

MINUTES

STATE POLICE COMMISSION

JANUARY 16, 2003

The State Police Commission convened its monthly meeting at 9:10 a.m. on Thursday, January 16, 2003, in Conference Room A, First Floor, 7919 Independence Boulevard in Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, and Members Clyde J. Breaux, Stephen H. Myers and Robert M. Mills. Vice-Chairman Marshall Stevenson and Members Joseph S. Cage, Jr. and Steve Thompson were absent.

Newly elected Member Robert M. Mills was administered the oath of office, and welcomed by fellow Commission Members.

Pursuant to the provisions of State Police Commission Rule 2.1(b), the Commission held election for the positions of Chairman and Vice-Chairman. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to appoint Brooke Duncan as Chairman and Marshall Stevenson as Vice-Chairman.

There were no employees present at the employee opportunity to address the Commission.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the December 19, 2002 meeting.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to assign the following cases to William A. Norfolk,

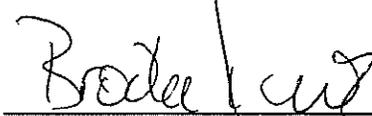
Referee:

- a. Appeal of John Hartzog, Docket NO. 02-122-S; and
- b. Appeal of Chris McGarity, Docket No. 02-123-S.

At the conclusion of its general business agenda, on motion duly made and seconded, by Commission voted to enter into an executive session to discuss pending appeals. At the conclusion of its executive session, the Commission reentered into its public session.

There being no further business on the Commission's agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 9:50 a.m.

Respectfully submitted:



Brooke Duncan, III, Chairman


Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

FEBRUARY 20, 2003

The State Police Commission convened its monthly meeting at 9:20 a.m. on Thursday, February 20, 2003, in the Conference Room, 11th Floor, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, and Members Clyde J. Breaux, Joseph S. Cage, Jr., Stephen H. Myers and Robert M. Mills. Vice-Chairman Marshall Stevenson and Member Steve Thompson were absent.

The Commission received a verbal request from David Young, Louisiana State Troopers Association, for the Commission to consider the establishment of a crisis leave pool.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the January 16, 2003 meeting.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to assign the following cases to William A. Norfolk, Referee:

- a. Appeal of Frederick Chappell, Docket No. 03-124-S;
- b. Appeal of Frederick Chappel, Docket No. 03-125-S; and
- c. Appeal of Frederick Chappel, Docket No. 03-126-S.

The public hearing of the appeal of Ted Raley, Docket No. 02-120-S was called.

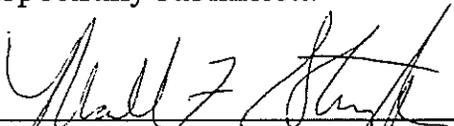
The Commission received stipulations, testimony and exhibits, at the conclusion of which the matter was taken under advisement, with a written decision to be

forthcoming.

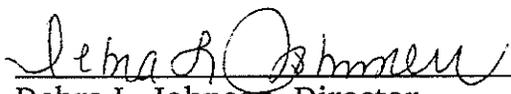
At the conclusion of its general business agenda, on motion duly made and seconded, by Commission voted to enter into an executive session to discuss pending appeals. At the conclusion of its executive session, the Commission reentered into its public session.

There being no further business on the Commission's agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 12:40 p.m.

Respectfully submitted:



Marshall Stevenson, Vice-Chairman



Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

MARCH 20, 2003

The State Police Commission convened its monthly meeting at 9:00 a.m. on Thursday, March 20, 2003, in the Conference Room, 11th Floor, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Vice-Chairman Marshall Stevenson and Members Clyde J. Breaux, Stephen H. Myers and Robert M. Mills. Chairman Brooke Duncan, III and Members Joseph S. Cage, Jr. and Steve Thompson were absent.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to discuss a Motion for Summary Disposition, and the Opposition thereto, filed in connection with the appeal of John Hartzog, Docket No. 02-122-S. At the conclusion of the executive session, the Commission reentered into its public session.

There were no employees present for the employee opportunity to address the Commission portion of the agenda.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the February 20, 2003 meeting.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to assign the following case to William A. Norfolk, Referee:

- a. Appeal of Gattis G. Willis, Docket No. 03-127-S.

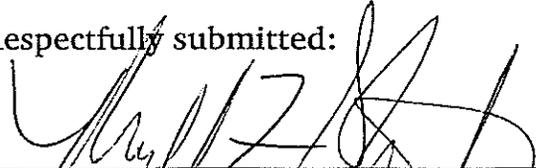
The public hearing of the appeal of John Hartzog, Docket No. 02-122-S was called. This matter was limited to the issue of the severity of the disciplinary action. The Commission received stipulations and testimony, at the conclusion of which the matter was taken under advisement, with a written decision to be forthcoming.

