

STATE OF NEVADA

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

A Workshop and Regularly Scheduled Meeting of the Commission on Peace Officer Standards and Training was held on Thursday, May 2, 2024 commencing at 2:00 P.M. at 5587 Wa Pai Shone Avenue, Carson City, Nevada.

COMMISSIONERS:

- Tyler Trouten, Chairman
- Dan Coverley
- Kevin McKinney
- Oliver Miller
- Jamie Prosser
- Russ Niel
- Tim Shea
- Rob Straube
- George Togliatti
- Tiffany Young

STAFF:

- Kathy Floyd, POST F
- Nathan Hastings, Attorney General's Office
- Mike Sherlock, POST F

TRANSCRIBED BY:

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II Reciprocity. 10
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to add: (i) Conviction of a misdemeanor crime of
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or conviction of a crime that has an element the use or
attempted use of physical force, or the threatened use
of a deadly weapon; and that at the time the offense
was committed, the officer was:

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i. A current or former spouse, partner, parent or guardian of the victim;

ii. A person whom the victim shared a child in common;

iii. A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,

iv. A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.

13

B. The Commission will notify the officer by certified mail or the personal service at the officer's last known address.

13

C. Discussion regarding the creation of a program that would allow an officer whose basic certificate has expired to reinstate their basic certificate if meeting all requirements of NAC 289, and once they complete an in-person course, physical fitness test, and state certification exam.

14

2. PUBLIC COMMENT

15

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17

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- 9. Request from the Boulder City Policy Department for an Executive Certificate for their employee Deputy Chief Aaron Johnson. 32
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- 12. Hearing pursuant to NAC 289.290(1)(g) on the revocation of Lawrence J. Rinetti's (formerly employed with the Las Vegas Metropolitan Police Department) Category I basic certificates based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. 50

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- 13. Hearing pursuant to NAC 289.290(1)(g) on the revocation of Freddy A. Caseres' (formerly employed with the Nevada Taxicab Authority) Category I and II basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. 52
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PROCEEDINGS

1

2 TROUTEN: We will call the order the POST commission
3 meeting, public comment hearing, and workshop. Today's date is
4 May 2nd, 2024. It is 8:00 a.m. in the morning. Go to Kathy
5 Floyd, could you provide information on the legal postings and
6 open meeting compliance please?

7 FLOYD: The Public hearing, workshop notices and
8 meeting agenda have been posted in compliance with NRS
9 241.020. These notices and agendas were physically posted at
10 the POST administrative building and the Nevada State Library
11 in Carson City and electronically posted at post.nv.gov, State
12 of Nevada website at notice.nv.gov, the legislative website at
13 leg.state.nv.gov and email to all SPOCs and admins on the POST
14 list serve.

15 TROUTEN: Alright. Thank you. We'll proceed with roll
16 call. Start with myself and go to my right. Ty Trouten, Elko
17 Police department.

18 YOUNG: Tiffany Young, Community Member.

19 PROSSER: Jamie Prosser, Las Vegas Metro.

20 HASTINGS: Nathan Hastings, Office of Attorney
21 General.

22 SHERLOCK: Uh, Mike Sherlock. And really quick, Mr.
23 Chairman, if you'll -- these are new mics. They're
24 directional, so make sure you talk into them so we do have a
25 good recording. Thanks.

1 FLOYD: Kathy Floyd from POST.

2 NEIL: Russ Niel, State Gaming.

3 MILLER: Oliver Miller, Reno Police Department.

4 MCKINNEY: Kevin -- Kevin McKinney, Carlin Police
5 Department.

6 SHEA: Tim Shea, Boulder City police.

7 COVERLEY: Dan Coverley, Douglas County Sheriff's
8 Office.

9 ROB STRAUBE: Rob Straube. City of Las Vegas DPS.

10 TOGLIATTI: George Togliatti, Nevada Department of
11 Public Safety.

12 TROUTEN: Thank you. We'll now move into public
13 comment. Uh, we have several proposed regulations this
14 morning. Pleased to see that we have a -- a pretty good group
15 of folks here this morning in the audience. So public comment
16 hearing. The public comment hearings will address proposed
17 regulations. The purpose of the hearings is to receive
18 comments from all interested persons regarding the adoption,
19 amendment and or repeal of regulations pertaining to chapter
20 289 of the Nevada Administrative Code, NAC. This public
21 comment hearing has been previously noticed as required by NRS
22 Chapter 233B. We'll move to item A. This is a proposed
23 regulation file number R032- 23RP1. Go to Director Sherlock
24 for the background information.

25 SHERLOCK: Thank you, Mike Sherlock for the record. A

1 -- and just to give the audience and -- and commissioners a
2 reminder where we're at. This is a public comment hearing,
3 which means these proposed regulations have, uh, already gone
4 through the rulemaking process. The commission voted to
5 continue that, uh, rulemaking. We've had one or more workshops
6 on the issue. Uh, the language coming out of those were
7 approved by the commission. Then it goes to, uh, the
8 legislative counsel bureau, uh, for their work, uh, and then
9 brought back to us. And at this point, this would be the final
10 adoption by the commission on these, uh, proposed regulation.
11 Uh, once they're done here, it goes back to the LCB com --
12 commission with this language. So, in terms of item A, uh, as
13 the commission may recall, this change was to address the
14 issue where someone is appointed or elected to an executive,
15 uh, level, but under the old re -- requirements, they could
16 not qualify for the executive certificate. These changes
17 approved by the commission allow an elected executive the
18 ability to receive an executive certificate if they have been
19 in that position for five or -- years or more or an appointed
20 executive, uh, who came from out of state and had the
21 equivalent training and education and that state's equivalent
22 professional certificates. Keep in mind though that, uh, this
23 certificate, even if they meet all those basic qualifications,
24 that is not awarded by POST staff, that remains at the
25 discretion of the commission and the commission makes the

1 final decision, uh, even with this new change on the issuance
2 of the, uh, executive certificate.

3 TROUTEN: All right, thank you. We'll start first with
4 public comment. Are there any comments from the public
5 relative to this executive cer -- certificate qualifications?
6 Right. Hearing none, we'll move on to item B, proposed
7 regulation file R025-24P. Again, we'll go back to executive
8 Director Sherlock for the background information.

9 SHERLOCK: Mike Sherlock for the record. So, the
10 public comment hearing here is, uh, in relationship to the
11 newest reciprocity change for category one recruitment. Here,
12 the change simply removes the mandated passing of the PT test
13 for reciprocity applicants, uh, but allows agencies the
14 discretion to use a PT test should they desire.

15 TROUTEN: Do we have any public comment on this item?
16 Please sir, come forward and state your name for the record,
17 please.

18 JULIAN MELENDEZ: Good morning, everyone. My name is
19 Julian Melendez. I am a, uh, Deputy from Esmeralda County, uh,
20 currently participating in the Reciprocity Program. Uh, at
21 your last meeting three months ago, I spoke. Uh, just wanted
22 to give you an update regarding our current situation in
23 Esmeralda County, uh, small workforce. Uh, we -- since I've
24 spoken three months ago, we've lost another deputy, uh, to
25 another agency. So now we're down to three patrol deputies.

1 And of those three, there are two of us participating in the
2 reciprocity program. And then one other deputy who has about
3 three and a half years of Nevada, uh, law enforcement
4 experience. So, I just wanted to remind you of our current
5 situation, how this would impact one particular county in the
6 state. Um, it would pretty much, uh, negate or -- or
7 eliminate, uh, 66% or two thirds of the workforce. Uh, to also
8 let you know, we've tried recruiting, we've tried advertising
9 social media, and still not getting any bodies. Um, so with
10 our current workforce, uh, you have two deputies participating
11 in the reciprocity program who have not, uh, passed the
12 physical, uh, fitness readiness test. Um, but you have over 60
13 years of California law enforcement experience and now a
14 little over two years of Nevada law enforcement experience,
15 uh, with no citizen complaints, uh, no issues regarding our
16 performance, just an inability, uh, to pass, uh, this test,
17 uh, with a few more sit-ups. Uh, just to let you know,
18 personally, I'm up at 26 sit-ups, just not quite at 30, and I
19 have another two months left on my extension. Uh, and then my
20 partner, uh, Deputy Krista Sullivan, is just shy of the, uh,
21 Illinois Agility Test by less than a second or so. But I just
22 wanted to give you an update of our current situation
23 Esmeralda County and how this, uh, change would impact, uh,
24 our agency. Thank you very much.

