

# POST COUNCIL MEETING

September 10, 2012

*Public Safety Education and Training Center  
Sandy, UT*

## MINUTES

---

On September 10, 2012, a regularly scheduled POST Council meeting was held at 10:00am at the Public Safety Education and Training Center, in Sandy, Utah. Chairman Mike Larsen conducted.

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

Director Mike Larsen, Chairman, Orem DPS  
Sheriff Lamont Smith, Kane County Sheriff's Office  
Executive Director Tom Patterson, Department of Corrections  
Chief Terry Keefe, Layton City P.D.  
Chief Wade Carpenter, Park City P.D.  
Vice-President Donna Dillingham-Evans, Dixie State College  
Commissioner Kerry Gibson, Wayne County Commissioner  
Dr. Matthew Checketts, At Large  
Dr. Sterling R. Provost, At Large  
Robert D. Robertson, At Large  
Sheriff James O. Tracy, Utah County Sheriff's Office  
Capt. Doug McCleve, Utah Highway Patrol (Proxy for Colonel Daniel Fuhr)

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

John Crowley, UPOA Representative  
Chief Chris Burbank, Salt Lake City P.D.  
Colonel Daniel Fuhr, Superintendent, Utah Highway Patrol (Proxy by Capt. Doug McCleve)  
Attorney General Mark Shurtleff, Attorney General's Office  
Mayor Melissa Johnson, West Jordan City

### **POST staff present:**

Scott Stephenson, Director  
Kelly Sparks, Deputy Director  
Shaunna McCleve, Administrative Secretary  
Rex Dana, POST Investigations (DOC)  
Rich Fordham, POST Investigations  
Alex Garcia, POST Investigations  
Brad Zeeman, POST Investigations  
Wade Breur, POST Basic Training Bureau Chief  
Atty. Kevin Bolander, DPS Legal Counsel representing POST, Asst. Attorney General  
Al Acosta, POST Investigations Bureau Chief  
John Jacobs, Training Manager  
Erin Nixon, Investigation Secretary

**Others present:**

Trent Wilson, Weber County SO  
Geri Miller-Fox, Department of Corrections Training  
Karl Multalo  
Roy Stephens  
Jeremy Workman  
Danielle Workman  
Brent Barnes  
Bret Rawson, Atty. for Brent Barnes & Chris Fairall  
Doug Diamond, West Jordan PD  
Chris Fairall  
Nicole Fairall  
Rob Loes  
Ben & Lisa Beglarian  
Kim & Lisa Beglarian  
Jeremy Shaw  
Lindsay Whitehirst  
Tenielle Young, GOPB  
Aaron Moon

**WELCOME AND INTRODUCTIONS**

The meeting was called to order at 10:00am. Chairman Mike Larsen welcomed those in attendance and introduced new Council members Dr. Matt Checketts and Chief Wade Carpenter to the POST Council.

**APPROVAL OF POST COUNCIL MINUTES**

The POST Council minutes of June 4, 2012, were reviewed and the following motion was made:

- Motion:***            ***Sterling Provost motioned to approve the minutes of June 4, 2012.***  
***Second:***        ***VP Donna Dillingham-Evans seconded the motion.***  
***Vote:***            ***The motion passed with all in favor.***

**SATELLITE AUDITS**

Lieutenant Wade Breur addressed the Council to report on the Dixie State College satellite academy. There was one exception discovered during the audit regarding random drug testing. The academy did not conduct random drug testing for the current session, but Lt. Breur is confident when these cadets are hired they will receive a prescreening drug test. In future classes Lt. Breur will follow-up to insure testing is done. Director Flowers has added this procedure to a class checklist to ensure future classes are tested.

Lt. Breur completed an audit on Utah Valley University satellite academy. There were no exceptions to report.

A Council member asked if Dixie State College was going to run a corrections block. Lt. Breur stated they were conducting one in the 2012 calendar year. Another Council member asked for the percentage of satellite cadets that were hired. Lt. Breur stated approximately 50% of all satellite cadets are being hired a year or two after graduating. The statistic changes each year as more graduates are hired from previous years. In 2010, approximately 50% of all satellite graduates were obtaining employment within the first year.

