

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

**Commission Meeting Minutes**  
**KS-CPOST – 1999 N Amidon Ste 350**  
**Wichita KS**  
**December 19, 2011 10:00 am**

**Attendees:**

<b>KS•CPOST Members Present</b>	<b>KS•CPOST Staff</b>
Commissioner John Carmichael, Chairman	Steve Culp, Director
Commissioner Richard Barta	Eric Williams, Counsel
Commissioner Kirk Thompson	Vicki Mork, Adm Assistant
Commissioner Ellen Hanson	John Gaunt, Investigator
Commissioner Mark Pierce	Jackie Stuart, Investigator
Commissioner Mike Keller	Gary Steed, Investigator
Commissioner James Jarboe	<b>KLETC Staff</b>
Commissioner Ernest Garcia	Ed Pavey, Director
Commissioner David Miller	Darin Beck, Deputy Director
Commissioner Dean Bush – by phone	<b>Attorney General's Staff</b>
	Janet Arndt
	Lisa Mendoza

Following a roll call with commissioners in attendance as described above, Chairman Carmichael noted there were two vacancies on the Commission. The FOP representative, Steve Stowers, has resigned and Commissioner Ralston has retired as Chief of St. John, Kansas.

Chairman Carmichael announced this open meeting of the Commission was being convened on December 19, 2011, at 1999 N. Amidon, Suite 350, Wichita, Kansas commencing at 10:15 am. Following the flag salute, the Commission observed a moment of silence in tribute and memory of Sergeant David Enzbrenner of the Atchison, Kansas Police Department who lost his life in the line of duty on Friday, December 9, 2011.

Executive Director Culp said a plaque recognizing Commissioner Ralston's service to the KS-CPOST from 2004-2011 would be presented to him at a later time. He requested a motion be made to permanently post the plaque in the KS-CPOST conference room. Commissioner Hanson so moved and it was seconded by Commissioner Miller. The motion passed unanimously.

Executive Director Culp presented Commissioner Garcia with his Law Enforcement Certification, congratulating him and acknowledging his many accomplishments in the process. Commissioner Garcia made brief comments thanking KLETC for their contribution to his educational process. He said he was truly honored to join the ranks of the Commissioners and looked forward to working with everyone.

Chairman Carmichael asked for a motion to remain in public session for the purpose of a Working Session. So moved by Commissioner Garcia and seconded by Commissioner Barta. The motion carried unanimously.

Before commencement of the working session it was noted that Director Ed Pavey and Deputy Director Darin Beck of the Kansas Law Enforcement Training Center were in attendance along with Janet Arndt and Lisa Mendoza of the Attorney General's office.

The commission then commenced a working session which continued without interruption until resuming formal session at 2:13 pm

Chairman Carmichael asked for a motion to retain outside legal counsel, to be selected by Eric Williams and Commissioner Garcia, for the purpose of 1) investigating and drafting proposed changes to KS-CPOST Administrative Regulations, if needed 2) to conduct a review of KS-CPOST policies as they relate to the Kansas Administrative Procedures Act to determine what, if any, policy modifications are needed and prepare a draft of proposed modifications if necessary and 3) to consider what, if any, changes should be suggested to the Kansas Legislature regarding the Law Enforcement Training Act as it relates to the qualifications for certification and continued certification of law enforcement officers. The expenditure of funds for such counsel is to be limited to no more than \$10,000. Future recommendations, if any, are to be received from Commissioner Garcia and CPOST Counsel Eric Williams as to any additional necessary expenditure. Commissioner Hanson so moved and it was seconded by Commissioner Barta. Following discussion, the motion passed unanimously.

Commissioner Pierce moved, seconded by Commissioner Keller, that the Commission appoint a committee consisting of Commissioner Garcia, Commissioner Bush and the Chair, for the purpose of conferring with counsel and conducting open meetings as needed for input from the Director of the Kansas Law Enforcement Training Center, the Commission staff, and outside organizations related to the tasks to be carried out by outside counsel. Following discussion, the motion passed unanimously.