25 TROUTEN: Thank you. Any questions from the board for

1 Deputy Melendez? All right, any other public comments? Hearing
2 none, we'll move forward to item C. This is proposed
3 regulation file number R031-23RPI and back to you Director
4 Sherlock for the background on this one.

5 SHERLOCK: Mike Sherlock for the record. Uh, so this,
6 uh, particular hearing is related to the command level basic
7 cer --certificate. It simply allows for a limited basic
8 certificate, uh, for the command level within an agency. Um,
9 it's directed at those who had been Nevada Peace Officers, um,
10 and they have been out of policing beyond the five years. It
11 removes the mandated PT te -- PT -- PT test and requires five
12 years of Nevada law enforcement service in the past to be
13 eligible. Um, a -- again, um, this is a public hearing --
14 final hearing for this particular issue.

15 TROUTEN: And if memory serves me right, director
16 didn't we have a concern on one word in the language of this
17 last meeting? So that it's back --

18 SHERLOCK: Yeah. For the record, so that went back and
19 was corrected.

20 TROUTEN: Thank you. Do I have any public comment on
21 this item? All right, hearing none, we'll now then move into
22 the workshop portion. The purpose of this workshop is to
23 solicit comments from interested persons on the following
24 topics that may be addressed in future proposed regulations.
25 This workshop has been previously noticed pursuant to the

1 requirements of NRS chapter 233B. This workshop is intended to
2 solicit discussion on first item A, changing the revocation
3 authority language related to domestic violence incidents to
4 the federal def -- definition of domestic violence. Director
5 Sherlock, background please.

6 SHERLOCK: Sure. Mike Sherlock for the record. So, as
7 the commission may recall -- recall from last meeting, uh, our
8 current revocation language authority or reasons for re --
9 revocation is not consistent with federal law or court
10 decision related domestic violence incidents. So, this
11 language change would simply bring our revocation regulation
12 in line with the realities of dis -- domestic violence, uh,
13 decisions and the federal law. Uh, we have included here in
14 the -- as a sample, the language from federal law. Uh, this
15 workshop is simply to solicit any comments, uh, related to
16 that language change.

17 TROUTEN: Right. Thank you. Do we have any comments
18 from the public on this item? Questions of the board or
19 director Sherlock? Onto item B. This workshop is regard to
20 updating our language in the serving -- in the serving of
21 notice to those who are subject to revocation hearings. Uh,
22 Director Sherlock background on this one.

23 SHERLOCK: So, Mike Sherlock for the record. Um, we,
24 uh, -- currently we are now quite often able to personally
25 serve those that are subject to revocation hearings. Um, and

1 we would just want -- wanted to update the language, uh,
2 regarding those notices. Um, our current regulation only
3 mentions certified mail, and so we simply want to add personal
4 service as an effective way of noticing those subjects to
5 revocation and that's what this change is about, just adding
6 that language.

7 TROUTEN: All right, thank you. Do we have comments or
8 questions from the public on this item? Questions from the
9 board directly. Okay. Onto item C. This workshop is soliciting
10 input in regards to a possible change to allow for a
11 recertification pathway for previously certified Nevada
12 Officers. Director Sherlock, background please.

13 SHERLOCK: Mike Sherlock for the record. So, the
14 commission has expressed a -- a desire to really help or
15 expand our pool of applicants, uh, and increase, uh, the
16 ability to recruit. Uh, so we -- we looked at that issue,
17 looked at the sort of inquiries that we have. Um, and -- and
18 overwhelmingly the number one inquiry we're getting currently
19 in terms of hiring or -- or certification, um, is the five-
20 year rule. So, we regularly have both agencies and individuals
21 calling to ask how they can reinstate their basic certificate
22 after the five years has expired. Um, and -- and who knows why
23 with inflation and -- and issues out there in the real world,
24 uh, we have a -- a fairly active group that would like to get
25 back into policing, but don't want to go back to a full, uh, -

1 - back through a full academy and start over. Um, so we, uh,
2 looked at what other states are doing and those that allow a
3 re-certification of those that expired, um, and created some
4 language, uh, as a sample. But, um, from our perspective, I
5 think, uh, it would be helpful for instance, if we had a
6 recert process for those that have been gone more than five
7 years, but less than 10 years, um, in terms of when they
8 worked last. And -- and again, staying with the theme of our
9 other changes that had at least five years in Nevada before
10 they left policing, uh, then we -- we would, uh, you know,
11 have this process for them to get re-certified and we have
12 some sample language in there. Again, that's what this
13 workshop would be, uh, about. During the regular meeting, the
14 commission would have the opportunity to either continue the
15 rulemaking or -- or not on this particular issue. But again,
16 this is probably the number one inquiry we have is retired
17 people who want to come get back and -- and -- and get back
18 into policing and -- and, uh, you know, help agencies. And we
19 also get the calls from the agencies who want to hire retired,
20 uh, people, uh, but they're beyond the five years. So, uh,
21 this is where we came up with this language and -- and we
22 looked at again at other states how they're doing
23 recertification and came up with some ideas for -- that fit
24 our regulatory scheme.

25 TROUTEN: Thank you. We have comments or questions

1 from the public? Any comments or questions from the board?

2 Right. Moving on, we'll now transition to the regular

3 commission meeting. Um, just to note as we get started on

4 this, item number 14 from our agenda will be continued until

5 the July meeting. So now we'll move forward to item number

6 one, public comment. The commission may not take any action on

7 any matter considered under this item until the matter is

8 specifically included on a future agenda as an action item.

9 We'll have another opportunity for public comment at the end

10 of the meeting. Do we have any public comment at this time?

11 Okay, hearing none, move on to item number two, discussion.

12 HASTINGS: Chief Trouten.

13 TROUTEN: Yes sir.

14 HASTINGS: If I might, Nathan Hastings for the record.

15 Um, maybe just suggest pointing out or -- or just describing

16 in a bit more detail the change here --

17 TROUTEN: Okay.

18 HASTINGS: -- in this public comment process, so that

19 if any came with the anticipation of making a public comment

20 during the individual item that the commission has decided to

21 take it this different way.

22 TROUTEN: Okay. So, we're gonna start that this time

23 then as well.

24 HASTINGS: Well-meaning in past meetings --

25 TROUTEN: We take public comment on every item which -

1 -

2 HASTINGS: -- at each agenda item. Whereas here, uh,
3 you've now instituted having a public comment period at the
4 beginning and at the end, which is what the law requires. And
5 that being the case, um, you would not take public comment on
6 each individual item because it's either or.

7 TROUTEN: Okay. All right, thank you. So, for the
8 informational purposes, what we're talking about is, um, in
9 past meetings between the workshops and such, we were often
10 getting the same comments multiple times. The thought being
11 that, uh, the workshop is for the comments from the public, in
12 a regular meeting, we have the opportunity for public
13 comments, but we will take those in the beginning and at the
14 end, not on specific agenda items for the regular commission
15 meeting. So if any of you are here to speak specifically on a
16 -- an item that is agendized for action today, this initial
17 public comment time is your opportunity to make those
18 comments. So, if there's -- if those changes anything, any
19 comments from the public? All right, we'll now move forward to
20 item two. This is, uh, approval of the minutes from the
21 February 22nd, 2024, regularly scheduled POST Commission
22 meeting. Do we have any comments, additions, um, corrections
23 to the minutes as provided? If the board has had the
24 opportunity to review the minutes, I would entertain a motion
25 to accept them.

1 SHEA: Tim Shea, I'll make a motion to accept them.

2 TROUTEN: Thank you.

3 MCKINNEY: Kevin McKinney, I'll second.

4 TROUTEN: All right, we have a motion. Second to
5 accept the minutes as presented. All those in favor please
6 signify by saying aye.