## **POST CURRICULUM UPDATE**

Lt. Breur reported on changes to the curriculum that were requested by the Council at the June meeting. The course "Care under Fire" is now titled "Critical Incident Casualty Care". Lt. Breur informed the Council that the Bureau of Emergency Medical Services (BEMS) was contacted to discuss the curriculum addressing tourniquets and when they should be used. POST's curriculum was found to be consistent with BEMS guidelines. Mike Ditolla from the Davis County Sheriff's Office (also teaches for the University of Utah in the EMS program) has reviewed the course and assisted the POST staff to ensure the course is consistent with current, best practices. The objectives have also been rearranged to first neutralize the threat before administering care.

## **REPORT ON E-LEARNING PORTAL**

Manager John Jacobs addressed the Council to update them about the POST portal. To date, 5,466 active officers have created a portal account (68% of officers in the state) and 199 of 252 agencies in the state have administrative access to the portal (79% of agencies). Jacobs reported all certification testing is done online via the POST portal, which allows officers' records to be automatically updated. Online training has increased and POST is releasing new training titles every month. Correctional training and dispatch training is also being provided on the portal. POST has been hosting live webinars and is streaming audio of POST Council meetings live.

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

Director Scott Stephenson reported at this time last year, POST was at 70% of officers training hours being reported. Right now POST has 99% of officers' hours reported. Eighty-three officers have not reported training hours and 4 officers have been found deficient; they have until October 1<sup>st</sup> to make-up the deficiency.

## **DISCIPLINARY ACTIONS:**

Director Stephenson presented the following cases to the POST Council:

### **ROY STEPHENS**

Offence – Distribution of a Controlled Substance, Possession of a Controlled Substance,  
Willful Falsification to obtain Certified Status

Category – D

Recommended Discipline- Revocation

Status – Resigned 2/7/2012

Agency – Utah Department of Corrections

Dir. Stephenson stated on January 25, 2012, POST conducted an interview with Roy Stephens regarding inconsistencies in a POST application he submitted in 2008 and an application he submitted in 2011. During the interview, he admitted to using and distributing Lortab (Cat. III) for illicit purposes, prior to working for UDC, as well as smoking marijuana after he was employed with the UDC. Also, some of his previous drug usage was not included on his 2008 application.

Roy Stephens addressed the Council and stated he did not know why he left information off of his first application. He asked the Council for leniency and knew what he did was wrong, but he does not want a revocation of his certification on his record.

**Motion:** ***Sheriff Dave Edmunds motioned to accept the recommendation for revocation of Roy Stephens' peace officer certification.***

**Second:** ***Chief Terry Keefe seconded the motion.***

**Vote:** ***The motion passed with all in favor. (Executive Director Patterson recused himself)***

**NICHOLAS A. RIGGS**

Offence – BCI/UCJIS Violation

Category – D

Recommended Discipline- 3 month suspension

Status – Resigned 6/8/2012

Agency – Unified PD

Dir. Stephenson stated on January 21, 2012, Nicholas A. Riggs a law enforcement officer with the Unified Police Department (UPD), accessed the Bureau of Criminal Identification and Utah Criminal Justice Information System (BCI/UCJIS) records for personal reasons. He utilized the database to obtain registered owner information for a vehicle parked near the home of his estranged wife. He believed the vehicle belonged to a man who was having an affair with his wife.

Sheriff Edmunds asked if his suspension would begin in June. Dir. Stephenson stated it would, that is the date of separation from his employing agency.

Attorney Kass Harstad, representing Nicholas Riggs, addressed the Council and asked them to consider Riggs’ employment record as an officer. He has had a difficult year, with the demise of his marriage, and would like to get all of this behind him. Executive Director Patterson asked Riggs what he has learned from this event. Riggs stated his job was much more important than he realized and if he has the opportunity to return to law enforcement, he will be a much better officer. Chief Carpenter asked if his department will hire him back. Riggs’ attorney stated if they had an opening, they intended to rehire him.

