

**In the Matter Of:**  
Commission on POST

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**Meeting**  
*September 05, 2018*

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3200 COBB GALLERIA PARKWAY  
SUITE 265  
ATLANTA, GA 30339

1 COMMISSION ON PEACE OFFICER STANDARDS  
2 AND TRAINING REGULARLY SCHEDULED MEETING

3  
4 LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
5 HEADQUARTERS

6 Building A, Classroom 109  
7 400 South Martin Luther King Boulevard  
8 Las Vegas, Nevada

9  
10 Wednesday, September 5, 2018  
11 1:30 p.m.

12

13 Commissioners:

14 TROY TANNER, Mesquite PD (Chairman)  
15 JAMES WRIGHT, DPS  
16 JOHN McGRATH, Las Vegas Metro PD  
17 KEVIN MCKINNEY, Lieutenant, Elko County SO  
18 JAMES KETSAA, Clark County School PD  
19 BEN REED, Elko PD  
20 MICHAEL ALLEN, Humboldt County SO

21

22 Staff Present:

23 SCOTT JOHNSTON, POST  
24 MIKE JENSEN, AG OFFICE  
25 MIKE SHERLOCK, POST



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1 PROCEEDINGS

2 (1:30 p.m.)

3 CHAIRMAN TANNER: Okay, I'll call the  
4 meeting to order, it's a POST Commission  
5 meeting, September 5th, 2018. For the record,  
6 the time is 1:30, and I'll call on Mr. Scott  
7 Johnston for information on the legal postings.

8 MR. JOHNSTON: Thank you, Mr.  
9 Chairman. The notices were posted at the POST  
10 administrative office in Carson City, the  
11 Nevada State Capitol building in Carson City,  
12 the Blasdel State Building in Carson City, the  
13 Nevada State Library and Archives in Carson  
14 City, the Grant Sawyer Building in Las Vegas,  
15 the Carson City Sheriff's Office, the White  
16 Pine County Sheriff's Office, and at the post  
17 website at [post.nv.gov](http://post.nv.gov), and at the state notice  
18 website at [notice.nv.gov](http://notice.nv.gov), and it was  
19 electronically sent out to the agencies that  
20 are on our contact list.

21 CHAIRMAN TANNER: Appreciate it. And  
22 next we'll go over just a little list, I want  
23 to remind the public since we have a full crowd  
24 today, I remind the public to sign in on the  
25 attendance roster, state your name and agency

1 before speaking at the public comment table  
2 which is right here in front of us, and then  
3 for the public and commissioners, if you have  
4 cellular phones or pagers, please make sure  
5 they're turned off, and then please state your  
6 name before speaking to the commissioners. And  
7 you want to make sure, those microphones are  
8 very sensitive, they're on, we don't want the  
9 crowd to hear any whispering. And if you make  
10 a motion, please clarify the motion and who  
11 made the motion.

12 And then I'll jump to roll call now,  
13 we'll start over here at Scott, and we'll go  
14 across.

15 MR. JOHNSTON: Scott Johnston, POST.

16 MR. JENSEN: Mike Jensen, Attorney  
17 General's Office.

18 MR. SHERLOCK: Mike Sherlock, from  
19 POST.

20 CHAIRMAN TANNER: Troy Tanner,  
21 Mesquite Police Department.

22 COMMISSIONER WRIGHT: Jim Wright, DPS.

23 COMMISSIONER McGRATH: John McGrath,  
24 Las Vegas Metro.

25 COMMISSIONER McKINNEY: Kevin

1 McKinney, Elko County Sheriff's.

2 COMMISSIONER KETSAA: James Ketsaa,  
3 Clark County School Police.

4 COMMISSIONER REED: Ben Reed, Elko PD.

5 COMMISSIONER ALLEN: Mike Allen,  
6 Humboldt County Sheriff's Office.

7 CHAIRMAN TANNER: The next one is item  
8 number three.

9 MR. JOHNSTON: Mr. Chairman, you might  
10 want to make note that two of the commissioners  
11 are not here today.

12 CHAIRMAN TANNER: Good idea. We're  
13 missing two commissioners, Commissioners  
14 Michele Freeman and Jason Soto, thank you.