7 MEMBERS: Aye.

8 TROUTEN: Any opposed? And I also vote Aye. Minutes
9 accepted as presented. Item number three, executive director's
10 report.

11 SHERLOCK: Uh, thanks Mike Sherlock for the record.
12 So, real quick, uh, just a reminder or maybe news to some of
13 you, we have a process for voluntary relinquishment of, uh,
14 one's basic POST certificate. Um, just, uh, uh, a method of --
15 of giving up your basic POST certificate. Uh, under the
16 regulations, the director may accept these relinquishments and
17 I must report them to you at the next regular scheduled
18 meeting. Um, so during this timeframe or since the last
19 meeting, we received one such relinquishment. Um, it was from,
20 uh, Kelle Harter at, uh, Reno P.D. Also, the commission should
21 know that where appropriate, where they voluntarily relinquish
22 their certificate, we still report them in the National
23 Decertification Index where appropriate. Uh, during the
24 quarter, uh, we conducted some 22 agency compliance audits and
25 four academy audits. Uh, areas of concern are in your books,

1 uh, in terms of, uh, findings. Uh, but the -- the same theme
2 remains the same across the state in general where there are
3 issues. It usually involves background issues and -- and
4 documentation, that sort of thing and training. Um, we
5 continue to work with agencies on how to better, uh, document
6 their compliance and or, you know, achieve compliance. Uh,
7 we've begun our ramp up for the next legislative session, uh,
8 both from a budget perspective and also a legislative
9 perspective. For us, we need to have our enhancements requests
10 by -- in by August and all the usual budgeting fun is already
11 underway. Uh, on the legislative side, we really haven't heard
12 too much, uh, what's in the works at this point. Governor
13 Lombardo did stop by and spent some time with our current
14 academy class, took some pictures, um, and, uh, uh, it was,
15 uh, well received, I'll put it that way, uh, with our academy
16 class and was, uh, greatly appreciated. Uh, our current class,
17 uh, graduates that Thursday. Um, I have my usual testimony in
18 front of the, uh, joint judiciary committee at the end of this
19 month. Um, we just completed, uh, an LCB commission meeting
20 where our behavioral -- Behavioral health reg and the CAT III
21 reciprocity, right, um, regulations were finally adopted. Um,
22 this week I met with tribal chiefs, uh, at a meeting that they
23 facilitated. Um, looking at our inter -- interlocal -- from
24 our perspective, the interlocals, um, M -- MOUs and the
25 statutes that require, uh, tribal policing in certain respects

1 to be post certified and how they may -- how they, uh, can
2 achieve that. Um, with that, I will yield back to the
3 chairman.

4 TROUTEN: All right, thank you. Questions from the
5 board. Ready? We'll move on then to item number four. This is
6 a discussion item for possible action. We'll consider taking
7 possible action to adopt, amend, or repeal the regulations as
8 follows. And we have three of these regulations. We'll start
9 with item A. Uh, this is to adopt LCB file, R032-23 RPI,
10 Director Sherlock.

11 SHERLOCK: Again, Mike Sherlock for the record. This
12 is simply the, uh, executive certificate, uh, language that
13 you just heard about and, uh, we'll be looking for final
14 adoption of these changes.

15 TROUTEN: Questions, concerns from the board? Fair on
16 this one? Good. All right, in that case, I would entertain a
17 motion.

18 SHEA: Tim Shea, I make a motion to adopt regulation
19 as presented.

20 TIFANNY YOUNG: Tiffany Young. I'll second.

21 TROUTEN: Thank you. We have a motion and a second to
22 adopt as presented. All those in favor please signify by
23 saying aye.

24 MEMBERS: Aye.

25 TROUTEN: Any opposed? And I also vote aye, motion

1 carries. Thank you. Item B again, Director Sherlock for
2 background please.

3 SHERLOCK: Mike Sherlock for the record, again, this
4 is the change to, uh, NAC289.200, which removes the physical
5 testing requirements for -- for reciprocity applicants. And
6 again, the language you heard in the public comment hearing,
7 we believe it meets the intent of the commission and we would
8 recommend adoption.

9 TROUTEN: Thank you. Questions or comments from the
10 board? Okay. With nothing further, I'd entertain a motion.

11 PROSSER: Jamie Prosser, moves.

12 TOGLIATTI: I'll second George Togliatti.

13 TROUTEN: We have a motion and a second. All those in
14 favor please signify by saying aye.

15 MEMBERS: Aye.

16 TROUTEN: Any opposed? I vote nay. I'm still the stick
17 of the mud. All right, that motion carries. We'll move forward
18 to item C and this is LCB file, R031-23RP2, Director Sherlock.

19 SHERLOCK: And Mike Sherlock for the record. Again,
20 this is the, uh, command level basic certificate. And we would
21 recommend adoption of this NAC language.

22 TROUTEN: Do we have questions or comments from the
23 board? So, I have one and I, uh, -- Mr. Hastings, this may be
24 answerable by you. A concern would be that somebody gets
25 executive level basic POST cert for an administrative

1 position, says now within that agency the certificate is gone.
2 What if they are demoted or leave that position within the
3 agency? Is that clear enough in the language as it is that
4 that certificate would then be null and void to basically
5 assume as an officer or deputy?

6 HASTINGS: Regulation on the - (inaudible) basic
7 certificate?

8 TROUTEN: I guess my clarification is it refers to
9 position, but is that understood to be positioned with
10 specifically the rank position or administrative position or
11 is it with the agency? And we'd had discussions. Um, I asked
12 this question just because I've already heard of an agency
13 that is trying to wiggle around this and use it to just avoid
14 post.

15 HASTINGS: My -- my initial thought is to have asked
16 staff to comment on both intent and -- and -- and the way you
17 think the language covers that.

18 SHERLOCK: So, Mike Sherlock for the record. I -- I,
19 you know, the regulation says that -- that -- that the person
20 applying for this command level basic certificate, um, has to
21 have been elected or appointed to an executive level position.
22 So, if they meet the other rec -- criteria five -- prior five
23 years in Nevada, and you know, those other things, and 289.14,
24 all -- everything that this says, I think that we're pretty
25 clear that it must be an executive level position. So, if they

1 leave that executive level position, they are no longer
2 qualified. And understand that this is a limited basic
3 certificate as a command level, only basic and that's why we
4 call it that. Um, so I think we're pretty safe. From our
5 perspective if someone submits an application, they have to
6 meet this criterion. Um, so if they have five years in Nevada
7 and they're in a command level position, all these things,
8 that criteria. And I think -- so I think we're okay from that
9 perspective, I'm not sure -- I'm not sure how you get around
10 POST other requirements.

11 TROUTEN: So, if we had an agency to choose what your
12 hierarchy looks like. And again, it probably occurs in a
13 smaller type of entity. You could claim that a street position
14 is in fact a command level position as well and have up to two
15 certificates per agency and you could certify your staff
16 without having to go through.

17 SHERLOCK: So yeah, Mike Sherlock for the record, it's
18 also limited to two per agency. Um, we have tried in the past
19 to define what command level was and uh, the commission, uh,
20 wasn't happy with that. Um, and so we're -- the result was
21 leaving that at the discretion of the agency itself on what
22 that means. Um, but in your scenario, it could be a
23 possibility, but there's only two per agency so it's limited.

24 HASTINGS: And -- and the prime -- the -- the head
25 section language, the commission may award. So, the -- the

1 hypothetical scenario that you -- that you bring to bear, you
2 anticipate that those underlying facts, uh, -- factors would -
3 - whether could be known to the commission. In other words,
4 it's one thing to say someone might try to get around the
5 intent of the requirement (inaudible) but, uh, it says
6 (inaudible) so I guess what I -- where I'm going with that is
7 that if, unless you're -- unless you're -- you're proposing
8 that there's no way you could know, but if it was -- but if it
9 was a situation where you did know (inaudible) certificate,
10 this may not shall.

