other officer, Venema sent a text to the female violator telling her she did not need to appear on the citation.

On September 10, 2014, Officer Venema waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Chief Keefe asked if POST received a letter from Chief Diamond. Lt. Acosta stated Chief Diamond sent a letter addressed to POST requesting no action be taken.

Attorney Rawson addressed the Council and read the letter from Deputy Chief Richard Davis in support for Venema and Vincent. The officers believed they were using discretion which was available to them. Both officers are remorseful for this situation and requested no action be taken.

Sheriff Tracy felt this was undue influence not discretion. The Council and attorney further discussed if this was discretion and the following motion was made.

**Motion:** *Sheriff Lamont Smith motioned to accept the recommended letter of caution.*

**Second:** *Chief Wade Carpenter seconded the motion.*

**Vote:** *The motion passed with all in favor.*

## **DENISE VINCENT**

Offence – Official Misconduct

Category – E

Recommended Discipline – Letter of Caution

Status – Verbal Reprimand

Agency – West Jordan PD

On March 18, 2014, Denise Vincent issued a written citation to a female driver for speeding. After the traffic stop was concluded, Vincent received a phone text message from another officer with her agency, telling her to “get rid of” the citation if she had not submitted it to the court. Vincent disposed of her copies of the citation and deleted the citation from her computer. The other officer informed the female driver she would not have to appear in court.

On August 28, 2014, Officer Vincent waived her right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Attorney Rawson addressed the Council and stated this is the counter part to the previous case. He referenced to the comments in the other case and said Vincent has been an excellent officer. Rawson asked for the same action in this case as the previous.

**Motion:** *John Crowley motioned to accept the recommended letter of caution.*

**Second:** *Bruce Bailey seconded the motion.*

**Vote:** *The motion passed with all in favor.*

## **JONATHON W. RICHEY**

Offence – Criminal Trespass

Category – E

Recommended Discipline – Letter of Caution

Status – Still Employed

Agency – Unified PD

On August 31, 2013, Richey, his wife, and two police service dogs stopped at a parking area near a river to allow the dogs to run and cool off in the river. Richey saw a zipline amusement ride and he and his wife began to walk to that location. A female driver, later identified as the property owner, rapidly approached them on the dirt road and began yelling they were trespassing. The local sheriff’s office was contacted. Two deputies arrived at the location and took the complaint. The property owner signed a criminal complaint against Richey and his wife.

Richey entered a plea of no contest to a charge of criminal trespassing, a class B misdemeanor.

On August 29, 2014, Officer Richey waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Attorney Jonathan Thorne addressed the Council on behalf of Mr. Richey. Mr. Richey has never received any type of discipline and this situation was a misunderstanding. Attorney Thorne gave Mr. Richey’s version of the situation. Council discussed the situation and the following motion was made.

**Motion:** *Sheriff Lamont Smith motioned to not accept the recommended letter of Caution and to take no action on Jonathon Richey.*

**Second:** *Sheriff James Tracy seconded the motion.*

**Vote:** *The motion passed with all in favor.*

**BROCK H. FINDLAY**

Offence – Purchase the wrong class of fishing license  
Category – E  
Recommended Discipline – Letter of Caution  
Status – Letter of reprimand  
Agency – Department of Correction

On November 11, 2013, Brock Findlay and a group of friends traveled to Idaho for a weekend fishing trip. The group stopped at a store in Idaho to purchase fishing licenses. Findlay requested a three day non-resident license for Steelhead and Salmon. Findlay, a former resident of Idaho, was mistakenly issued a 2013 Idaho resident adult fishing permit and a 2013 Idaho resident permit for Steelhead. Idaho’s computer system performed a routine audit and discovered Findlay had purchased a resident one year permit but was not in Idaho’s driver license data base as having a current Idaho address. At the conclusion of the investigation, Idaho Fish and Game contacted Utah Division of Wildlife Resources and requested they serve Findlay a citation for purchasing the wrong class of license. Findlay pled not guilty; the charge was dismissed, with the condition that Findlay pay \$85 in restitution.