15 Okay. For the commissioners, are  
16 there any corrections or additions to the  
17 minutes, if you've had a chance to go over the  
18 minutes from the last meeting? If there's not,  
19 I'm looking for a motion to approve the May 3rd  
20 meeting minutes.

21 COMMISSIONER KETSAA: Jim Ketsaa. For  
22 the record, I make a motion.

23 COMMISSIONER REED: Ben Reed, I'll  
24 second it.

25 COMMISSIONER TANNER: All in favor?

1 (Chorus of ayes.)

2 CHAIRMAN TANNER: The motion passes.

3 Okay, item four is -- oh no, this is a  
4 long one, our executive director's report.  
5 I'll turn it over to Mike Sherlock.

6 MR. SHERLOCK: Mike Sherlock, for the  
7 record. Mr. Chairman, my font is really big,  
8 it's not that long, so I'll try to get through  
9 this.

10 So, good afternoon. Let me just get  
11 it started real quick with some happenings at  
12 POST and start with basic training. We do  
13 currently have an academy in session, this  
14 academy graduates on November 15th. Just to  
15 remind you, one of the mandates given by the  
16 Commission a couple years ago was to tighten  
17 and improve our academy and we continue to do  
18 that. Some of the new things at the academy,  
19 we recently executed an agreement with a public  
20 college based in Arizona, they reviewed our  
21 curriculum and will now offer 39 units of  
22 college credit to any graduate of a Nevada  
23 POST-certified academy. It doesn't have to be  
24 one at POST but any certified academy, as long  
25 as that Category I academy exceeds 550 hours,

1     which all of our academies do.

2                 So the units with this particular  
3     college, and I forgot to bring the name of the  
4     college but it's on our website, the units can  
5     be used for an AS degree in law enforcement  
6     technology. The units may or may not be  
7     transferrable, but from a POST perspective they  
8     will count towards your intermediate or  
9     advanced certificate through POST as the  
10    college is an accredited college.

11                This really simply advances POST's  
12    desire to encourage formal education, and  
13    again, we have that information on our website.  
14    The cost is fairly minimal when you look at  
15    what they charge, and it really should prove to  
16    be a benefit to new officers that are really  
17    wanting to start their college education.

18                Within the basic academy, it's on the  
19    agenda later on so I won't get into it, but we  
20    are looking to start a pilot program to get  
21    more Nevada policing expertise interjected into  
22    our academy, and we'll talk about that in an  
23    upcoming agenda item.

24                In advanced training they are doing a  
25    complete revamp of the supervisor's course, we

1 should have that out very soon, we're waiting  
2 for some material, another save right now.

3 On the standards side, we received  
4 final approval from the legislature on the  
5 dispatcher regulation a couple months ago.  
6 Frankly, it's been pretty frustrating. The  
7 State went to a new Moodle system and we had to  
8 take everything down and reformat all of our  
9 online courses, so that put us a bit behind on  
10 the dispatcher course, but we're almost done  
11 with reformatting it again, and that will be  
12 available on our website hopefully very soon.

13 Also with standards, we're going to  
14 talk a little bit about reciprocity in another  
15 agenda item, so I'll hold off on that.

16 Administratively, we are working on  
17 the upcoming budget for the next biennium.  
18 Just so the commissioners understand how POST  
19 budget works, we are bound by what's called the  
20 two-time rule, we're a fee-based agency, and so  
21 that rule says that our budget cannot be more  
22 than two times our base budget for this  
23 biennium. In other words, the theory is as a  
24 fee-based agency, we don't want state agencies  
25 to increase their fees in order to increase



1     their budget. As you all know, that really  
2     doesn't apply to us, but we're just stuck with  
3     that rule. Our fees come from court  
4     assessments that we have no control over, so it  
5     does get a bit frustrating, it is one of the  
6     main reasons our budget remains the same today  
7     as it was ten years ago at POST.

