

## MINUTES

### STATE POLICE COMMISSION

JANUARY 17, 2002

The State Police Commission convened its monthly meeting at 9:10 a.m. on Thursday, January 17, 2002, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Brooke Duncan, III, Stephen H. Myers, Marshall Stevenson and Baxter W. Welch. Joseph Cage, Patrick M. LaSalle and Steve Thompson were absent.

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

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

Chairman Duncan welcomed new member Stephen H. Myers.

The Commission received comments from Colonel Terry Landry and Lt. Colonel Danny Baxter regarding repeal and re-enactment of State Police Commission Rule 2.1(a), General Circular No. 119. Upon completion of the presentation, there was no motion made to accept the proposed change. Therefore, the rule will remain unchanged.

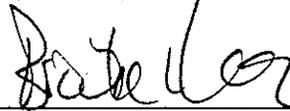
On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the December 20, 2001 meeting.

The Commission received a presentation from Tina Boudreaux and Colonel Landry requesting \$0.50 per hour shift differential pay for all commissioned personnel for work performed during any time periods other than 8:00 a.m. to 4:30 p.m. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the request.

The continuation of the public hearing of the appeal of Timothy Bender, Docket No. 00-102-S, was called. The Commission received stipulations, testimony, evidence and closing arguments, at the conclusion of which the matter was taken under advisement.

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 1:45 p.m.

Respectfully submitted:



Brooke Duncan, III, Chairman



Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

JANUARY 30, 2002

This meeting was canceled due to unavailability of counsel for the appellant.



MINUTES

STATE POLICE COMMISSION

FEBRUARY 21, 2002

The State Police Commission convened its monthly meeting at 9:21 a.m. on Thursday, February 21, 2002, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Members Brooke Duncan, III, Joseph S. Cage, Stephen H. Myers, and Baxter W. Welch. Member Marshall Stevenson arrived at 10:30. Member Steve Thompson was absent. Member Patrick LaSalle resigned effective February 13, 2002.

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 January 17, 2002.

The repeal and re-enactment of State Police Commission Rules 12.2(b), 12.7(a), 12.9(a) and (b) was withdrawn.

Public hearing of the appeal of **Robert Guilbeaux**, Docket No. 01-109-S, was called. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to review the Motion for Summary Disposition filed by Appellant, and the Opposition to the Motion for Summary Disposition filed by Appellee. At the conclusion of the executive session, the Commission reentered into its public session. The Commission received oral argument on the Motion and the Opposition thereto. On motion duly made and seconded, by unanimous vote of the members present, the Commission entered into an executive session to discuss the Motion and Opposition. At the conclusion of the executive

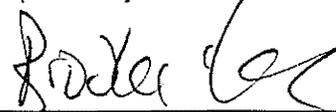
session, the Commission reentered into its public session. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to grant paragraphs 4 and 5 of Appellant's Motion for Summary Disposition. The remainder of the Motion was denied. A twenty minute break was taken for the parties to continue settlement negotiations. Inasmuch as no settlement was proposed by the parties, this matter was rescheduled for hearing on Thursday, April 25, 2002. Return on subpoenas duces tecum will be made to counsel for Appellant by March 25, 2002.

Ms. Tina Grant reminded Ms. Nuschler and Mr. Falcon that the Commission is awaiting post-hearing briefs in the appeal of **Timothy Bender**, Docket No. 00-102-S. These briefs are due to the Commission by April 9, 2002.

The Commission established a sub-committee to meet separately from regularly scheduled meetings, to be chaired by Vice-Chairman Stevenson, to explore more cost effective alternatives for promotional examinations; to review the testing process to ensure that the exams address our needs; and to undertake a review of all testing issues for entry level and promotional examinations. Chairman Duncan requested that Member Welch also serve on the sub-committee.

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 11:25 a..m.

Respectfully submitted:



Brooke Duncan, III, Chairman

  
Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

MARCH 21, 2002

The State Police Commission convened its monthly meeting at 9:10 a.m. on Thursday, March 21, 2002, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, and Members Joseph S. Cage, Stephen H. Myers, and Baxter W. Welch. Member Clyde J. Breaux was appointed effective March 20, 2002, and was also present. Vice-Chairman Marshall Stevenson and Member Steve Thompson were absent.

The Commission received comments from Charles Dupuy, President of the Louisiana State Troopers' Association, and David Young, the Executive Director, regarding the promotional examinations administered March 15, 2002. The Chairman advised that candidates wishing to address any concerns with the examinations should avail themselves of the appeals process, and that any appeals would be heard in a timely fashion.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the February 21, 2002.

On motion duly made and seconded, by unanimous vote of the member present, the Commission voted to repeal and reenact Chapter 13 of the State Police Commission Rules, in its entirety.