On September 15, 2014, Brock Findlay waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

**Motion:** *Colonel Daniel Fuhr motioned to accept the recommended Letter of Caution.*  
**Second:** *Chief Marlon Stratton seconded the motion.*  
**Vote:** *The motion passed with all in favor.* (Executive Director Cook recused himself)

**RALPH EVANS**

Offence – Reckless Driving  
Category – D  
Recommended Discipline – 6 month suspension  
Status – 176 hour suspension  
Agency – Unified PD

On October 28, 2012, Ralph Evans was arrested for driving under the influence of drugs. Evans was initially contacted by an officer near a DUI administrative check point where Evans stopped to change a flat tire. The tire had been flattened when Evans’ vehicle struck a nearby curb. Evans later entered a no contest plea to the amended charge of reckless driving, a class B misdemeanor.

On August 7, 2014, a hearing was held before the administrative law judge. The ALJ issued findings of facts and conclusions of law stating POST did not meet its burden of proof in its allegation of driving under the influence (count 1 as outlined in the notice of agency action). However, the ALJ subsequently issued findings of facts and conclusions of law stating Ralph Evans violated UCA 53-6-211 as outlined in the notice of agency action, count II, Reckless Driving.

Attorney Rawson addressed the Council, representing Ralph Evans. The only matter before the Council today is the reckless driving. He stated he client made a wide left hand turn and hit the curb, which popped the tire. He objected to the allegations of DUI being discussed before the Council, these were unfounded. Attorney Rawson stated Mr. Evans has had an exemplar career and gave details of it.

Ralph Evans addressed the Council and reported all of his accomplishments as an officer. He told his story of the situation. He feels he has been severely punished for this situation already. He asked for a Letter of Caution or less.

**Motion:** *Sheriff Dave Edmunds motioned to reject the recommended 6 month suspension and moved for a Letter of Caution.*  
**Second:** *Dr. Frank Budd seconded the motion.*  
**Vote:** *The motion passed with 13 in favor and 1 against.*

**BART J. HIGBEE**

Offence – Patronizing a prostitute  
Category – D  
Recommended Discipline – 1 year suspension  
Status – Unemployed  
Agency – N/A

On June 28, 2013, Higbee contacted a local prostitute. Higbee arranged to meet her at a local motel where he paid her to engage in sexual activity. On July 26, 2013, Higbee was interviewed by a local police agency where he admitted to patronizing a prostitute. Higbee was charged and entered a guilty plea, to be held in abeyance, to patronizing a prostitute, a class B misdemeanor. On March 26, 2014, during a POST *Garrity* interview, Higbee admitted to paying a prostitute for sex.

On July 21, 2014, Higbee waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Bart Higbee addressed the Council and said the incident was the biggest mistake of his life. He has learned from this mistake and almost lost his family.

**Motion:** *Chief Wade Carpenter motioned to accept the recommended 1 year suspension of Bart Higbee's officer certification (2/2/14-2/2/15).*  
**Second:** *Sheriff Lamont Smith seconded the motion.*  
**Vote:** *The sub-motion passed with all in favor.*

**MARTIN LUTHER TURNER III**

Offence – Wrongful Appropriation  
Category – D  
Recommended Discipline – 1 year suspension  
Status – Retired  
Agency – Utah Highway Patrol

On February 9, 2012, Martin Luther Turner III, was investigated by a local police agency for theft. The investigation disclosed that on January 15, 2010, Turner, a sergeant with the Utah Highway Patrol, provided an officer from another agency with a Lidar and a broken Taser, which belonged to the UHP. The investigation determined Turner did not have authority to give UHP property to an officer from another agency. Charges were filed on Turner for theft, which was amended to wrongful appropriation. The district attorney had the case dismissed and the city attorney declined to prosecute. POST conducted a *Garrity* interview with Turner who admitted to giving an officer from another agency a Taser and Lidar while Turner was employed with the UHP. Turner did not get authorization from the UHP, complete any paper work to document he gave equipment to an officer from another agency, or make any attempt to get the equipment back before retiring from the UHP.

On September 2, 2014, Turner waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

**Motion:** *Director Rollin Cook motioned to accept the recommended 1 year suspension of Martin Turner's peace officer certification (1/5/12-1/5/13).*  
**Second:** *Chief Marlon Stratton seconded the motion.*  
**Vote:** *The motion passed with all in favor.* (Colonel Fuhr recused himself)

**RUEBEN J. BADGER**

Offence – Impersonation of an Officer  
Category – D  
Recommended Discipline – 18 month suspension  
Status – Terminated  
Agency – Utah Co SO