8             I am looking at some funding source  
9     alternatives. I'm looking for any legislators  
10    that may carry a bill to help us with that.  
11    I've had a couple that have offered but haven't  
12    heard back, so I encourage the Commission, if  
13    you have anybody who is interested in that  
14    issue, to get ahold of us to help us with that.  
15    In a nutshell, what I'd like to do is stabilize  
16    our budget and get to the point that other  
17    entities across the country do, and that is  
18    have a training reimbursement fund,  
19    particularly helpful to our smaller agencies,  
20    but all agencies, as we know other states do,  
21    and I think there's ways of doing that without  
22    reaching into the General Fund or tax dollars,  
23    and I have some ideas that come from other  
24    states that worked really well in other states  
25    that I think would work well here in Nevada, so

1 I'm looking at some BDRs that would help us  
2 from that standpoint.

3 Back on August 22nd, we were in front  
4 of the Public Works Board to once again pitch  
5 our CIP on an EVOC facility. Just as a  
6 reminder, or to refresh everyone's memory, this  
7 project was approved back in 2008, we had money  
8 in the bank, all the plans were done, we  
9 already owned the property, and with the  
10 economic turndown the money was swept out of  
11 the account and it was not, it didn't go  
12 forward. A lot of the preliminary work has  
13 already been done.

14 Having done, in saying that, the  
15 original cost was 2.8 million. With inflation  
16 and a few small changes, that same project is  
17 now projected at seven million, so the delay  
18 hasn't been real good for that project, but  
19 we'll see what happens with it. I just  
20 wouldn't hold my breath on that, there's a  
21 limited amount of money from CIP and where we  
22 fit in the priority is not known, and I don't  
23 know that it's there.

24 Along those lines, we are in critical  
25 need of EVOC vehicles. We have traditionally

1     used retired NHP cars, that's not working out  
2     for a variety of reasons, they're keeping them  
3     longer, we're just not seeing those, so we're  
4     looking at ways to lease vehicles. But again,  
5     with our two-time rule and our budget, we have  
6     to show a cost savings if we do that, but it is  
7     getting critical, we are -- you know, our cars  
8     are breaking down, and I think we're down five  
9     right now, we can't get them replaced, and it  
10    makes it difficult for basic training.

11                 Finally, you know, I'm afraid I may  
12    lose my hair by the next meeting, 2-2, worrying  
13    about a quorum. Just a quick little  
14    background, especially for our new  
15    commissioners. The Commission is required by  
16    statute to meet, quote, regularly. We  
17    traditionally at POST accomplish this by  
18    generally doing four meetings a year. In the  
19    past it's been pretty much May in Carson City,  
20    July in Ely, November in Vegas, and then  
21    February we've either done Carson City or  
22    Mesquite. So, you know, I just want to remind  
23    everyone of that. There's been some  
24    suggestions that, which I personally agree  
25    with, that it may make things easier if we do

1 two in the north, two in the south, Reno-Carson  
2 area and Clark County area, and call it a day.

3 We have some concerns with Ely, not  
4 that I don't like going out to Ely, but you  
5 know, if we have public on the agenda or  
6 revocations, or executive certificates, it's  
7 difficult for people to get to Ely. So anyway,  
8 we'll look at that and I'll work with the  
9 chairperson on that.

10 There's also been a suggestion from  
11 the Commission that, to add a little meat to  
12 the agenda in terms of our policy, so you'll  
13 see on the agenda we have added a policy issue,  
14 a couple policy issues that hopefully will get  
15 you guys more involved, move us up on the  
16 priority list of meetings going forward next  
17 year.