Ms. Johnson advised the Commission that she wished to withdraw from the agenda the consideration of repeal and reenactment of State Police Commission Rule

7.4(d). The matter was removed from the agenda.

Chairman Duncan requested that the Office of State Police appear at the Commission's April 9, 2002 meeting to address the department's implementation of the \$0.50 per hour shift differential pay for all commissioned personnel for work performed during any time periods other than 8:00 a.m. to 4:30 p.m. This shift differential was approved by the Commission on January 17, 2002.

Public hearing of the appeal of Blaine Matte, Docket No. 01-111-S, was called. This hearing was limited to oral argument on the Motion for Summary Disposition filed by appellant, and the opposition thereto. At the conclusion of the oral arguments, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to discuss the disposition of the Motion. At the conclusion of the executive session, the Commission reentered into its public session. On motion duly made and second, by unanimous vote of the member present, the Commission voted to grant the Motion for Summary Disposition, thereby granting the appeal. The Commission also requested that counsel for appellant provide the Commission with an invoice for his legal services, for the Commission's review in awarding attorney's fees. A written decision will be forthcoming.

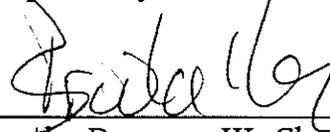
Continuation of the public hearing of the appeal of Robert Guilbeaux, Docket No. 01-109-S, was called. The Commission heard testimony and received exhibits until 12:30 p.m. The remainder of this matter will be scheduled for Thursday, April 25, 2002.

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

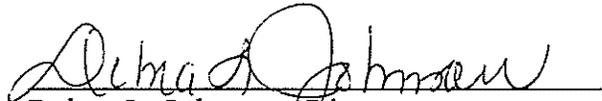
present, the Commission voted to enter into an executive session to discuss the **Bender** matter. At the conclusion of the executive session, the Commission reentered into its public session.

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 1:10 p.m.

Respectfully submitted:



Brooke Duncan, III, Chairman



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Debra L. Johnson, Director

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## MINUTES

## STATE POLICE COMMISSION

APRIL 9, 2002

The State Police Commission convened its monthly meeting at 9:17 a.m. on Tuesday, April 9, 2002, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 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 Baxter W. Welch. Vice-Chairman Marshall Stevenson and Member Steve Thompson were absent.

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 March 21, 2002.

The Commission received a presentation from Lt. Colonel Danny Baxter and Ms. Tina Boudreaux clarifying the Department's payment of the \$0.50 per hour shift differential. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve a \$0.50 per hour shift differential pay which is to be applied to all divisions with the Department that work rotating shifts on a twenty-four hour basis, even where the assignment may be temporary. "Temporary" means of some duration such as Mardi Gras, Super Bowl, but is not meant to apply to provide overtime for people who work after 4:30 or people who work evening hours on a regular non-rotating basis.

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

present, the Commission voted to assign the Appeal of Bobby R. Cameron, Docket No. 02-113-O to Ms. Tina Grant, Referee.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adopt State Police Commission Rule 6.29, as outlined in General Circular No. 123.

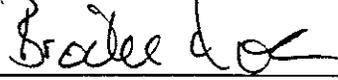
Continuation of the public hearing of the Appeal of Ricky Fox, , Docket No. 01-107-D/S, was called. At the conclusion of appellee's case in chief, counsel for appellant moved for partial directed verdict. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to review the motion. At the conclusion of the executive session, the Commission reentered into its public session. On motion duly made and seconded, by unanimous vote of the members present, the Commission granted the motion for partial directed verdict. At the conclusion of the Commission ruling on the motion, counsel for appellant rested his case. The Commission received oral argument from the parties. At the conclusion of the oral arguments, the Commission took the matter 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 disposition of the Appeal of Timothy Bender, the Appeal of Ricky Fox, and the award of attorney's fees in the Appeal of Blaine Matte. Upon conclusion of the 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 3:10 p.m.

Respectfully submitted:



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Brooke Duncan, III, Chairman



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Debra L. Johnson, Director



MINUTES

STATE POLICE COMMISSION

APRIL 25, 2002

The State Police Commission convened its monthly meeting at 9:30 a.m. on Thursday, April 25, 2002, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, Vice-Chairman Marshall Stevenson, and Members Clyde J. Breaux, Joseph S. Cage, Jr., Stephen H. Myers and Baxter W. Welch. Member Steve Thompson were absent.

Trooper Scott Jacobson withdrew his request to speak. There were no other 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 April 9, 2002 meeting.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to assign the following appeals to Tina Grant, Referee:

- a. Appeal of Walter Johnson, Docket No. 02-114-T;
- b. Appeal of James Jacobson, Docket No. 02-115-O; and
- c. Appeal of Lawrence McLeary, Docket No. 02-116-O.