On May 21, 2013, Reuben Badger initiated a traffic stop using a siren he had installed in his personal vehicle. The driver of the stopped vehicle believed Badger to be an undercover officer and pulled over when he heard the siren. When uniformed officers arrived, Badger told officers he was a “soon to be a deputy” for the Utah County Sheriff’s Office. It was later discovered Badger had completed a satellite academy and was, at the time, employed in a non-sworn position. Badger had not completed all of the requirements for law enforcement officer certification. Badger still needed to complete emergency vehicle operations training before he could be a sworn peace officer with the sheriff’s office. The sheriff’s office conducted an internal investigation into the incident and decided to terminate Badger’s employment. Charges were filed on Badger for unlawful detention and having a siren in his vehicle. Badger entered a guilty plea for the siren and the unlawful detention was dismissed.

On July 14, 2014, Badger waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

**Motion:** *Sheriff Lamont Smith motioned to accept the recommended 18 month suspension of Rueben Badger's peace officer certification (6/19/13-12/19/14).*  
**Second:** *Sheriff Dave Edmunds seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**KEVIN G. ERSKINE**

Offence – Sexual Conduct On-duty  
Category – B  
Recommended Discipline – 18 month suspension  
Status – Resigned  
Agency – West Bountiful PD

Sometime between the end of May and the first part of June 2013, Kevin Erskine was working a West Bountiful Police Department security assignment at a local golf course. During his shift, Erskine was relieved by another officer so Erskine could take a dinner break. Erskine drove his patrol vehicle to his girlfriend’s residence and engaged in sexual intercourse. Erskine then returned to his shift at the golf course. Erskine was being compensated by his agency during his dinner break, but was not required to respond to regular law enforcement calls.

On September 1, 2014, Kevin Erskine waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Council discussed if this offence meets the sexual misconduct under statute.

**Motion:** *Colonel Daniel Fuhr motioned to not accept the recommended 18 month suspension and moved for a Letter of Caution.*  
**Second:** *Chief Marlon Stratton seconded the motion.*  
**Vote:** *The motion passed with 11 in favor and 3 against.*

**MAYRA A. CARDENAS**

Offence – Falsifying Information on POST Application  
Category – C  
Recommended Discipline – 2 year suspension  
Status – Resigned  
Agency – Ogden PD

On February 27, 2014, during a pre-employment interview for a local police agency, Cardenas disclosed she had used marijuana as recently as 2013, before entering the police academy. POST was notified of Cardenas' disclosure of drug use and conducted a review of Cardenas' POST application. As a result of that review, POST concluded Cardenas willfully falsified her POST application by not disclosing her recent drug use.

On July 22, 2014, a hearing was held before the administrative law judge. The ALJ subsequently issued findings of facts and conclusions of law stating Cardenas violated UCA 53-6-211 as outlined in the notice of agency action.

**Motion:** *Sheriff Dave Edmunds motioned to accept the recommended 2 year suspension of Mayra Cardenas' peace officer certification (3/11/14-3/11/16).*  
**Second:** *Chief Spencer Austin seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**CHRISTOPHER A. HAUSER**

Offence – Falsifying Information on POST Application  
Category – C  
Recommended Discipline – 2 year suspension  
Status – N/A  
Agency – Not Employed

On December 2, 2013, Christopher Hauser submitted an application to POST to attend the police academy. Hauser made no mention of misusing prescription drugs. On January 14, 2014, Hauser submitted an addendum to his POST application, again Hauser made no mention of misusing prescription drugs. On May 16, 2014, Hauser submitted another addendum which included a history of prescription drug misuse.

On June 4, 2014, POST conducted a Garrity interview with Hauser. During the interview, Hauser admitted to intentionally omitting his prescription drug misuse in an attempt to deceive POST and future employers.

On August 9, 2014, Christopher Hauser waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Christopher Hauser addressed the Council and stated the reason for his last addendum to his POST application was because he noticed discrepancies between his POST application and an agency application. He realized he made a mistake and tried to rectify it.

**Motion:** *Chief Marlon Stratton motioned to accept the recommended 2 year suspension of Christopher Hauser's peace officer certification (5/16/14-5/16/16).*  
**Second:** *Chief Wade Carpenter seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**ROBERT A. CARTER**

Offence – Assault/Domestic Violence, Domestic Violence in the Presence of a Child  
Category – C  
Recommended Discipline – 2 year suspension  
Status – Resigned 3/25/13  
Agency – Utah Department of Corrections

On February 17, 2013, Robert Carter was involved in an argument with his brother-in-law inside the home in which they cohabitated. During the argument, Carter pushed the chair, on which his brother-in-law was seated, causing the chair to fall over. The brother-in-law sustained a minor injury to his hand and the altercation was witnessed by Carter's young niece and nephews. Local police arrived and arrested Carter for domestic violence assault, and commission of domestic violence in the presence of a child.