18 So again, I only have hair left in my  
19 ears anyway, so it doesn't really matter, but I  
20 think that's all.

21 CHAIRMAN TANNER: I appreciate that.  
22 Troy Tanner for the record, I want to make a  
23 quick comment. I appreciate you doing the  
24 college credits because I think it does get  
25 people moving in the right direction, it really

1 does as far as if they attempt to work on a  
2 degree, I know a lot of agencies, including  
3 mine, you need those different degrees to move  
4 forward in a career, so I appreciate you guys  
5 doing that, we did that back, it started  
6 regional and was very successful. A lot of  
7 people, I don't know if you all remember Dr.  
8 Casey, who passed away a few years ago, he  
9 pushed that really hard, he came from New York  
10 City and ran the CSN academy, and it was  
11 beneficial, I used it in my career in fact. So  
12 I appreciate you looking at options and things  
13 that will benefit new recruits, so I thank you  
14 for the changes you've made, and I've seen a  
15 lot coming, so I appreciate the movement, and  
16 understand there's some headaches with people  
17 being upset when different recruits, I think  
18 most of understand that some people, this  
19 career, this job, this career isn't for  
20 everyone, so I appreciate you holding them to  
21 the standards, and that's the conversations I  
22 had with Ron Pierini, is that I appreciated him  
23 holding the line, and I do appreciate you  
24 taking on those headaches, so thank you.

25 MR. SHERLOCK: Thank you.

1                   CHAIRMAN TANNER: Would anyone else  
2 like to make any comments?

3                   COMMISSIONER REED: I had a question,  
4 Mr. Chairman, Ben Reed for the record.

5                   So Mike, are you, on the funding, are  
6 you trying to carve out an exception for POST,  
7 then, with a BDR on the funding limit, is that  
8 where you would like to go?

9                   MR. SHERLOCK: Mike Sherlock for the  
10 record. You know, there's a lot of different  
11 funding mechanisms. One of the ones that  
12 really appeals to me that just was passed last  
13 year in Massachusetts was a two-dollar  
14 surcharge on rental cars. The reason that's a  
15 little easier to get through something like the  
16 legislature is it generally doesn't affect  
17 Nevada residents, so most of the rental cars  
18 are tourists and they're paying that two  
19 dollars. You know, if we could get someone to  
20 sponsor that, I don't know, but in  
21 Massachusetts in one year, it garnered \$10  
22 million. You know, some of the other things  
23 that we've looked at, I think would be harder  
24 to swallow for the legislature.

25                   Colorado uses a surcharge on vehicle

1 registration that goes directly to POST. Their  
2 comments on that, the advantage of that in  
3 their mind is as the population of Colorado  
4 grows, so does the POST training budget,  
5 because there's more people registering cars.

6 So there are some other options,  
7 again, staying out of the General Fund, not  
8 touching the taxpayer, but you know, we have to  
9 have support from the legislature to get it  
10 done.

11 CHAIRMAN TANNER: Right, or the court  
12 assessment fees going to other entities besides  
13 POST.

14 MR. SHERLOCK: Yeah, there's -- again,  
15 Mike Sherlock for the record. I think there's  
16 in the area, and you could correct me, I think  
17 there's 18 different agencies, maybe more now  
18 that derive some funds from the court  
19 assessment. Remember also that the executive  
20 branch sweeps the first ten dollars off the  
21 court assessment and then the rest of it is  
22 split by us, including the courts. And as you  
23 know, they've added an appellate court and that  
24 gets everyone.

25 CHAIRMAN TANNER: Right.

1 MR. SHERLOCK: Now I will say, on the  
2 other hand, that court assessment fees have  
3 been pretty good. This last year for the first  
4 time in our recent history, we hit a hundred  
5 percent of authorization; normally court  
6 assessments fall below that. This month we are  
7 about 40,000 above authorization for August,  
8 which is very unusual for us, but again, it  
9 doesn't change anything because we're limited  
10 to what we're authorized anyway, but I just  
11 feel that we need an alternate source so we can  
12 stabilize that POST budget, and again,  
13 ultimately my goal is to have a training  
14 reimbursement fund. We're finding, talking to  
15 regional training up in Reno, they are having  
16 trouble getting people to come to their classes  
17 and fill classes. And when they look at it,  
18 the main reason is the agencies are  
19 understaffed, you know, it's not necessarily a  
20 money issue, but if they had the money to  
21 backfill, they could send more people to  
22 training, and that's where a training  
23 reimbursement fund really becomes important,  
24 for backfill and that kind of thing, so I would  
25 like to get us to that point. Many many states



1 do that, that's what POST does, that does meet  
2 our mission and we've just never done that, and  
3 I'd like to get our budget stabilized to where  
4 we can actually do that.