11 TROUTEN: Which is kind of the point of asking if
12 you're comfortable with it as written, the language gives us,
13 um, clear enough direction because we did struggle to define
14 the command level position versus, because it varies so much
15 from the agency to agency that if we do deny because we don't
16 feel it needs those things. Is it defensible for this
17 commission -- for this board?

18 HASTINGS: Yeah. I mean, I think so. It's -- it's --
19 it's -- it's may language, not shall language. Okay.

20 TROUTEN: Thank you. Other questions? All right. I
21 hearing,

22 SHEA: I -- I -- well this -- so I look at the
23 qualifications here for this and it mirrors as far as I can
24 tell, lateral entry basically. But what we're saying this
25 certificate is for is for someone that worked in a Nevada

1 agency and may be gone for how many years? I don't think
2 there's a limit on this, is there? It it says you had to be
3 employed for five years now you've been gone. So, if you're
4 gone for more than, does this mean you have to go through
5 basically the lateral process again because you have to meet
6 all the requirements that a lateral has to meet to get this
7 certificate? Or does it mean that you took this training 15
8 years ago and it's still good?

9 SHERLOCK: No, so Mike Sherlock for the record. So,
10 there is no time limit on when they did do their five years?
11 Uh, that's correct.

12 SHEA: Okay.

13 SHERLOCK: Um, but this process is a, uh, -- is from
14 our perspective, it's a basic academy very similar to
15 reciprocity. Um, but to bring them up to speed on the current
16 state of the law in policing today, um, with no time limit
17 though. And again, because it's limited to command level, um,
18 it's a -- it's a slightly different, uh, perspective. Uh, but
19 again gives you the discretion to bring in a deputy chief, uh,
20 that you believe is qualified and -- and we could get them
21 back certified limited certification through this process.

22 SHEA: So basically, we're saying that this applies to
23 a person who used to work in a Nevada law enforcement
24 (inaudible) beyond the five years. They then must go through
25 the reciprocity process, which includes the online post two

1 and do force. The certification, you have to take that over
2 again. So basically, it's the reciprocity process for a person
3 not currently employed as we -- or within five years.

4 SHERLOCK: Yes, I -- I understand reciprocity you mean
5 for us means out of state, right?

6 SHEA: Yeah.

7 SHERLOCK: But it essentially is the same. Yes.

8 SHEA: Okay. So, it's basically reciprocity for an in-
9 state, no longer employed officer who's been gone more than
10 five years?

11 SHERLOCK: And then gets employed and appointed into a
12 command level position. Yes.

13 SHEA: Okay -- okay. I understand. So, we -- they're
14 going through everything that we would require for somebody
15 under reciprocity. All the requirements they have to meet all
16 of those standards that anybody who's coming in for
17 reciprocity except for the current employment.

18 SHERLOCK: Well, a couple things. For reciprocity, it
19 has to be five years or less.

20 SHEA: Right. Um, but that's what's waived under this.

21 SHERLOCK: Yes.

22 SHEA: Okay.

23 SHERLOCK: And they have to be from Nevada.

24 SHEA: Right.

25 SHERLOCK: Um, and it can be more than the five years.

1 Um, but yeah, the background requirements remain the same. Uh,
2 still have to do a background on the person, all those things.
3 Yeah.

4 SHEA: Okay.

5 TROUTEN: So, I'm gonna ask kind of a stupid question
6 here because this was originally, I think focused around
7 removing the physical fitness requirement. We had the
8 discussions about differing standards, Cooper Standards sub,
9 um, as we're also considering moving forward with extending
10 that five-year window so that somebody is outside of the 60
11 months and stuff, they come back with a -- a Nevada
12 certificate. Is there really any purpose that this is going to
13 cover -- any group this would cover that -- that wouldn't as
14 they're already Nevada certified, they re-cert up to you say
15 10 years and come back with a regular --

16 SHERLOCK: Mike Sherlock for the record. It's not a
17 big number, but yes, it's -- it could apply to for instance,
18 uh, elected sheriffs or that kind of thing where, um, they're
19 beyond the 10 years or, uh, and -- and to be honest with you,
20 we have two people waiting for this right now that, um, are
21 elected or in an appointed, uh, position that, um, are running
22 out of time. And so there -- there are individuals that this
23 would apply to currently that are different than that -- than
24 the recertification that -- that we are proposing. Although
25 it's a small difference, but, uh, it is slightly different.

1 TROUTEN: Okay. Thank you. Other questions or
2 discussion? Hearing none, would entertain a motion.

3 SHEA: Tim Shea, I make a motion to adopt.

4 PROSSER: Jamie Prosser second.

5 TROUTEN: I have a motion and a second, thank you. All
6 those in favor please signify by saying aye.

7 MEMBERS: Aye.

8 TROUTEN: Any opposed? And I also vote aye, motion
9 carries. We'll go to item number five. This is for discussion
10 and possible action discussion by the commission to continue
11 the rulemaking process regarding the revision of NAC 289.290,
12 uh, subsection one -- subsection I to update language related
13 to the revocation for domestic violence incidents. Possible
14 action may include the creation of language and Director
15 Sherlock, uh, some more detail on this one, please.

16 SHERLOCK: Mike Sherlock for the record. Again, as
17 stated in the workshop, this change and language would, uh,
18 just bring our revocation language, uh, up to, uh, the current
19 state of law and we would recommend that the continuation of
20 rulemaking on this issue.

21 TROUTEN: All right, thank you. Has the board had time
22 to review the -- the proposed language? Is there discussion,
23 concerns, questions from the board? So not hearing any, we can
24 move forward with this language, continue the process if we
25 think there needs to be refinement or table it as a motion

1 from the board.

2 PROSSER: Jamie Prosser moves to continue the
3 rulemaking process.

4 SHEA: Tim Shea, I second.

5 TROUTEN: We have a motion and a second to continue
6 rulemaking. All those in favor please signify by saying aye.

7 MEMBERS: Aye.

8 TROUTEN: Any opposed? And I'll also vote aye. Thank
9 you. So, we'll move on to item number six, discussion by the
10 commission to continue the rulemaking process regarding the
11 revision of 289.290 subsection four. Um, so this again for
12 review, continuance of tabling, uh, Director Sherlock,
13 background please.

14 SHERLOCK: Again, Mike Sherlock for record, this is
15 simply the update to our notice, uh, requirement language to
16 include personal service. And we would recommend, uh, the
17 commission continue the rulemaking on this issue.

18 TROUTEN: Of course, this is what we'll talk about
19 going up to say like 10 years or anything. So, is there
20 direction from the board? Questions and concerns discussion on
21 this item?

22 SHERLOCK: The, uh, -- this is for the notice for
23 personal service.

24 TROUTEN: Oh, sorry -- sorry. We're ahead.

25 SHERLOCK: Don't -- don't confuse me like that, I --

1 I'm barely keeping --

2 TROUTEN: I'm just saying I think it's, uh, critical
3 as a city we face the same issue. And if folks refuse to grab
4 mail, then it complicates issues. Questions, concerns? If not
5 entertain a motion.

6 PROSSER: Jamie Prosser moves to continue the rule
7 making process.

8 YOUNG: Tiffany Young, I second.

9 TROUTEN: Thank you, motion and second. All those in
10 favor please signify by saying aye.

11 MEMBERS: Aye.

12 TROUTEN: Any opposed? And I also vote aye motion
13 carries. Now we'll get to discussion item number seven, full
14 possible action. This is to continue the rulemaking process
15 regarding the creation of a recertification process for
16 expired certificates. Possible action may include the creation
17 of language. Director Sherlock.

18 SHERLOCK: Again, Mike Sherlock For the record. Uh,
19 again, as we spoke about in the workshop, this, uh, would
20 hopefully increase somewhat our pool of applicants and
21 qualified applicants. Um, and we would recommend, uh, the
22 commission continue the rulemaking on creating a process for
23 re-certification of those expired.