The public hearing of the appeal of Christopher McGarity, Docket No. 02-123-S was called. The Commission received stipulations, exhibits and testimony, at the conclusion of which the matter was taken under advisement, with a written decision to be forthcoming.

At the conclusion of its general business agenda, on motion duly made and seconded, by Commission voted to enter into an executive session to discuss pending appeals. At the conclusion of its executive session, the Commission reentered into its public session.

There being no further business on the Commission's agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 12:05 p.m.

Respectfully submitted:



Marshall Stevenson, Vice-Chairman



Debra L. Johnson, Director

STATE POLICE COMMISSION

MINUTES

APRIL 17, 2003

There was no meeting held due to a lack of agenda items.



MINUTES

STATE POLICE COMMISSION

MAY 15, 2003

The State Police Commission convened its monthly meeting at 9:40 a.m. on Thursday, May 15, 2003, in the Conference Room, 11th Floor, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Vice-Chairman Marshall Stevenson and Members Clyde J. Breaux, Stephen H. Myers and Joseph S. Cage, Jr. Member Robert M. Mills arrived at 10:40 a.m. Chairman Brooke Duncan, III and Member Steve Thompson were absent.

There were no employees present for the employee opportunity to address the Commission portion of the agenda.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the March 20, 2003 meeting.

The Commission received a presentation from Neal Chevront regarding adoption of State Police Commission Rule 7.5(a)7. At the conclusion of the presentation, the Commission took the matter under advisement.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to assign the following case to William A. Norfolk, Referee:

- a. Appeal of Donald Pierce, Jr., Docket No. 03-128-S; and
- b. Appeal of Ryan Riley, Docket No. 03-125-S.

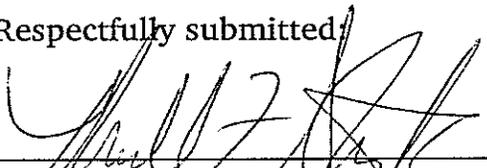
The public hearing of the appeal of Frederick Chappell, Docket No. 02-124-S was called. On motion duly made and seconded, by unanimous vote of the members

present, the Commission entered into an executive session to discuss the appropriate Chapters of the Rules to utilize in this matter, and to consider oral arguments made by the parties. At the conclusion of their executive session, the Commission reentered into its public session. The Commission received testimony and exhibits, at the conclusion of which the matter was taken under advisement, with a written decision to be forthcoming.

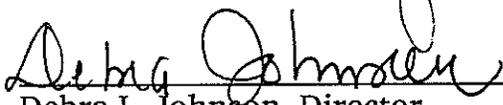
The public hearing of the appeal of Frederick Chappell, Docket No. 02-125-S was continued to Wednesday, June 18, 2003.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 2:10 p.m.

Respectfully submitted,



Marshall Stevenson, Vice-Chairman



Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

JUNE 18 & 19, 2003

The State Police Commission convened its monthly meeting at 9:09 a.m. on Wednesday, June 18, 2003, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, Vice-Chairman Marshall Stevenson and Members Clyde J. Breaux, Joseph S. Cage, Jr. and Robert M. Mills. Members Stephen H. Myers and Steve Thompson were absent.

The Louisiana State Troopers Association was scheduled to address the Commission regarding policy and procedures relative to application for promotion. The Commission was advised that a representative from the LSTA was not available to address the Commission and that they requested that the matter be rescheduled for another date.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the May 15, 2003 meeting.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to assign the following appeals to William A. Norfolk, Referee:

Appeal of Byron Porter, Docket No. 03-130-S; and

Appeal of Hershel Smith, Docket No. 03-131-S.

The public hearing of the appeal of Frederick Chappell, Docket No. 03-125-S was called. The Commission received testimony and exhibits. Post-hearing memoranda are due from the parties on July 1, 2003.

The public hearing of the appeal of **Frederick Chappell**, Docket No. 03-126-S was called. The Commission received testimony and exhibits. Post-hearing memoranda are due from the parties on July 1, 2003.

The Commission also requested that the parties submit post-hearing memoranda in connection with the hearing of the appeal of **Frederick Chappell**, Docket No. 03-124-S, by July 1, 2003.

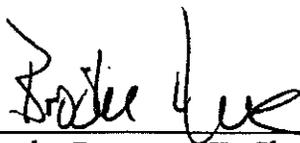
At the conclusion of the Commission's July 18, 2003 agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 5:30 p.m., until July 19, 2003.

The Commission convened its meeting on Thursday, July 19, 2003, at 10:00 a.m., in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III and Members Clyde J. Breaux and Robert M. Mills. Vice-Chairman Marshall Stevenson and Members Joseph S. Cage, Jr., Stephen H. Myers and Steve Thompson were absent, and do not participate.