The Commission received a presentation from Lt. Colonel Danny Baxter and Tina Boudreaux requesting permission to pay \$4.50 per day for uniform maintenance and \$17.85 per month for the purchase of essential items (i.e., boots, bullets, batteries, etc.). These payments would be made pursuant to the provisions of State Police Commission Rule 6.29. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to permit the Department to continue its

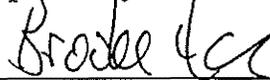
present practice with regard to payment of the \$4.50 and \$17.85, subject to the Department coming back to the Commission at the next meeting, or whenever convenient, for further clarification of the policy regarding payments.

Continuation of the public hearing of the Appeal of Robert Guilbeaux , Docket No. 01-109-S, was called. The Commission received testimony and exhibits, and oral arguments. At the conclusion of the oral arguments, the Commission took the matter under advisement, with a written decision to be forthcoming.

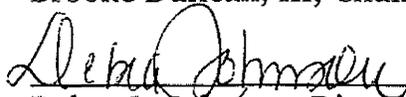
On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to discuss disposition of the Appeal of Timothy Bender, the Appeal of Ricky Fox, and the Appeal of Robert Guilbeaux. Upon conclusion of the executive session, the Commission reentered into it 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 2:30 p.m.

Respectfully submitted:



Brooke Duncan, III, Chairman



Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

JUNE 20, 2002

This meeting was canceled due to the lack of agenda items scheduled.



MINUTES

STATE POLICE COMMISSION

MAY 16, 2002

The State Police Commission convened its monthly meeting at 9:10 a.m. on Thursday, May 16, 2002, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, and Members Clyde J. Breaux, Joseph S. Cage, Jr., and Baxter W. Welch. Vice-Chairman Marshall Stevenson arrived at 9:17 a.m. Members Stephen H. Myers and Steve Thompson were absent. Also present was Charles H. Braud, Jr., Assistant Attorney General.

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

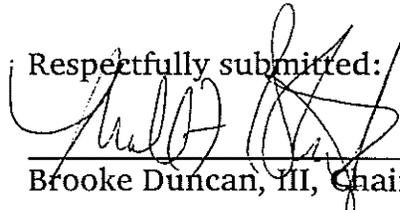
On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes from the April 25, 2002 meeting.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adopt State Police Commission Rules 13.27(a), (b) and (c) and 13.28.

The public hearing of the Appeal of Walter Johnson, Docket No. 02-114-T, was called. Counsel for appellee filed a Motion for Summary Disposition. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to read the Motion and its attachments. The Commission requested that Charles Braud remain in the executive session. At the

conclusion of the executive session, the Commission reentered into its public session and received oral argument from the parties on the Motion for Summary Disposition. At the conclusion of the oral arguments, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session to discuss the Motion for Summary Disposition. The Commission again requested that Charles Braud remain in the executive session. At the conclusion of the executive session, the Commission reentered into its public session. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to grant the Motion for Summary Disposition. A written decision will be forthcoming.

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 10:17 a.m.

Respectfully submitted:  
  
Brooke Duncan, III, Chairman - Absent (Vice-Chair)

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Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

JUNE 20, 2002

This meeting was canceled due to the lack of agenda items scheduled.



MINUTES

STATE POLICE COMMISSION

AUGUST 15, 2002

The August 15, 2002 meeting was canceled due to the lack of a quorum of members available.



## MINUTES

## STATE POLICE COMMISSION

JULY 18, 2002

The State Police Commission convened its monthly meeting at 9:10 a.m. on Thursday, July 18, 2002, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Vice-Chairman Marshall Stevenson and Members Clyde J. Breaux, Joseph S. Cage, Jr. and Baxter W. Welch. Chairman Brooke Duncan, III and Members Stephen H. Myers and Steve Thompson were absent.

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 May 16, 2002 meeting.

The Commission received a presentation from Colonel Terry C. Landry regarding the proposed pay plan. On motion duly made and seconded, by unanimous vote of the member present, the Commission voted to approve the pay plan, with an effective date of June 24, 2002.

The Commission received a presentation from Colonel Terry C. Landry regarding an increase in the cash allowance for maintenance of uniforms from \$4.50 to \$5.30 per day, for each day employees work and are eligible to receive compensation and to discontinue the \$17.85 per month payment for purchase of essential equipment. On motion duly made and seconded, by unanimous vote of the members present, the

Commission voted to approve the request.