**Motion:** *Chief Terry Keefe motioned to accept the recommended 3 month suspension of Nicholas Riggs’ peace officer certification (6/8/12-9/8/12).*

**Second:** *Sheriff Lamont Smith seconded the motion.*

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

**KARL MULITALO**

Offence – Possession and use of Controlled Substance (prescription drugs)

Category – C

Recommended Discipline- 9 month suspension

Status – Resigned 12/2/2011

Agency – Washington Co SO

Dir. Stephenson stated on October 27, 2011, Karl Mulitalo injured himself playing basketball. Mulitalo’s aunt gave him her bottle of prescribed Lortab to help relieve his pain. Mulitalo took two pills before he went to bed and two more the next morning before he went to work. Mulitalo went to work and reported to his supervisor he had injured himself and was taking his aunt’s Lortab to relieve the pain. The supervisor told Mulitalo he could not take someone else’s prescription medication. Washington County conducted an Internal Affairs (IA) investigation and Mulitalo resigned. Possession of Lortab 7.5 is a misdemeanor B because it contains less than 15 mg of hydrocodone per dosage.

Chief Keefe asked if prescription drug laws and abuse is discussed in the academy. Director Stephenson stated it is taught in the Law Block and Stress Management courses.

Karl Militalo addressed the Council and took responsibility for his actions. He has learned a great deal and feels he has learned from this situation. A council member asked if there had been previous incidents of improper use of prescription drug. Militalo stated there had not and Director Stephenson said POST conducted a search of the Controlled Substance Database through the Division of Occupational and Professional Licensing (DOPL) on Militalo and found nothing to indicate otherwise.

**Motion:** *Executive Director Tom Patterson motioned to accept the recommended 9 month suspension of Karl Mulitalo peace officer certification (12/2/2011-9/2/2012).*  
**Second:** *VP Donna Dillingham-Evans seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **AARON MOON**

Offence – Interfering with a Legal Arrest  
Category – D  
Recommended Discipline- 1 year  
Status – Resigned 6/17/2011  
Agency – Salt Lake City PD

Dir. Stephenson stated on February 7, 2010, Aaron Moon and his wife were involved in an altercation. Moon's wife called the police claiming Moon assaulted her. The police arrived and told Moon to come out of his house and talk to them about the assault complaint. Moon refused to leave his house and denied the police entrance into his house. The police had to enter Moon's house by force to place Moon under arrest for assault and domestic violence. On March 25, 2011, Moon entered a plea in abeyance to interfering with a legal arrest. All other charges were dismissed.

Aaron Moon addressed the Council and stated he was not notified by officers he was under investigation and said his wife had fabricated her story. He said he was cleared by Internal Affairs and passed a polygraph with Salt Lake City.

**Motion:** *Sheriff Dave Edmunds motioned to accept the recommended 1 year suspension of Aaron Moon's peace officer certification (6/17/2011-6/17/2012).*  
**Second:** *Executive Director Tom Patterson seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **CHRISTOPHER FAIRALL**

Offence – Falsification or Alteration of Government Record  
Category – D  
Recommended Discipline- 1 year suspension  
Status – Resigned 1/21/2012  
Agency – Salt Lake City PD

Dir. Stephenson stated Christopher Fairall became aware of a citizen's complaint against him stemming from a traffic stop he conducted. The complainant alleged Fairall introduced himself using a fictitious name. The shift commander requested Fairall meet with him to discuss the complaint. Prior to the meeting with the shift commander, Fairall returned to the location where he had stopped the complainant. Fairall activated his E-ticket writer, which has the capability of recording a 20 second sound bite. Fairall spoke into the recording device and stated, "Officer Fairall Salt Lake City Police. The reason I stopped you is for speeding 48 in a 35. Do you have a justified reason for going that fast?" Fairall met with the shift commander and presented the recording to him as if it was from the initial encounter with the violator. During the Internal Affairs (IA) investigation, Fairall admitted to staging the recording in order to deceive the shift commander.

Executive Director Patterson asked for some details about the E-ticket writer. Investigator Garcia described the E-ticket writer as being similar to the device used by UPS and Fed-ex drivers. It allows for an electronic signature and scans the information into the device to produce a printed ticket. It also has the capability to record a 20 second sound bite when activated by an officer and it records a date and time stamp along with a GPS coordinates.