5 CHAIRMAN TANNER: Any other questions  
6 or comments?

7 COMMISSIONER ALLEN: Just real quick,  
8 for the record, Mike Allen. Do we know what  
9 happened to the money that was slated for the  
10 EVOC course?

11 MR. SHERLOCK: Mike Sherlock for the  
12 record. Yeah, it was transferred into the  
13 General Fund due to the, you know, issues with  
14 the economic turn.

15 COMMISSIONER ALLEN: And it stayed  
16 there?

17 MR. SHERLOCK: Yeah, it was put back  
18 there. Mike Sherlock, for the record. Also,  
19 part of our problem is even with the CIP, we  
20 are bound by court assessment money so that  
21 makes it difficult for us. You know, if it was  
22 funded via General Fund, it would be I think a  
23 little bit simpler for us.

24 CHAIRMAN TANNER: Any more questions  
25 or comments? Okay. We're going to move to

1 item five. So, item five is discussion, public  
2 comment and possible action. NRS 289.530  
3 authorizes the executive director, with advice  
4 of the Commission, to appoint employees,  
5 agents, consultants and other staff of the  
6 Commission and prescribe their duties, and to  
7 execute contracts on behalf of the Commission.  
8 The Commission will consider whether to  
9 authorize the executive director to execute a  
10 contract on behalf of the Commission for the  
11 services of an independent contractor,  
12 Sheffield Public Services, LLC, as a subject  
13 matter expert instructor at the Commission's  
14 Basic Training Academy. It is anticipated that  
15 the independent contractor will be a non-state  
16 employee, retired or not employed by a law  
17 enforcement agency, to instruct specific blocks  
18 of curriculum at the Commission's Basic  
19 Training Academy.

20 I'll turn some time over to  
21 Mr. Sherlock.

22 MR. SHERLOCK: I'm going to -- Mike  
23 Sherlock for the record. I'll defer to  
24 Mr. Jensen, for comments on the statutes.

25 MR. JENSEN: Mike Jensen for the

1 record. The only thing I would add to this  
2 discussion is just a quick look at the statute  
3 and what the Commission's purpose is in looking  
4 at a contract like this. If you look under the  
5 executive director's duties at 289.530, it  
6 starts off with, with the advice of the  
7 Commission, the executive director and the  
8 Commission may, and then under subsection 12 it  
9 says, execute contracts on behalf of the  
10 Commission.

11 This happens to be a contract that I  
12 was asked to take a look at, and it was one  
13 that in talking with Mr. Sherlock, we thought  
14 would be a good one to bring to the Commission,  
15 because it's not a routine type contract that  
16 the Commission sees all the time, it's a little  
17 bit different. It seemed to be something that  
18 the Commission should have an opportunity to  
19 look at and to get their authorization and  
20 advice on, and that's all.

21 MR. SHERLOCK: Okay, Mike Sherlock for  
22 the record. So, again, we're pretty excited  
23 about this particular item. It's the first  
24 time in some years that we have had a chance at  
25 a permanent enhancement to our budget in terms

1 of personnel and training. As you guys  
2 probably know, it's pretty tough for POST to  
3 recruit anybody for that matter, but  
4 particularly for training in the academy, you  
5 know, for a variety of reasons. Our pay is too  
6 low, it hurts those who are working towards a  
7 PERS retirement or have a PERS retirement, we  
8 are not PERS exempt, so it would be tough for  
9 them to come work for us, and our thought was  
10 to create a more permanent contract position.

11 We currently do little short-term  
12 contract positions and have a variety of  
13 instructors come in and teach one day, but we'd  
14 like to, we wanted to create a more permanent  
15 contract position that could provide some  
16 expertise throughout the entire academy, be  
17 there full time for the academy. But again,  
18 our ability to recruit recently retired Nevada  
19 peace officers is very difficult. I mean,  
20 they're collecting PERS and that kind of thing,  
21 on our salary schedule. But with that in mind  
22 we met both with the Department of  
23 Administration with the State and the  
24 Governor's Budget Office, who agreed to release  
25 \$36,000 each year, particularly this year, for

1 a contract instructor, and what that is is  
2 \$18,000 for each academy, we do two academies a  
3 year.