On February 20, 2013, Carter was charged with domestic violence assault and three counts of commission of domestic violence in the presence of a child. Carter entered a guilty plea, to be held in abeyance, to the amended charge of disorderly conduct, a class C misdemeanor. Carter resigned from his department on March 25, 2013.

On June 27, 2014, Carter waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

**Motion:** *Sheriff Dave Edmunds motioned to accept the recommended 2 year suspension of Robert Carter's peace officer certification (3/25/13-3/25/15).*  
**Second:** *Chief Spencer Austin seconded the motion.*  
**Vote:** *The motion passed with all in favor. (Executive Director Cook recused himself)*

**JERALD BRADFORD**

Offence – Sexual Conduct While On-duty  
Category – B  
Recommended Discipline – 2 ½ year suspension  
Status – Resigned 3/13/14  
Agency – San Juan Co SO

In February 2014, Jerald Bradford began a sexual relationship with a local female dispatcher. Bradford admitted that between February 1, 2014, and February 6, 2014, he and the dispatcher engaged in sexual conduct in Bradford's department vehicle, while parked in a public place on three separate occasions. The conduct included touching of the breasts, genitals and buttocks on top of the clothing as well as under the clothing.

On September 16, 2014, Jerald Bradford waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Jerald Bradford addressed the Council and apologized for his actions. He loves law enforcement and would like the opportunity to return.

**Motion:** *Chief Wade Carpenter motioned to accept the recommended 2 ½ year suspension of Jerald Bradford's peace officer certification (3/13/14-9/13/16).*  
**Second:** *Sheriff James Tracy seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**JANEA VANDEHEI**

Offence – Assault/Domestic Violence, Domestic Violence in the Presence of a Child  
Category – C  
Recommended Discipline – 3 year suspension  
Status – Terminated 9/11/13  
Agency – Box Elder Co SO

On June 26, 2013 Janea Vandehei and her husband got into an argument at their residence. During the altercation, Vandehei broke a picture, slapped her husband, spit on him, kicked him in the groin, and threw a book and jar at him. Vandehei's 10 year old daughter was in the home at the time of the incident and heard the altercation. Vandehei and her husband were investigated by local police and domestic violence charges were filed on both of them. Vandehei plead guilty to an amended disorderly conduct charge.

On September 16, 2014, Janea Vandehei waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Janea Vandehei addressed the Council and gave background information that led up to this incident. She also gave details about the domestic violence incident.

**Motion:** *Sheriff Dave Edmunds motioned to accept the recommended 3 year suspension of Janea Vanderhei's peace officer certification (9/11/13-9/11/16).*  
**Second:** *Commissioner Kerry Gibson seconded the motion.*  
**Vote:** *The motion passed with 13 in favor and 1 against.*

**DAN OBERG**

Offence – Sex On-duty, Lying under Garrity  
Category – A & B  
Recommended Discipline – Revocation  
Status – Resigned 9/27/12  
Agency – Ogden City PD

On August 21, 2012, Ogden Police Department initiated an internal investigation regarding a complaint of sexual misconduct at a police substation involving Daniel Oberg. During his first *Garrity* interview, Oberg denied having any sexual activity at the substation. In a second *Garrity* interview, Oberg admitted to several incidents of sexual activity with his girlfriend at the substation as well as incidents of sexual activity in his patrol vehicle in a public place. POST conducted a *Garrity* interview with Oberg and he admitted to having sexual intercourse at the police substation.

Oberg failed to respond to the notice of agency action. On September 3, 2014, an order of default was signed by the administrative law judge and mailed to Oberg.

**Motion:** *Dr. Frank Budd motioned to accept the recommended Revocation of Dan Oberg's peace officer certification.*  
**Second:** *Chief Spencer Austin seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

### **SCHEDULE NEXT MEETING**

Next meeting will be held on December 8, 2014, at 10:00am at the PSET building in Sandy.

### **ADJOURN**

Sheriff Lamont Smith motioned to adjourn.  
Meeting adjourned at 4:01pm.