Referee William A. Norfolk called the public hearing of the appeal of **Gattis Willis**, Docket No. 03-127-S. Referee Norfolk approved a written settlement of the matter, signed by all parties.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to discuss pending appeals. At the conclusion of its executive session, the Commission reentered its public session. There being no further matters on the agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn its meeting at 10:10 a.m.

Respectfully submitted:



Brooke Duncan, III, Chairman

Debra L. Johnson, Director



MINUTES

STATE POLICE COMMISSION

JULY 17, 2003

The State Police Commission convened its monthly meeting at 9:20 a.m. on Thursday, July 17, 2003, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, Vice-Chairman Marshall Stevenson and Members Clyde J. Breaux, Joseph S. Cage, Jr. and Stephen H. Myers. Members Robert M. Mills and Steve Thompson were absent.

There were no employees present to address the Commission.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the June 18 and 19, 2003 meeting.

The public hearing of the appeal of Ryan Riley, Docket No. 03-129-S was called. The Commission received stipulations, testimony and exhibits. At the conclusion of the hearing, the matter was taken under advisement, with a written decision to be forthcoming.

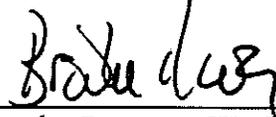
On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to discuss pending appeals. At the conclusion of its executive session, the Commission reentered its public session.

The Commission received a presentation from Lt. Colonel Frank Tridico regarding the training academy to be held for Class No. 83 on September 15, 2003 and Class No. 84 on December 8, 2003. There will be thirty-five cadets hired in each class.

There being no further matters on the agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn its meeting

at 11:15 a.m.

Respectfully submitted:



Brooke Duncan, III, Chairman



Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

AUGUST 21, 2003

The State Police Commission convened its monthly meeting at 9:010 a.m. on Thursday, August 21, 2003, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, Vice-Chairman Marshall Stevenson and Members Clyde J. Breaux, Joseph S. Cage, Jr., Robert M. Mills and Stephen H. Myers. Member Steve Thompson was absent.

There were no employees present for the employee opportunity to address the Commission.

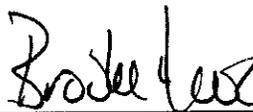
On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the July 17, 2003 meeting.

The public hearing of the appeal of Donald Pierce, Docket No. 03-128-S was called. The Commission received testimony and exhibits. At the conclusion of the appellee's case, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session. At the conclusion of the executive session, the Commission reentered into its public session. Pursuant to the provisions of State Police Commission Rule 13.5(a)8, the Commission granted appellant's appeal. The Commission requested an itemized invoice from counsel for appellant, which invoice will be reviewed at the September 18, 2003 meeting. (See State Police Commission Rule 13.26.) At the conclusion of the review of the invoice, a written decision will be forthcoming.

At the conclusion of the Commission's regularly scheduled agenda, the Commission received a Director's Report. Ms. Johnson addressed the Commission on issues such as the development of a new cadet examination; history of the revision of the State Police Commission Rules; revision of State Police Commission Rule 7.24(b); and the status of the establishment of a crisis leave pool. The Commission addressed Ms. Johnson regarding a change of policy requiring certified mailing of promotional availability forms; the elimination of the office's voice mail system; and the hiring of a secretary to answer the telephones.

At the conclusion of the Commission's agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 3:25 p.m.

Respectfully submitted:



Brooke Duncan, III, Chairman



Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

SEPTEMBER 18, 2003

The State Police Commission convened its monthly meeting at 9:30 a.m. on Thursday, September 18, 2003, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, Vice-Chairman Marshall Stevenson and Members Clyde J. Breaux, Joseph S. Cage, Jr., Robert M. Mills and Stephen H. Myers. Member Steve Thompson was absent. Member Joseph S. Cage departed the meeting at 1:50 p.m.

There were no employees present for the employee opportunity to address the Commission.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the August 21, 2003 meeting.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to assign the following appeal to William A. Norfolk, Referee:

Appeal of Robert Drake, Docket No. 03-132-D/S.

The public hearing of the appeal of **Byron Porter**, Docket No. 03-130-S, was called. The Commission received stipulations, testimony, exhibits and a proffer, at the conclusion of which, the Commission took the matter under advisement, with a written decision to be forthcoming.

The public hearing of the appeal of **Hershel Smith**, Docket No. 03-131-S, was called.

On motion duly made and seconded, by unanimous vote of the members present, the

Commission voted to approve a settlement of the matter.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to discuss pending appeals. Discussed were the award of attorney's fees in the appeal of **Donald Pierce**, Docket No. 03-128-S, and the disposition of the appeal of **Byron Porter**, Docket No. 03-130-S. At the conclusion of the executive session, the Commission reentered its public session.