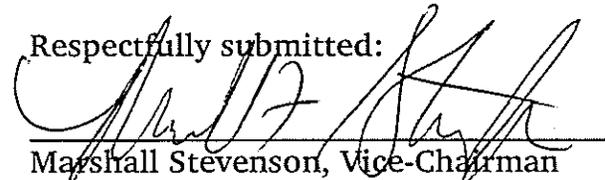
On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to assign the following cases to William A. Norfolk,

Referee:

- a. Appeal of Robert Guilbeaux, Docket No. 01-109-S;
- b. Appeal of Mark Bascle, Docket No. 02-117-T;
- c. Appeal of Bobby Cameron, Docket No. 02-113-O;
- d. Appeal of James Jacobsen, Docket No. 02-115-O; and
- e. Appeal of Lawrence McLeary, Docket No. 02-116-O.

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 9:26 a.m.

Respectfully submitted:

  
Marshall Stevenson, Vice-Chairman

  
Debra L. Johnson, Director

## MINUTES

## STATE POLICE COMMISSION

SEPTEMBER 19, 2002

The State Police Commission convened its monthly meeting at 9:12 a.m. on Thursday, September 19, 2002, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, Vice-Chairman Marshall Stevenson and Members Clyde J. Breaux, Stephen H. Myers and Baxter W. Welch. Members Joseph S. Cage, Jr. and Steve Thompson were absent.

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 July 18, 2002 meeting.

The Commission received a presentation from Colonel Terry C. Landry and Lt. Colonel Danny Baxter regarding the repeal and re-enactment of State Police Commission Rules 8.12(a) and (b) and 11.26(a) through (f). On motion duly made and seconded, by unanimous vote of the member present, the Commission voted to adopt the rules.

The Commission received a presentation from Colonel Terry C. Landry and Mr. Jim Dixon regarding repeal and re-enactment of State Police Commission Rule 13.26(a). At the conclusion of the presentation, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to table this matter.

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 Ryan Riley, Docket No. 02-118-S; and
- b. Appeal of Kenneth Bailey, Docket No. 02-119-O.

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 litigation. At the conclusion of its executive session, the Commission reentered its public session.

The public hearing of the appeal of Ryan Riley, Docket No. 02-118-S, was called. The Commission received stipulations, testimony and exhibits. Upon the conclusion of the hearing, the Commission took this matter 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.

The Commission requested information from Debra Johnson regarding the minimum qualification change for the position of State Police Cadet.

Member Baxter W. Welch departed the meeting at 1:05 p.m.

By two-thirds vote of the members present, the Commission voted to place a new item on the agenda. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to authorize the Chairman and Vice-Chairman to take such action as necessary to effectuate a settlement of the pending

litigation involving Director Debra Johnson, including the expenditure of funds from the Commission budget not to exceed \$13,229.

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 1:10 p.m.

Respectfully submitted:

Brooke Duncan, III  
Brooke Duncan, III, Chairman

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Debra L. Johnson, Director



MINUTES

STATE POLICE COMMISSION

OCTOBER 21 & 22, 2002

This meeting was canceled due to the continuation of the previously scheduled appeal hearing, resulting in a lack of agenda items.



MINUTES

STATE POLICE COMMISSION

NOVEMBER 21, 2002

The November 21, 2002 meeting was canceled due to a lack of agenda items.



MINUTES

STATE POLICE COMMISSION

DECEMBER 19, 2002

The State Police Commission convened its monthly meeting at 9:40 a.m. on Thursday, December 19, 2002, in Conference Room B, First Floor, 7919 Independence Boulevard in Baton Rouge, Louisiana. Present were Chairman Brooke Duncan, III, Vice-Chairman Marshall Stevenson and Members Clyde J. Breaux, Stephen H. Myers and Baxter W. Welch. 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 adopt the following resolution: The Louisiana State Police Commission extends its warmest and most sincere thanks to Baxter Welch for his five years of service as a member of the Commission. Baxter's experience, judgment and counsel have been immensely helpful. We will miss him and wish him all the best, and that is sincerely felt, and he should not be surprised if we call him from time to time for advice.

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 September 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 Ted Raley, Docket No. 02-120-S; and
- b. Appeal of John Neal, Docket No. 02-121-O

The Commission held a discussion regarding the goals and objectives for the Commission for 2003. The following topics were discussed: promotional testing; revamping of the State Police Commission Rules; to ensure the appeals docket moves as quickly as possible; and examine operational issues of the Commission.

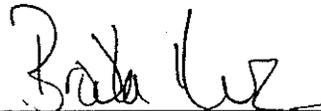
The Commission had a discussion with Colonel Terry C. Landry regarding the discipline process.

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 and litigation involving the Commission. At the conclusion of its executive session, the Commission reentered into its public session.

The Commission voted to reaffirm their previous decision in the Riley matter.

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 11:15 a.m.

Respectfully submitted:



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Brooke Duncan, III, Chairman

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Debra L. Johnson, Director