Christopher Fairall addressed the Council and apologized for his actions. Fairall requested leniency and asked the Council to consider a 9 month suspension, so he may return to the job he loves. Sheriff Smith asked why he gave a false name on the stop. Fairall stated he did not give a false name, he thinks the violator misheard him. Council asked if Salt Lake City PD would hire him back, Fairall stated they would not. Chief Carpenter asked if there would be a Giglio/Brady issue if Fairall is reinstated. Fairall's Attorney, Brett Rawson, stated he did not believe it would apply. Atty. Rawson also added he does not believe the "sound bite" is a government record.

**Motion:** *Executive Director Tom Patterson motioned to accept the recommended 1 year suspension of Christopher Fairall peace officer certification (1/21/2012-1/21/2013).*  
**Second:** *VP Donna Dillingham-Evans seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

### **TRENT W. WILSON**

Offence – Child Abuse

Category – D

Recommended Discipline- 1 year

Status – Still Employed

Agency – Weber Co SO

Director Stephenson stated, on June 16, 2011, Trent W. Wilson was involved in a physical altercation with a 15 year old young man. The altercation occurred in the Wilson home after Wilson was told by his six year old daughter that the young man had been playing a tickling game with her and had her remove her clothing, so he could touch her privates. Wilson confronted the young man and the two engaged in a physical altercation. Wilson gained control of the young man and handcuffed him. Once cuffed, Wilson learned the young man had forcibly sodomized and forcibly sexually assaulted his six year old and three year old daughters. After hearing this information, Wilson struck the young man in the side of the head with a closed fist while he was handcuffed and lying face down on the ground. Wilson pled no contest to the charge of child abuse, a class C misdemeanor in the Second District Court in Farmington, Utah.

Trent Wilson addressed the Council and stated the reason he plead guilty to a Class C misdemeanor was to keep his daughters from having to testify in court. Wilson referred to the letter he submitted and gave details in the case.

Sheriff Edmunds said he feels Wilson's family has been victimized by the system. Council asked if Wilson is still employed by Weber County. Wilson stated he was and the sheriff's office moved him from patrol to a correctional position. Council asked if there was any connection with a domestic violence issue that would qualify him as a restricted person under state or federal law, thus precluding Wilson from carrying a gun. Wilson stated he talked to the Sheriff about this issue and the Sheriff said he would have to write a letter every year to BCI until the conviction is off his record. Chief Carpenter asked if Wilson and his family have received counseling. Wilson stated he was told if his daughters do not bring it up, to just let it go, hoping they will forget.

The Council discussed whether he was acting as an officer or a father. Dir. Stephenson informed the Council of POST's challenges with this case, but this case was reduced from a Class A to a Class C and he felt this is the right recommendation. The Council resumed the discussion of this case.

**Motion:** Executive Director Tom Patterson motioned to not accept POST's recommendation and to suspend Trent Wilson's peace officer certification for one month.  
**Second:** Sterling Provost seconded the motion.

**Sub-motion:** *Sheriff Dave Edmunds motioned to not accept POST recommendation and to give a Letter of Caution to Trent Wilson.*

**Second:** *Chief Terry Keefe seconded the motion.*

**Vote:** *The sub-motion passed with all in favor. (Commissioner Kerry Gibson recused himself)*

#### **KENNETH MARSHALL**

Offence – Driving under the Influence

Category – D

Recommended Discipline- 1 year suspension

Status – Resigned 6/15/11

Agency – Tooele Co SO

Director Stephenson stated, on May 31, 2011, Kenneth Marshall, a deputy with the Tooele County Sheriff's Office (TCSO), was arrested for driving under the influence of alcohol. Marshall was stopped for a moving violation after leaving a bar in South Salt Lake City. In a fifty minute period, Marshall consumed two steins of beer on an empty stomach. After providing multiple insufficient samples on the Intoxilyzer 8000, a blood sample was taken for toxicology testing. Test results were .13 BAC.