4 The only stipulation from the  
5 Governor's office is that we ask for, or  
6 include this in our budget request for the next  
7 biennium. In other words, they liked it enough  
8 where they want us to make it permanent, which  
9 of course we're not going to argue with, we  
10 like it also.

11 So this first year they wanted it done  
12 immediately, for one, our academy is about to  
13 start. So we interviewed some people for the  
14 pilot program. The reason you see Sheffield  
15 Services in there, that is one that we grabbed  
16 right away. Ron Sheffield just retired from  
17 Reno PD, he had already been teaching a course  
18 on a variety of things, as others had been that  
19 we talked to real quick, and he just retired  
20 and the timing was perfect for us, and he came  
21 in for this first academy.

22 We came up with that \$18,000 based on  
23 what we currently pay our adjunct instructors,  
24 which is \$25 an hour, so for 18 weeks at \$25 an  
25 hour, it's a thousand dollars a week.

1           That said, I want to, I wanted to get  
2   the Commission's approval both for this  
3   program, but also from the standpoint of  
4   including it in our budget request for the next  
5   biennium. And frankly, we're testing it right  
6   now, there are some issues with the contract  
7   right now, but we're testing it right now and  
8   it's working out very well for us. If we don't  
9   have instructors that show up, this particular  
10  contract person has the expertise to teach a  
11  wide variety of subjects, so he can step in  
12  when people are not there. We're using him as  
13  a mentor for some of our recruits and cadets to  
14  help them through, so it's working out really  
15  well.

16           And frankly, I'd like to expand that,  
17  I'd like to see more contract positions for us.  
18  It gets us outside of PERS so it allows them to  
19  collect their retirement and work for us at the  
20  same time without causing an issue. We realize  
21  it's not a lot of money, you know, we're not  
22  expanding the pool of use, right, you're not  
23  going to move from Boulder City to Carson City  
24  for this job, but it does create a pool that we  
25  didn't have before, and that's why we really

1     like it.

2                 Going forward we will handle it like  
3     any other, with your approval, handle it like  
4     any other position, advertise, you know,  
5     interview for it, that kind of thing. We have  
6     no issues with that, and we never -- and  
7     frankly, our thought was each academy is a  
8     separate issue for us, our needs change, so  
9     this academy that, the one person we have there  
10    may work fine for this academy but our  
11    expertise needs may change for the next  
12    academy, and it's an administrative issue, but  
13    we're trying to create two contracts per year,  
14    one for each academy, not one contract for two  
15    academies.

16                So that's where we're at, it gives us  
17    a lot of help in terms of creating and writing  
18    curriculum and those kind of things, so again,  
19    that's basically where we're at, is our ability  
20    to recruit Nevada expertise rather than  
21    out-of-state people, you know, get that ability  
22    to come in and work at the Nevada POST Academy,  
23    and I'm hoping that you guys will agree and let  
24    us move forward with that.

25                CHAIRMAN TANNER: Any further comments

1 or questions from the Commission?

2 COMMISSIONER REED: I have one. Ben  
3 Reed, for the record. Does this give you the  
4 opportunity to correct the individual or hold  
5 them accountable to the degree as your  
6 employees, as your training officers, without  
7 having to readminister the contract, so to  
8 speak?

9 MR. SHERLOCK: Mike Sherlock for the  
10 record, and I might let Mike talk about that a  
11 little bit, but with state contracts in  
12 general, like these personal service contracts,  
13 they can be terminated without cause by either  
14 party.