24 TROUTEN: Thank you. Questions or discussion from the
25 board? Hearing none, I would entertain a motion.

1 PROSSER: All right. Jamie Prosser moves to continue
2 the rule making process.

3 SHERLOCK: It is easier for us if we just, you know,
4 made the motion we got.

5 TROUTEN: Do have a second?

6 MILLER: Oliver Miller I second.

7 TROUTEN: Thank you. Motion and a second to continue
8 rulemaking process. All those in favor signify by saying aye.

9 MEMBERS: Aye.

10 TROUTEN: Any opposed? And I also vote aye. Motion
11 carries. Discussion number eight, request from the Reno Police
12 Department for an executive certificate for their employee
13 Assistant Chief Oliver Miller. So, Director Sherlock.

14 SHERLOCK: Mike Sherlock for the record. So staff has
15 reviewed the application very closely regarding the -- an
16 executive certificate for depu -- sorry, I'm one ahead.

17 TROUTEN: I'm doing what you're doing.

18 SHERLOCK: For Assistant Chief Oliver Miller. Um,
19 staff finds he meets the requirements for the certificate and,
20 uh, would recommend the issuance of the post executive cer --
21 certificate to assistant chief Oliv -- Oliver Miller. Uh, we
22 would add he's a really nice guy too.

23 HASTINGS: We should probably abstain from voting on
24 him.

25 MILLER: Thank you. You already told me you was

1 voting.

2 TROUTEN: Any questions or discussion from the board?

3 I would entertain a motion.

4 SHEA: Tim Shea, I make a motion.

5 TOGLIATTI: Togliatti I second.

6 TROUTEN: Motion and second to grant Executive
7 certificate to Assistant Chief Oliver Miller. All in favor
8 please signify by saying aye.

9 MEMBERS: Aye.

10 TROUTEN: Any opposed? I also vote aye. Motion carries
11 congratulations. We'll move on to item number nine. Request
12 from the Boulder City Police Department for an executive
13 certificate for their employee, Deputy Chief Aaron Johnson.
14 Director Sher -- excuse me, Sherlock.

15 SHERLOCK: Uh, staff has reviewed the application
16 regarding an executive certificate for Deputy Chief Aaron
17 Johnson. Staff finds he meets the requirements for the -- for
18 the certificate and re -- would recommend the issuance of the
19 post executive certificate to Deputy Chief Aaron Johnson. I
20 think he's here.

21 SHEA: He's not here.

22 SHERLOCK: He's not here? Oh, I was gonna say, he's a
23 nice guy too, chief, but he's not here. So, uh, we would
24 recommend issuance of that executive certificate.

25 SHEA: Am I allowed to vote or is it something I

1 should abstain from?

2 TROUTEN: Questions or discussion by the board?

3 MCKINNEY: Kevin McKinney. I make a motion to approve
4 the executive certificate of Mr. Johnson.

5 TOGLIATTI: Togliatti, I second.

6 TROUTEN: Motion and a second to accept executive for
7 Deputy Chief Aaron Johnson. All those in favor signify by say
8 aye.

9 MEMBERS: Aye.

10 TROUTEN: Any opposed? I also vote. Aye. Item number
11 10, request from Ely Shoshone Tribal Police Department for a
12 six-month extension past the one-year requirement of the NRS
13 289.550 to meet the requirements for certification for the
14 following employees, Brent Stark Date of hire, May 15th, 2023,
15 would extend him up to November 15th, 2024. And also, Michael
16 Lucero, date of hire July 5th, 2023 would extend him to
17 January 25th, 2025. Director Sherlock.

18 SHERLOCK: So, Mike Sherlock for the record. Um, in
19 your books, you can see there's a letter from their, uh, HR
20 director out, uh, in, uh, Ely. Um, one of the individuals is
21 currently in training, uh, but will not complete in time to --
22 to meet the one year and the other is scheduled to, uh, attend
23 an academy. Uh, based on the information we've received from
24 them staff -- from them staff would recommend, uh, the
25 extension of time for both of these individuals for Ely

1 Shoshone tribal.

2 TROUTEN: All right, so I do have a question, and
3 again, I've been confused this morning, so I apologize if I'm
4 wrong again. It says that they would be completing the academy
5 on April 5th, 2024. It should be completed by now, which would
6 be before May 15th.

7 SHERLOCK: So the -- the issue we have is though
8 they've completed the academy, um, it's the BIA Academy, which
9 makes them eligible for reciprocity.

10 TROUTEN: Okay.

11 SHERLOCK: So now they have to go through the
12 reciprocity process, which puts them beyond the year.

13 TROUTEN: All right.

14 YOUNG: So you have a -- just a minute.

15 TROUTEN: It's in the air.

16 YOUNG: So does the MOU that you mentioned earlier
17 with the tribal chiefs give us rights to this discussion?

18 SHERLOCK: Yes. So most of our inter locals are very
19 specifically, and a lot of them have MOUs with the county
20 also, that requires them to comply with all standards and
21 regulations of POST. And so that's why we, you know, in a way
22 this is demonstrating that, uh, because they're -- they're
23 asking for an extension as, uh, -- as, uh, outlined in our
24 regulations. So this shows compliance also to a certain
25 extent. And -- and, uh, yeah, they have to comply with all our

1 regulations.

2 YOUNG: So that MOU gives us jurisdiction to make
3 this? Thank you.

4 SHERLOCK: Yes. For the purpose of our certification,
5 yes.

6 YOUNG: Okay. Thank you.

7 TROUTEN: Other questions or comments? Discussion from
8 the board. Any motion?

9 TOGLIATTI: I'm George Togliatti, I make a motion.

10 YOUNG: Jammie Prosser seconds.

11 TROUTEN: Motion and second to grant extinctions. All
12 those in favor signify by saying aye.

13 MEMBERS: Aye.

14 TROUTEN: Any opposed? I also vote aye, extension is
15 granted. Item number 11, discussion and for possible action.
16 This is a hearing pursuant to NAC 289.290 Section (1),
17 subsection (g) and/or NAC 289.290. Section (1), subsection (h)
18 on the revocation of George J. Heads formerly employed with
19 White Pine County Sheriff's Office Category I, II and III
20 basic certificates. NAC 289.290 Section (1) allows the
21 commission to revoke, refuse or suspend the certificate of a
22 peace officer for, uh, listed (g) conviction of, or entry of a
23 plea of guilty -- guilty, but mentally ill or nolo contendere
24 to a felony and/or under section (h) except as otherwise
25 provided in paragraph I Conviction of a misdemeanor. If the

1 employee agency recommends suspension or revocation following
2 the conviction of the employee for a misdemeanor suspension or
3 revocation may be imposed. The conviction, which or
4 convictions, which have led to this action are case number
5 091500069. Charge one: burglary -- burglary, second degree
6 felony charge two: theft, third degree felony charge three:
7 criminal mischief, third degree felony case number 091500075.
8 Charge one: burglary, third degree felony. Possible action may
9 be revocation of the category I, II, and III basic
10 certificates. To you attorney, Mr. Hastings sir.

11 HASTINGS: Thank you chief, just to initially
12 establish proper basis for potential revocation on items 11,
13 12, and 13 on today's agenda, just, uh, put a few matters on
14 the record. First, that under NRS 289, and bear with me with
15 my voice, I apologize, trying to keep the cough drops. Um, NRS
16 289.150, uh, provides and requires the commission to have
17 adopted regulations to establish the standards for, uh,
18 revocation or decertification of -- of, uh, POST certificates.
19 And that has been done with the adoption of NAC 289.290, which
20 is cited authority for potential revocation today has
21 authority under statute and regulation to revoke certificates,
22 uh, for conviction, uh -- for convictions of felonies and
23 misdemeanors consistent with the -- the charges that will be
24 discussed today. Having established that, I'd also like to
25 just, uh, put on the record asking, uh, Chief Floyd for

1 purposes of agenda items 11, 12 and 13. Did you obtain, uh,
2 records of criminal history that are, uh, contained in the
3 supporting materials for, uh, today's meeting for -- for the
4 revocations proposed in those agenda items?

5 KATHY FLOYD: Yes, I did.

6 HASTINGS: And did you obtain those items -- those
7 records of criminal history directly from the courts?

8 KATHY FLOYD: Yes, I did.

9 HASTINGS: Did you maintain those records of from the
10 course and scope of, uh, your record keeping duties as, uh, a
11 chief in, uh, POST commission?