**Motion:** *Sheriff Lamont Smith motioned to accept the recommended 1 year suspension of Kenneth Marshall's peace officer certification (6/15/2011-6/15/2012).*

**Second:** *Sterling Provost seconded the motion.*

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

#### **LOGAN M. HESLINGTON**

Offence – Driving under the Influence

Category – D

Recommended Discipline- 1 year suspension

Status – Resigned 4/29/2012

Agency – Beaver Co. SO

On April 21, 2012, at approximately 3:27 AM, Heslington and two friends were going home after a night of drinking. Heslington was driving his personal vehicle when he was stopped by an officer. The officer detected an odor of alcohol coming from within the vehicle. After conducting field sobriety test, the officer determined Heslington was too impaired to be driving a motor vehicle. Heslington's breath alcohol content (BrAC) was .147. Heslington subsequently entered a plea of No Contest to the charge of DUI.

**Motion:** *Chief Terry Keefe motioned to accept the recommended 1 year suspension of Logan Heslington's peace officer certification (4/29/2012-4/29/2013).*

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

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

#### **STEVEN HYATT**

Offence – Theft of Services

Category – D

Recommended Discipline- 18 month suspension

Status – Resigned 2/8/12

Agency – Utah Department of Corrections

On December 8, 2011, the city placed a notice on Hyatt's door informing him that his water bill was delinquent and, if not paid, the water service would be shut off if he did not contact them. On December 13, the water was turned off and Hyatt took it upon himself to turn it back on. On December 16, 2011, the water service was again turned off and Hyatt again turned the water back on himself. On December 20, 2011, the water service was once more turned off and a lock was placed on the valve. Hyatt claimed he never received any mailed notices. However, approximately two weeks after the water was shut off (December 22, 2011) he found a notice in his wife's papers that had been left on his door. Hyatt was charged with three counts of theft of services, all class B misdemeanors. Hyatt entered a plea in abeyance to two counts and the third was dismissed.

**Motion:** *Robby Robertson motioned to accept the recommended 18 month suspension of Steven Hyatt's peace officer certification (2/8/12-8/8/13).*  
**Second:** *Sheriff James Tracy seconded the motion.*  
**Vote:** *The motion passed with all in favor. (Executive Director Patterson recused himself)*

### **JEREMY R. WORKMAN**

Offence – DV Assault, DV in Presence of a Child  
Category – C  
Recommended Discipline- 2 year suspension  
Status – Not Employed  
Agency – N/A

On March 9, 2012, Jeremy Workman and his wife were involved in an argument that turned physical. Workman had their baby in his arms and was attempting to leave their apartment. His wife chased him around the apartment trying to get the baby from him. Workman blocked his wife by using his forearm. Workman pushed his wife up against the wall by placing his forearm on her chest. His wife became upset and bit his forearm causing Workman to pull away. Workman's wife advanced still trying to get the baby. Workman pushed her with his forearm, which caused her to fall to the ground. Workman gave his wife the baby and attempted to leave. Workman's wife grabbed the collar of his shirt and scratched his neck. Workman turned around and struck his wife in the back/shoulder area two to three times with a closed fist. Workman then left the residence. Workman's wife contacted the local police department. Workman was arrested and booked into jail for aggravated assault and Domestic Violence in the presence of a child.

Workman's wife went to the police department on the next business day and amended her statement; withdrawing her claim Workman had choked her. The charges were dismissed because Workman's wife refused to testify claiming she did not feel domestic violence had occurred.

Jeremy Workman addressed the Council and apologized for his actions. He and his wife are attending counseling and are still together.

The Council discussed the facts of the case and it was mentioned this family is still together and trying to work things out.

**Motion:** *Chief Terry Keefe motioned to accept the recommended 2 year suspension of Jeremy Workman's peace officer certification (9/10/2012-9/10/2014).*  
**Second:** *Sheriff James Tracy seconded the motion.*  
**Vote:** *The motion passed with 11 in favor and 1 opposed.*

**BRENT V. BARNES**

Offence - Unauthorized use of BCI

Category – D

Recommended Discipline- 2 year suspension

Status – Resigned 9/20/2011

Agency – West Jordan PD

On August 18, 2011, the West Jordan Police Department (WJPD) received a complaint regarding Brent V. Barnes. The complainant was Barnes’ ex-fiancé, she said Barnes had been utilizing the BCI records to investigate men she was dating and confronting her with the information he discovered. BCI records confirmed Barnes had recently accessed BCI records to check friends and family of the complainant. On August 10, 2010, a year prior to this incident, Barnes had been reprimanded by WJPD for the unauthorized use of BCI records to investigate people who were associated with his ex-fiancé.