The chair asked for a motion pursuant to the Administrative Procedures Act to establish and implement an Investigatory Committee comprised of Commissioner Jarboe, as chair, Commissioner Keller, Commissioner Pierce and Commissioner Thompson as alternate. They are to be responsible for all stages of the investigation and prosecution of any matter involving violations of the Commissions' Kansas Law Enforcement Training Act, as well as, the Commission's rules and regulations up to and including issuance of an Emergency Order and Summary Orders; directing the work of the investigatory staff; and any other necessary actions thereon.

Chairman Carmichael said he would entertain a motion that CPOST establish and implement a hearing panel or Hearing Committee comprised of Commissioner Hanson as chairman, Commissioner Barta,

Commissioner Bush, and Commissioner Miller as alternate, to be responsible for conducting such hearings regarding violations of the Kansas Law Enforcement Training Act as may be necessary, to enter orders thereon, including final action on behalf of the Commission with respect to the certification or decertification of law enforcement officers, as well as to hear any requests for rehearing and to determine any requests for rehearing as might come before the Commission and to take any other necessary actions related thereto. Commissioner Keller so moved and Commissioner Thompson seconded the motion. Following discussion the motion carried unanimously.

Chairman Carmichael asked for a motion to remain in public session for the purpose of a Working Session. Commissioner Pierce so moved and Commissioner Garcia seconded the motion. The motion carried unanimously. The Commission returned to formal session at 3:00 pm. The Chair noted that no formal action was necessary regarding the items discussed in working session.

The commission then took up old business. The Chair announced he was unaware of any pending old business with the exception of the approval of the minutes from the August 26, 2011 Commission Meeting which by consensus was deferred to next regular meeting of the commission. No other old business was presented.

Chairman Carmichael asked if there was any new business and hearing none the Commission agreed by consensus that the Commission will meet on January 26, 2012 in Topeka, Kansas beginning at 9:00 am at the offices of the Kansas Bureau of Investigation, 1620 SW Tyler Topeka Kansas.

Executive Director Culp thanked his staff for their work making the Commission meeting happen.

Chairman Carmichael suggested the Commission go into closed Executive Session for a period of 30 minutes for the purpose of discussion of a personnel matter relating to nonelected personnel so the person's privacy will not be invaded. He anticipated returning to regular session at the same location at 4:00 PM. It was so moved by Commissioner Hanson and seconded by Commissioner Barta. Hearing no discussion the vote was called and the motion carried unanimously. Chairman Carmichael said they would return to regular session at 4:32 pm.

The Commission reconvened at at which time Commissioner Keller moved and Commissioner Thompson, seconded, that the Commission go into closed Executive Session for a period of 30 minutes for the purpose of discussion of a personnel matter of nonelected personnel so the person's privacy will not be invaded, the Commission to return to open session at the same location at 5:05 p.m. The motion passed unanimously without discussion.

The Commission returned to open session at 5:08 p.m. The Chair noted it was 5:05 p.m. when Executive Session ended but it took a few minutes to get the Commission's secretary in place before reconvening the meeting.

Commissioner Barta moved the Commission form an audit committee comprised of Commissioner Thompson, Commissioner Garcia or his designee, and Chairman Carmichael to conduct a general audit of the operations of the agency. The motion was seconded by Commissioner Hanson. Commissioner

Garcia inquired regarding the circumstances under which he could designate a person to act on his behalf. The Chair suggested Commissioner Garcia consult with Commission Counsel Eric Williams and requested that Commissioner Garcia let him know immediately if he or his designee were unable to serve on the audit committee. The motion was amended to name Commissioner Thompson as the chairman of the committee. Following discussion, the motion passed unanimously.

There being no further business to come before the Commission, it was moved by Commissioner Barta and seconded by Commissioner Keller that the Commission adjourn. The motion passed unanimously and the meeting was adjourned at 5:15.