12 KATHY FLOYD: Yes, I did.

13 HASTINGS: And are the records contained in the
14 commissioners meeting materials true and accurate copies of
15 the criminal -- the criminal history that you've kept in the
16 work in the course of your duties?

17 KATHY FLOYD: Yes, they are.

18 HASTINGS: So I'll advise you, commissioners, that the
19 materials that you have supporting (inaudible) today are valid
20 for evidentiary purposes for purposes of, uh, this meeting and
21 being able to (inaudible) First for agenda item number 11, for
22 you to Exhibit A material which establishes that the
23 commission effectuate the proper notice, uh, to Mr. Head of
24 potential revocation of his certificates in this matter. Next,
25 um, this one's gonna be a little bit different than the few

1 ones we've done in the past. I'm actually gonna ask director
2 Sherlock, uh, to see of your materials. The letter from, uh,
3 sheriff Henriod of the White Pine -- White Pine County
4 Sheriff's Office. This is the request for revocation. Um, once
5 we -- once this has been read the next, the -- the, uh,
6 disputing letter by Mr. Head, uh, will be discussed.

7 SHERLOCK: Okay, Mike Sherlock, for the record. Uh,
8 this is, uh, a letter, um, initially dated as September 5th,
9 2023 from, uh, sheriff, uh, Scott Henriod. George Head is a
10 past employee with the White Pine County Sheriff's Office. He
11 was hired as a patrol deputy and was sent to the Nevada Peace
12 Officer Standards and Training Academy where he successfully
13 graduated. He worked for the Sheriff's Office for several
14 years before rendering his resignation. On or about August
15 31st, 2023, I was contacted by Chief Kathy Floyd informing me
16 of information she had received from the State of Utah
17 referencing -- referenced George Head's background. I have
18 reviewed George Head's application and background that was
19 done when he was hired, uh, on with the Sheriff's Office. He
20 does disclose in his application that he was arrested on
21 January 3rd, uh, 2009 for the crime of burglary, and that the
22 disposition was a misdemeanor. Looking over the criminal
23 history that was done at the time of his background check, it
24 does -- it does show the arrest and the di -- disposition as a
25 -- is a misdemeanor. After receiving the information from

1 Chief Floyd that she obtained from Utah, it appears that this
2 is misleading. The documentation she received indicated that
3 his conviction and dispossession -- disposition was for a
4 felony and that later on after George Head completed his
5 probation, the disposition was changed to a misdemeanor at the
6 request of Chief -- Chief Floyd and the newly discovered
7 information, I'm requesting the revocation of George Head's
8 Nevada POST certificate and it is signed, uh, by Sheriff Scott
9 Henriod.

10 HASTINGS: Uh, Mr. Head's written statement. He -- he
11 requested that this be read into the record by the commission
12 in connection with this hearing.

13 SHERLOCK: Uh, Mike Sherlock for the records. Uh, the
14 -- the, uh, document is uh, titled Notice to Appeal, uh,
15 addressed to, uh, Nevada Commission on Peace Officers, uh,
16 standards and training, and dated February 1st, 2024. I'm
17 writing this letter to let the Nevada Post Commission know I
18 would like to appeal for the revocation of my Nevada Post
19 Category I certificate. I was hired at the White Pine County
20 Sheriff's Office on June 18th, 2018. I wrote a detailed letter
21 articulating the facts and circumstances regard -- regarding
22 my criminal past, along with my application. I was commended
23 for that letter by Captain Jaime Swish - Swetich. For my
24 honesty, my criminal past was never kept secret during my
25 hiring process and was even discussed in my oral board and my,

1 uh, voice stress analyst screening. My morals and ethics were
2 never questioned during my five years as a patrol deputy with,
3 uh, White Pine County SO and as a matter of fact, I was given
4 additional responsibility. During my time with uh, WPCSO, I
5 was pro -- pro -- promoted to deputy Coroner and became a
6 certified field training officer. I even went and put myself
7 through Elko's, Elko's Tri-County SWAT training to better
8 myself as a rural deputy. I was president of our association
9 and help -- and helped negotiate a great contract for my
10 department. On August 1st, 2021, I was involved in an officer
11 involved shooting to which I was giving -- given an
12 accommodation letter for my actions that day. I understand
13 that I was, uh, convicted of a misdemeanor crime in 2009, I
14 never lied during my hiring process and I was 100% honest with
15 all my information. I understand this situation must be
16 evaluated, but I ask that you look at all the information I
17 have provided before taking one of my greatest accomplishment
18 -- accomplishments away. I'm not my mistakes and not once ever
19 I have, uh, been under investigation for my actions as a law
20 enforcement officer. I helped investigate one of my own
21 coworkers who had been working with the WPCSO for 19 years. It
22 is an active case number 23-CR-00156-7K. This individual is
23 going to jury trial for ex -- uh, sexual assault charges
24 against a minor and an adult female. I feel like this is clear
25 retaliation since I am involved in an active federal lawsuit

1 against WPCSO, which WPCSO received days before being
2 contacted by Nevada POST -- by the Nevada POST Commission, I
3 will not be able to attend the given date of the appeal since
4 I will be in a remote location for two weeks, 3,000 miles away
5 for work. Please let me know if I can attend via Zoom. Again,
6 I ask that you review everything rather than the one mistake I
7 made as a teenager. Receiving my Category I peace officer
8 certificate was a huge accomplishment for me, and it helped me
9 a -- a greater sense of purpose as an adult. None of my
10 criminal charges were new information to WPCSO. I've up --
11 upheld the honor of being a peace officer in my personal and
12 professional life. Thank you for taking time to read this
13 letter and I eagerly await the decision. Sincerely, George
14 Head, Post p -- uh, PIN number 36410.

15 HASTINGS: Thank you, Director Sherlock. So this is a
16 little bit -- this is a little bit unique and one is that the
17 criminal history information and on the previous Exhibit (g)
18 in your materials show, uh, if you look at page one of 16 in
19 Exhibit (g) this is where it, uh, identifies a -- the initial,
20 I'm sorry, um, here disposition is at the top of the page. So
21 the three charges that -- that the current is, and as the
22 sheriff described were reduced to misdemeanors at some point,
23 13, 12 or 13, you can see where he was initially -- where
24 initially pled guilty to the felonies. The regulation allows
25 the commission to revoke, uh, without regard to the position

1 of the employing agency for felonies. And the initial
2 convictions for felonies. But then they were reduced to
3 misdemeanors on his completion of probation. The regulation
4 isn't really very clear about a distinction like that. It
5 doesn't express the -- um, it doesn't expressly address well,
6 what happ -- you know, what happens technically, he was
7 convicted of a felony. And so (g) would apply. The regulation
8 allows for revocation upon conviction of a misdemeanor where
9 the employing agency requests it. So technical sense, the
10 commission could consider this either under (g) for felony
11 convictions, but let the knowledge that they were reduced to
12 misdemeanors. And now you have the request of the Employing
13 agency for revocation, assuming you consider the convictions
14 to be misdemeanor convictions. But then you have some
15 (inaudible) of what was and wasn't disclosed during the hiring
16 process between, um, Mr. Head and and sheriff's office. And
17 there's not a representative -- representative, as I
18 understand from the -- from the sheriff's office where you
19 have any questions. This is a little bit of a -- it's unique
20 from the ones we've had in the past. And, um, from a purely
21 legal standpoint, in terms of your authority, I believe that
22 you -- that the commission can properly revoke under (g) for
23 felonies that there was a conviction for felonies. The fact
24 that they were reduced to misdemeanors does not change the
25 fact that they -- that they were felony convictions. However,

1 the commission, I think, can also properly give effect to the
2 intent of the court in that case to -- to be able to give him
3 the benefit of being successful on probation and having them
4 turn to misdemeanors. In which case then, because you -- you
5 are dealing with the complication of, uh, that -- that he
6 said, he said between the sheriff and and deputy, neither is
7 here to answer any questions that you might have. That may be
8 a reason to pull this item from your agenda and -- and try to
9 have it in July and request someone from the sheriff's office
10 be here to answer questions that you may have about you knew
11 about this at the time you hired him. It's -- it's not my role
12 to tell you what your question should be, but I'm just kind of
13 giving you a sense of how you could approach it. So legally, I
14 think think you can revoke under (g) or (h). You may -- you
15 may have -- you may welcome from the information from the
16 sheriff's office.