15 CHAIRMAN TANNER: Any other comments?

16 MR. JENSEN: Yeah, Mike Jensen for the  
17 record. These will be done on the state form  
18 contract which has a couple of important  
19 provisions. One, which Mike just talked about,  
20 is the opportunity to terminate, but when you  
21 talk about being able to discipline that person  
22 in a way that you might be able to deal with a  
23 member of your staff, it isn't the same.  
24 You're dealing with a contracted individual, he  
25 or she is accountable under the terms of the



1 contract, so the other part of the contract  
2 that we've been trying to keep up on what we  
3 call our scope of work, which sets out what the  
4 duties of that individual are, such, in a way  
5 that if they don't perform and we can identify  
6 that, if they don't do that, you have a problem  
7 if they failed to comply. But you always have  
8 the opportunity even if you're in that  
9 circumstance, to terminate for no reason under  
10 our state contracts, so I think there's like a  
11 30-day window for that, where you have to give  
12 30 days' notice. So I mean, you're protected  
13 in that sense, but they're not going to be an  
14 employee.

15 And in fact, it's very important that  
16 they're not seen as an employee, because then  
17 you run into all kinds of other issues with a  
18 contractor when they start claiming to be an  
19 employee, filing for benefits and other state  
20 perks that an employee would get. So we  
21 actually on this one talked about that issue as  
22 well, which is, it's very important that  
23 they're not treated as an employee, they are  
24 independent, and that their duties are set out  
25 in the contract.

1                   COMMISSIONER REED: Ben Reed. I was  
2 just hoping that you would have the flexibility  
3 to give that person some direction much like  
4 you would your staff, maybe not to keep that  
5 person either all on or all off, because if you  
6 had to terminate them because they weren't  
7 performing how you needed them in the middle of  
8 an academy, then that's really going to mess  
9 things up.

10                  MR. JENSEN: Mike Jensen for the  
11 record. There is nothing about an independent  
12 contractor that wouldn't allow you the latitude  
13 of working with that person as you suggest.  
14 You need to set out their duties sufficiently  
15 that they are accountable for those duties.  
16 You can't direct them in everything certainly.

17                  COMMISSIONER REED: Sure.

18                  CHAIRMAN TANNER: Any other  
19 commissioners with a comment?

20                  COMMISSIONER McKINNEY: Yeah, Kevin  
21 McKinney, I have a question. Since the funds  
22 are going towards this contractor, are you not  
23 going to be seeking out department, or  
24 department officers to teach some of the  
25 classes now?

1 MR. SHERLOCK: Mike Sherlock for the  
2 record. You know, we don't see any big change  
3 from that standpoint. I mean, our academy is  
4 18 weeks long, one person couldn't do it  
5 anyway. And as you know, we're looking for  
6 expertise and no one is an expert on every  
7 basic training subject. But you know, there's  
8 certain needs that we have, it may be, you  
9 know, DUI week or what have you, that we could  
10 use in house, and each academy changes on that.  
11 But we will still use the free labor that we  
12 get from the agencies. I mean, we rely on  
13 that, and I don't see that changing a whole  
14 lot. It's more about curriculum and being able  
15 to pick up classes when the agencies can't show  
16 up, and certain expertise that we sometimes  
17 need in the academy that we can't outsource or  
18 can't get from the agencies in a timely manner.

19 The money has already been, you know,  
20 for this budget year we already have the money,  
21 and the budget was created. Our goal would be  
22 to roll that over into the next biennium to  
23 keep going.

24 CHAIRMAN TANNER: Any other questions?

25 Troy Tanner for the record, I have a

1 quick comment on that. I'm for it as long as  
2 it isn't any sort of long-term contract, in  
3 case the person doesn't work out, but I'm sure  
4 you will discuss that briefly.

5 That being said, are there any  
6 comments from the audience? Okay. Seeing  
7 none, looking for a motion to approve including  
8 the contract provision in the upcoming budget  
9 request in relation to the current pilot  
10 program.