Brent Barnes addressed the Council and talked about his fourteen year career in law enforcement. Barnes stated when the relationship with his fiancé went bad he made some poor decisions. Barnes asked the Council to reduce the suspension. Barnes attorney, Brett Rawson, addressed the Council and stated the individual Barnes looked up on the BCI system had vandalized Barnes’ home previously and questioned the stability of people that were in his ex-fiancé life. Atty. Rawson recommended a one year suspension. Chief Larson asked Barnes about the prior discipline for improper use of BCI system. Barnes stated he thought he would only get days off for a second violation. Chief Larsen asked if he received a letter of reprimand and asked if he went through BCI training. Barnes stated yes to both. Sheriff Edmunds asked if there was an action plan in the letter of reprimand. Barnes was not sure.

**Motion:** *Sheriff James Tracy motioned to accept the recommended 2 year suspension of Brent Barnes’ peace officer certification (9/20/2011-9/20/2013).*

**Second:** *Sterling Provost seconded the motion.*

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

**JOSEPH D. CURFEW**

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

Category – C

Recommended Discipline- 3 year suspension

Status – Resigned 4/26/2011

Agency – Ogden City PD

On March 11, 2011, Joseph D. Curfew was involved in an argument with his wife. The argument escalated and Curfew struck his wife’s head and face with his open hands. The Curfew’s three year old daughter was in the same room during a portion of the assault. His wife sustained black eyes, a bloody nose, and bruising on her hips, ribs, and mouth. Curfew was arrested and charged with assault and domestic violence in the presence of a child.

Chief Keefe asked how this case differed from the Workman case. Investigator Zeeman stated in the Curfew case, the wife had visible injuries and in the previous case there was no physical evidence of injury.

**Motion:** *Robby Robertson motioned to accept the recommended 3 year suspension of Joseph Curfew’s peace officer certification (4/26/2011-4/26/2014).*

**Second:** *Commissioner Kerry Gibson seconded the motion.*

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

**GLENN PERRYMAN**

Offence – Assault DV, Intoxication  
Category – C  
Recommended Discipline - 3 year suspension  
Status – Retired 1/31/2012  
Agency – Utah Department of Corrections

On January 8, 2012, Glenn Perryman was involved in a physical altercation with his wife and son. The West Jordan Police Department (WJPD) conducted a criminal investigation and Perryman was charged with two counts of assault (domestic violence), domestic violence in the presence of a child, criminal mischief and intoxication.

- Motion:** *Sterling Provost motioned to accept the recommended 3 year suspension of Glenn Perryman’s peace officer certification (1/31/2012-1/31/2015).*
- Second:** *Chief Wade Carpenter seconded the motion.*
- Vote:** *The motion passed with all in favor. (Executive Director Patterson recused himself)*

**MITCHELL MCARTHUR**

Offence – Lewdness involving a Child  
Category – B  
Recommended Discipline- 4 year suspension  
Status – Not Employed  
Agency – N/A

On October 13, 2011, Mitchell McArthur saw a nine year old girl walking along the sidewalk. He pulled his vehicle over to the curb and exited the vehicle. He pretended to be counting towels in the back seat of his vehicle while lowering his trousers to fully expose his genitals. McArthur then turned to face the young girl and said “hi”. During a POST *Garrity* interview, McArthur admitted his exposure was intentional and for his own sexual gratification.

Council discussed the facts of this case and did not feel McArthur should ever be an officer.