17 TROUTEN: Questions, comments from the board.

18 COVERLEY: Uh, Dan Coverley from Douglas County. Did
19 POST learn about this through an audit. Is that how this came
20 to light?

21 SHERLOCK: Mike Sherlock for the record. Um, we were
22 made aware of this by Utah POST attempting to do reciprocity
23 or go through their reciprocity process. And they contacted us
24 as a courtesy, um, because they were aware of these
25 convictions and couldn't certify him. I choose my words here

1 but that -- that's, we were made, uh, aware by the state of
2 Utah,

3 COVERLEY: Can the commission request from the White
4 Pine County Sheriff's Office a copy of their background
5 investigation to show what they knew when they offered him a
6 job?

7 SHERLOCK: Mike Sherlock for the record. The
8 commission certainly can request that, um, we could request a
9 review the background. Um, and you know, and I believe they
10 would allow that, I don't know.

11 COVERLEY: And one additional question. So is he
12 considered, um, a convicted felon in the sense of purchasing a
13 firearm with having to register with the sheriff's office as a
14 convicted felon? What -- how -- how does that -- I don't
15 understand. I guess the, every state is unique and I guess
16 that's part of the issue here is that you convict him of one
17 level of a crime and then because he's successfully completes
18 his prob -- you know, terms or whatever, then it's reduced to
19 a misdemeanor. But how does that not show? -- Does that mean
20 that the felony never existed? Like it never happened or?

21 HASTINGS: So that -- that -- those are good -- that's
22 a good question. Um, so there are statutes that -- that-- that
23 address those kinds of issues very specifically in certain
24 contexts. For example, like record sealing. Um, that statute
25 specifically says that for any purpose, if you have your -- if

1 the record of a conviction is sealed, you can -- you can say
2 in any context that -- that -- as if it never happened. This
3 is obviously not that this is something different. Um, how it
4 works in Utah law versus Nevada law versus federal rules
5 related to firearm prohibitions. Um, I think those are really
6 important questions. I -- I can't answer them right now, but I
7 -- I think that that's a really good -- that's a really valid
8 and proper way to look at this potentially is because we have,
9 in other cases considered revocation based on the propriety or
10 the -- the -- the viability of somebody's ability to carry a
11 firearm. And that's a really good point. Um, if you're
12 convicted of a felony, but it's reduced to a misdemeanor, how
13 does that affect your -- your -- your ability to -- to carry
14 the firearm? So I think that's a really important thing that,
15 uh, could be looked at were the commission to determine that
16 it wanted to wait to make this decision on this.

17 TIM SHEA: Mike, there's one thing that -- so I was
18 writing timelines and trying to figure all this out because he
19 was difficult. So it looks like he's convicted, he pleads
20 guilty, (inaudible) pled. It looks like he, uh, I'd be willing
21 to vet as part of the plea bargaining, I do some things upon
22 complaining notice was be moved to a misdemeanor. Normally
23 they're adjudicated a misdemeanor. I would think that the
24 reason that happens is for those sanctions that people have
25 for a felony conviction no longer apply which is why you go

1 through this process and you go through this reduction and
2 that's what's designed for, I would assume, otherwise why do
3 it? So that's all completed by the time he applies for the
4 sheriff's office. That happened in 2011. He was there five
5 years, he left in '23. His post certificates are issued all --
6 after all this happened. But the one thing you just said is
7 that Utah cannot make him a peace officer because as far as
8 they're concerned, he no longer qualifies because of the
9 felony that he pled guilty to. Even though it was adjudicated
10 later down to a misdemeanor to remove sanctions supposedly, it
11 did not remove this sanction for Utah. So I guess my question
12 would be, would such a thing remove the sanction for the state
13 of Nevada? If you go and you have a felony, if you plead
14 guilty to this, as part of your plea bargain process, if you
15 meet these standard, because you never went to prison, that
16 was all away. You complete those things, they say if you do
17 these things, your felony conviction will go away, which means
18 the sanctions go away. Or do we still say, oh, no even though
19 you did all that, you're still gonna be treated as a felon.
20 And if federal government says you can't possess a firearm, it
21 makes it all moot.

22 SHERLOCK: Yeah, Mike Sherlock for the record. So, you
23 know, we're pretty black and white over here at POST. And so
24 we -- you know, from -- from that perspective, uh, the reason
25 we bring it to you in this case. And you're right, it is

1 unusual he was convicted, uh, whether it was reduced or not at
2 the time he was hired, you know, the timeline very well could
3 have been, um, was hired and then separated before we ever
4 even knew -- we mean POST even knew about it. So that -- that
5 is a bit un -- unusual. But from our perspective, a -- we have
6 a provision in the regulation that says that you may revoke
7 for felony conviction and we look at the criminal history and
8 he has a felony conviction, or you may revoke it on specific
9 misdemeanors if they don't meet the, uh, standard that the
10 commission, uh, believes is appropriate, uh, in terms of
11 misdemeanor. Um, and so that's why we bring it to you for
12 those two issues. Um, not necessarily -- clearly not being
13 able to carry a gun is directly related to your ability to be
14 a peace officer, I understand that. We're -- we're bringing
15 this to you because the regulation says you may revoke for a
16 felony conviction and you may revoke for a misdemeanor,
17 whether it's requested by the agency. Uh, and so that's why we
18 bring it here.

19 TIM SHEA: So the misdemeanor convictions are
20 sufficient, its immaterial if it's a felony or misdemeanor, we
21 can do it also on a misdemeanor, which means the argument is
22 kind of a good point, so the misdemeanor will stand.

23 HASTINGS: The misdemeanor -- the misdemeanor also
24 requires that the -- that there be the request of the
25 employing agency, which there is here. But that -- that brings

1 to bear some of those other questions like about the
2 background check and stuff like that.

3 TIM SHEA: But isn't the request POST separation? He
4 already left, he's gone. They trying to say, oh, by the way,
5 let's -- I'm gonna send this letter or was he separated
6 because of a disciplinary action? This letter was a result of
7 that -- that came to us.

8 HASTINGS: I don't know the answer to that.

9 SHERLOCK: Yeah. Mike Sherlock for the record. So for
10 -- in terms of this, you know, the employing agency requesting
11 for us from, you know, the certificate standpoint, the
12 employing agency is that agency that they worked at while they
13 -- that allowed them to have that certificate. So even though
14 he separated for us, White Pine County is still the employing
15 agency because the issue at hand was during the time he was
16 there and then the continuation or the certificate, he's not
17 working anywhere else. But, uh, so it goes back to White Pine
18 as the employing agency for that certificate.

19 PROSSER: Jamie Prosser for the record, I'm hung up
20 on, um, Exhibit C from White Pine that states at the request
21 of Chief Floyd and the newly discovered information, I'm
22 requesting the revocation of the post certification to include
23 his notice of appeal letter where he says that he was very,
24 um, detailed articulating the facts and circumstances
25 regarding his criminal past before he got hired on. So I would

1 make a motion to request that White Pine either provide us
2 with that letter or come to the next POST meeting to provide
3 us with further information.

4 HASTINGS: So just to be clear, I believe that the way
5 this agenda item is set up is that, uh, it may be revocation.
6 Uh, I think that -- that any motion -- any actual motion that
7 you could make on this agenda item today would be to revoke,
8 but administratively without any motion being taken. If the
9 discussion is such that the -- the commission was just (
10 inaudible) the chair can just remove this item, the agenda
11 and put it on the -- on the next meeting and then -- and then
12 through staff administratively that request can be made. But
13 the -- the actual agenda isn't set up for a motion to make
14 that official action of the commission.