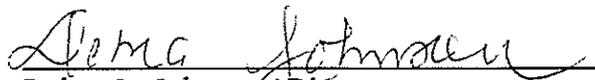
At the conclusion of the Commission's regularly scheduled agenda, the Commission received a Director's Report. Ms. Johnson addressed the Commission regarding the status of the Commission's budget for Fiscal Year 2003/04.

At the conclusion of the Commission's agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 2:40 p.m.

Respectfully submitted:



Brooke Duncan, III, Chairman


Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

OCTOBER 16, 2003

The State Police Commission convened its monthly meeting at 9:10 a.m. on Thursday, October 16, 2003, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, and Members Clyde J. Breaux, Joseph S. Cage, Jr., and Robert M. Mills. Vice-Chairman Marshall Stevenson and Members Stephen H. Myers Steve Thompson were absent.

There were no employees present for the employee opportunity to address the Commission.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the September 18, 2003 meeting.

The public hearing of the appeal of Robert Drake, Docket No. 03-132-S/D, was called. The Commission received an executed proposed settlement of the matter. Member Breaux questioned counsel for appellee as to why the Department failed to press criminal charges against the appellant, but advised that he would approve the settlement. Counsel for appellee advised that the victim would not agree to file criminal charges, nor has there been any civil lawsuit filed. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the settlement proposal.

Mr. William A. Norfolk, Referee for the Commission, withdrew his previously filed Motion to Dismiss Appeal in the matter of Frederick Chappell vs. Department of Public

Safety and Corrections, Office of State Police, Docket Nos. 03-124-S, 03-125-S and 03-126-S. The Office of State Police advised that they will file an Application for Writ to the Court of Appeal, First Circuit, based on the issue of timeliness.

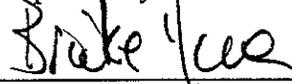
The Commission received budget information from Ms. Johnson. Discussion was had on the following:

- October 6, 2003 letter to Bob Rachal regarding budget shortfall. To date, no response received.
- Chairman Duncan and Ms. Johnson's placed telephone calls to Andy Copplin and Bernie Boudreaux attempting to schedule a meeting with the Governor regarding budget shortfall. No return calls were received;
- Ms. Johnson provided part of the Monthly Budget Report (\$430,117);
- 2004 budget spread, existing operating budget;
- Total dollar amount remaining in each object code;
- Provided annual salary amounts for each employee, including percent of annual merit increases provided to employees;
- Discussion of fiduciary responsibilities of the Commission;
- Mr. Breaux advised that Department Heads, Secretary of Labor and the Secretary of the Treasury make \$80,000 a year; Labor \$82,000 or \$83,000 to run the whole Department;
- Ms. Johnson was instructed to request in the upcoming budget process the dollar amount to cover the rental of the conference room; and to break out budget request to cover office space and conference room separately;
- Informed that the recommended budget was due to the Division of Administration by November 3, 2003 for Fiscal Year 2004/05;
- Explanation of what specific cost areas and object codes are;
- Discussed the supplemental appropriation process;
- Advised that the current spending level would be maintained, despite the budget shortfall;
- Cadet examinations will be administered in October and December 2003 and January 2004. Will also administer new examination to candidates remaining on eligibility list following the hiring of the Cadet classes for No. 83 and 84. A moratorium on testing would begin in February 2004;
- Requested that the staff check with State Surplus Property for purchase of office furniture;
- Requested that Ms. Johnson submit a request to the Commission for merit increases for the staff prior to implementation;
- Promotional examinations will be administered in March 2004 only if the Budget Office assures Director that funds will be available; continue to pay

- proctors to administer promotional examinations;
- Ms. Johnson provided direct telephone numbers for Ms. Green and herself;
- Commission questioned whether or not we could charge applicants for participating in examinations;
- Ms. Johnson asked if any Commission members had any special request for inclusion in the 2004/05 budget. None were mentioned;
- Asked if Colonel Landry had any response to the budget letter to Mr. Rachal; none was received; and
- Provided a detailed breakdown of the costs for the 2003 promotional examinations.

At the conclusion of the Commission's agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 10:55 a.m.

Respectfully submitted:



Brooke Duncan, III, Chairman

Debra L. Johnson, Director



MINUTES

STATE POLICE COMMISSION

NOVEMBER 20, 2003

The November 20, 2003 meeting of the State Police Commission was canceled due to a lack of agenda items.



MINUTES

STATE POLICE COMMISSION

DECEMBER 18, 2003

The December 18, 2003 meeting was canceled due to the unavailability of Referee Norfolk.