- Motion:** *Chief Terry Keefe motioned to not accept POST recommendation and to revoke Mitchell McArthur’s peace officer certification.*
- Second:** *VP Donna Dillingham-Evans seconded the motion.*
- Vote:** *The motion passed with all in favor.*

**MELISSA FRITZ-FULLER**

Offence – Unfit for Duty  
Category – F  
Recommended Discipline- Indefinite Suspension  
Status – Terminated 10/14/2011  
Agency – Iron Co. SO

Between June 15, 2005 and July 08, 2011, Melissa Fritz-Fuller displayed poor performance in her duties as a peace officer. As a result, the Iron County Sheriff directed her to submit to a fitness for duty evaluation.

On October 10, 2011, the psychologist submitted his evaluation to the Iron County Sheriff reporting Fritz-Fuller was not fit for duty and was unlikely to be so in the foreseeable future.

Sheriff Tracy asked if she could become an officer again if she passed a medical exam. Dir. Stephenson stated she could reactivate her certification. Executive Director Patterson asked if the POST Council needed to ratify her reinstatement and Dir. Stephenson said, no.

**Motion:** ***Sterling Provost motioned to accept the recommended indefinite suspension of Melissa Fritz-Fuller's peace officer certification.***

**Second:** ***Robby Robertson seconded the motion.***

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

### **BENJAMIN G. BEGLARIAN**

Offence – Possession and use of a Controlled Substance

Category – A

Recommended Discipline- Revocation

Status – Resigned 8/19/2011

Agency – Draper City PD

On August 19, 2011, Beglarian was captured on a store's security camera, in his marked patrol vehicle, engaged in activity that appeared to be consistent with ingesting illegal drugs. When confronted by police, Beglarian admitted to smoking heroin. After a search of Beglarian's patrol vehicle, drugs and paraphernalia were found in a bag belonging to Beglarian.

Ben Beglarian addressed the Council and wanted to clarify he was not terminated by Draper City on August 19<sup>th</sup> of last year, he chose to resign. Beglarian discussed how he became and worked as an officer. Beglarian told the Council of numerous accidents he had been involved in and how he was living with pain. He said his addiction to prescription medication led him to using illegal drugs. Beglarian apologized for the events that took place and said he enrolled himself in a rehabilitation program. He has taken over thirty random drug tests and has passed all of them. Beglarian asked the Council to consider a suspension and not to revoke his certification.

A council member asked Beglarian if he was currently taking pain medication. Beglarian stated he was only on Suboxone. Executive Director Patterson asked if he took department drugs, Beglarian stated no. Executive Director Patterson asked the source for obtaining his drugs. Beglarian state he would rather not answer that question at this time. Dr. Checketts asked how long Beglarian had been on Suboxone, he state a little over a year.

**Motion:** ***Executive Director Tom Patterson motioned to accept the recommended revocation of Benjamin Beglarian's peace officer certification.***

**Second:** ***Sheriff Lamont Smith seconded the motion.***

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

### **ANDREW P. AMBURN**

Offence – Lying under Garrity, Leaving the Scene of an Accident

Category – A & D

Recommended Discipline- Revocation

Status – Terminated 1/26/2012

Agency – Utah Department of Corrections

On November 22, 2011, Andrew Amburn was involved in an accident on I-15. Amburn left his lane of travel and struck the vehicle in the next lane. Amburn failed to stop after the accident to give the other driver his personal information. The Utah Highway Patrol (UHP) conducted an investigation and found Amburn at fault. During the POST investigation, it was discovered Amburn lied under Garrity during the UDC Internal Affairs (IA) investigation.

**Motion:** *Sheriff Dave Edmunds motioned to accept the recommended revocation of Andrew Amburn's peace officer certification.*  
**Second:** *Chief Wade Carpenter seconded the motion.*  
**Vote:** *The motion passed with all in favor. (Executive Director Patterson recused himself)*

### **RECOGNITION**

Director Stephenson recognized Sterling Provost for his dedicated service on the Council. Sterling Provost thanked the Council and POST staff for their friendship.

### **NEXT POST COUNCIL MEETING**

The next POST Council meeting will be at Public Safety Education and Training Building in Sandy, December 3, 2012, at 10:00am.

### **ADJOURNMENT**

Sheriff Dave Edmunds motioned to adjourn.  
The POST Council meeting adjourned at 12:05pm.