15 PROSSER: And so I move that the chair do exactly what
16 you just said.

17 TROUTEN: Move the motion to table to -- to the next
18 meeting. So can we make a motion to table it in the next
19 meeting?

20 COVERLEY: Can -- can we clarify what we want to
21 request prior to the next meeting from White Pine County or --
22 or from POST?

23 HASTINGS: Correct.

24 HASTINGS: (Inaudible) make a motion.

25 COVERLEY: Right. Do -- do we need to do that now or

1 is that something we can do?

2 HASTINGS: You can do that offline.

3 COVERLEY: Okay.

4 PROSSER: So do I make a motion? I so move to table.

5 HASTINGS: Sure, that's fine.

6 TROUTEN: We have a motion to table from Jamie. Is
7 there a second?

8 MCKINNEY: Kevin McKinney? I'll second.

9 TROUTEN: Motion and second to table. Any further
10 discussion? All those in favor of tabling this item to the
11 next meeting say aye.

12 MEMBERS: Aye.

13 TROUTEN: Any opposed? I also vote aye. Motion is
14 tabled -- item is tabled. Item number 12, hearing pursuant to
15 -- pursuant to NAC 289.290 Section (1) subsection (g) on the
16 revocation of Lawrence J. Rinetti's formerly employed with the
17 Las Vegas Metropolitan Police Department. Category one basic
18 certificate based on a conviction of/ or entry of a plea of
19 guilty, guilty but mentally ill or a nolo contendere to a
20 felony. The convictions which have led to the section are
21 count one: Theft (Category B Felony in violation of NRS
22 205.0832, 205.0835.4. And count two: Attempt --attempt to or
23 obtaining using, possessing or selling personal identifying
24 information for unlawful purpose by a public officer or public
25 employee. Category B, felony violation of NRS 205.463. Section

1 (1) NRS 193.153. Count three: offering a false instrument for
2 filing or record Category C felony violation of NRS 239.330,
3 NRS 171.085, NRS 171.090 and NRS 17.095. Count four, reckless
4 driving Category B felony in violation of NRS 44B.653.

5 Possible action may be revocation of the category (1) basic
6 certificate. Mr. Hastings, if you would provide background
7 please.

8 HASTINGS: Your attention first to exhibit A and
9 materials for Mr. Rinetti. This is the notice that was sent
10 to, um, Mr. Rinetti. Ask, uh, Chief Floyd, did you receive
11 any, uh, response from Mr. Rinetti indicating that he would
12 appear and or, uh, um, intend to make a statement to a public
13 revocation in this matter?

14 KATHY FLOYD: No, I did not.

15 HASTINGS: So notice was provided no response. In
16 fact, uh, Exhibit B you have proof of it's an affidavit of
17 service for the notice and I would direct -- I would direct
18 you, uh, commissioners to Exhibit H in the materials here,
19 which is copy of the guilty plea agreement, uh, with file
20 stamp for, uh, having been filed in July of last year, he pled
21 guilty to the four charges -- the -- the four felonies that
22 give rise to the basis for revocation. And then, uh, exhibit I
23 is the judgment of conviction. So he was actually convicted of
24 those four counts. So I advise the Commission, that based on
25 his plea and the resulting conviction of those, uh (inaudible

1) post certification.

2 TROUTEN: All right, thank you. Do we have any
3 questions, comments from the board discussion? Hearing no
4 comments or discussion, I would entertain a motion.

5 TIM SHEA: Tim Shea, I make a motion to revoke.

6 COVERLEY: Dan Coverley, I Second.

7 TROUTEN: I have a motion and a second to revoke the
8 category or category one basic certificate for Lawrence J.
9 Rinetti. All those in favor signify by saying aye.

10 MEMBERS: Aye.

11 TROUTEN: Any opposed? And I also vote aye. Item 13,
12 discussion and for possible action hearing pursuant to NAC
13 289.290. Section (1) subsection (g) on the revocation of
14 Freddy A. Caseres formerly employed with the Nevada Taxicab
15 Authority Category I and II basic certificates based on a
16 conviction of -- or entry of a plea of guilty, guilty but
17 mentally ill or nolo contendere to a felony. The convictions
18 which have led to this action are count one: attempt lewdness
19 with a child under the age of 14, a category B felony in
20 violation of an NRS 201.230 Section (2). Possible action may
21 be revocation of the category I and II basic certificates. Mr.
22 Hastings.

23 HASTINGS: Thank you Chief, Commissioners, I direct
24 you to exhibit A in your materials, which is a copy of the
25 notice that was, uh, sent. And if you look at exhibit B, you

1 have another serve with this notice. Chief Floyd, did you
2 receive any response from Mr. Caseres of any intent to appear
3 dispute the basis for, uh, revocation of this matter?

4 KATHY FLOYD: No, I did not.

5 HASTINGS: Thank you. Exhibit E in your materials is
6 the initial indictment from May of 2022 outlines some 26
7 felony, uh, sexual assault related charges. (Inaudible) was
8 amended upon a guilty plea to reduce charges. Uh, Exhibit G is
9 the guilty plea agreement. Exhibit H is the judgment of
10 conviction. Under your regulation, both the guilty plea and --
11 and conviction of this establish the impropriety of this
12 individual maintaining a POST certificate and proper basis.

13 TROUTEN: Thank you. Questions or discussion from the
14 board? Is there a motion on this item?

15 MCKINNEY: Kevin McKinney I make a motion that we
16 revoke.

17 NIEL: Russ Niel, second.

18 TROUTEN: A motion and second to reveal, not reveal
19 ,to revoke the category I and II basic certificates for Mr.
20 Caseres. All those in favor please signify by saying aye.

21 MEMBERS: Aye.

22 TROUTEN: Any opposed? And I also vote aye. Item 14 as
23 previously noted has been removed, continued to the July
24 meeting, which brings us to item 15. Public comment. The
25 commission may not take action on any matter considered under

1 this item, specifically included on an agenda as an action
2 item. Do we have any public comment? Hearing none, we'll close
3 public comment. Item 16, discussion and for possible action
4 scheduling of the upcoming commission meeting for July.

5 Director Sherlock.

6 SHERLOCK: So, Mike Sherlock for the record. So, as
7 you recall last year, uh, the commission opted to return to,
8 uh, or continue our July meetings in Ely, um, in conjunction
9 with the, uh, sheriffs and Chiefs Association. Uh, I did, uh,
10 meet with Pam of Sheriffs and Chiefs. Um, I'll have to leave
11 it up to the commission. Um, I generally we do Thursday, if
12 you recall last year, we couldn't get it done till about one
13 1: 00 in the afternoon on Thursday and it makes it a little
14 tough I know for people driving back. She's offered up the
15 room, uh, for Thursday morning around 10 for us to do our
16 meeting and that way we'll be able to get out of there, uh,
17 Thursday. Uh, the only caveat to that is that will be during
18 their Sheriff's and Chiefs is having a round table out at Ely
19 Prison. Um, so I, I'll leave that on you. If, -- if we would
20 prefer the 10:00 a.m. the agenda's filling up. Uh, obviously
21 we've got two from today that have been continued, so we would
22 prefer the 10:00, but I'll leave it to you if you want to do
23 it after the, uh, Ely meeting or whatever the -- the training
24 session out at Ely Prison. Uh, but that would be Thursday,
25 July 11th. Um, either at 10:00 or 1:00 or what -- whatever,

1 uh, the commission would prefer.

2 TOGLIATTI: I prefer at 10:00.

3 (INAUDIBLE): I agree.

4 TROUTEN: So, uh, I form of motion, we'll look at the
5 morning of the 11th to 10:00 a.m.

6 COVERLEY: Second.

7 TROUTEN: Is that good with everyone? All those in
8 favor say aye.

9 MEMBERS: Aye.

10 TROUTEN: The 11th to 10:00 a.m. it is. Last item.
11 Motion to adjourn.

12 TIM SHEA: We can make it so.

13 TROUTEN: Tip in the head there. All right. All in
14 favor?

15 MEMBERS: Aye.

16 TROUTEN: Perfect, we adjourn.

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