11 COMMISSIONER REED: Ben Reed for the  
12 record. So moved, as you just stated.

13 CHAIRMAN TANNER: I don't even  
14 remember, I just read it. I'm looking for a  
15 second.

16 COMMISSIONER ALLEN: Mike Allen, I'll  
17 second.

18 CHAIRMAN TANNER: All in favor?  
19 (Chorus of ayes.)

20 CHAIRMAN TANNER: It passes. All  
21 right. We're going to move to item six. This  
22 is to consider whether to approve a revision to  
23 the POST administrative manual policy mandating  
24 that a peace officer seeking certification  
25 under the reciprocity process pursuant to

1 NAC 289.200(2) will perform the required POST  
2 physical fitness testing, PPFT, that is  
3 administered by POST or its designee, and I  
4 will turn some time over to Mr. Sherlock.

5 MR. SHERLOCK: Mike Sherlock for the  
6 record, and I promise, this is the last one  
7 you'll have to hear from me. So, just a quick  
8 background. So, the Commission some years ago  
9 created a pathway for peace officers who are  
10 certified in other states, right, who wanted to  
11 come to Nevada to get certified here with some  
12 acknowledgment of their previous experience in  
13 that other state. That particular regulation  
14 is pretty specific and limited to specific  
15 people wishing to lateral to Nevada.

16 One of the requirements of that  
17 particular regulation in reciprocity is of  
18 course to pass the POST physical readiness test  
19 that we call the PPFT. So, it's mandated that  
20 someone who has been a police officer in  
21 another state must pass the Nevada PPFT as a  
22 requirement to become certified here in Nevada.  
23 Now, you know, if an agency desires, they can  
24 send that new hire to a full academy and none  
25 of this applies, right? I mean, you don't have

1 to go through the reciprocity, and frankly, we  
2 like that idea. But if the agency and that  
3 individual wishes to exercise that privilege of  
4 using reciprocity, they must pass that PPFT  
5 within 16 weeks after the date of hire.

6 This requirement has been a source of  
7 many complaints and allegations of  
8 improprieties that come up to the Nevada POST,  
9 and under the current rules an agency can hire  
10 someone from out of state and then administer  
11 the certification PPFT themselves. This is  
12 what really has resulted in complaints to us up  
13 at POST, right? You know, the complaint is  
14 that the test wasn't administered properly,  
15 that the test wasn't passed or the test was  
16 never administered, all of those things, you  
17 know, and as a certifying agency we get  
18 involved in the complaints and we have to deal  
19 with those.

20 And let me say, I know what's going on  
21 down here, this is not just about command  
22 staff, we deal with this daily with laterals  
23 all the time, coming from out -- and I'm  
24 talking line staff getting hired and people  
25 complaining, so we're not saying any agency is

1     doing anything wrong. It's just that we want  
2     to alleviate the perception of impropriety  
3     because they come to us, and there's not a lot  
4     we can do. If someone calls us and says hey, I  
5     know this person, you know, didn't pass the  
6     PPFT and we've already certified them, I mean,  
7     we're not going to call the agency and say hey,  
8     you're lying. I mean, that's just not our  
9     place. We try to send those people back to the  
10    agency.

11                I understand all that, but we are the  
12    ones giving that certificate out, and you have  
13    to understand that that certificate, we are  
14    certifying at the moment of certification based  
15    on our validated PPFT at the moment of  
16    certification, they had the physical readiness  
17    to do critical tasks that may occur with a  
18    Category I officer. And our certificates are  
19    statewide, they're not by agency, you know,  
20    they're not by position, they are a Category I  
21    certificate that at that moment they have the  
22    physical ability to do the job, so it's an  
23    important requirement that we have to look at  
24    as the certifying agency.

25                So I just wanted to throw that out to

1 the commissioners, that we simply, our current  
2 rule and our administrative manual simply  
3 states that they have to pass that PPFT and the  
4 PPFT has to be administered by someone who has  
5 gone through our PPFT administrator class. We  
6 simply think that it would be a benefit to the  
7 agencies and to POST both, if we change that to  
8 our staff gives the reciprocity PPFT. It will  
9 eliminate any concerns, it will eliminate  
10 complaints and the perception of impropriety  
11 with that one little rule change.

12 Now, there has been some comments,  
13 what do we do about academies? Entry level  
14 PPFT is a whole different issue. Academies, we  
15 require academies be audited every year,  
16 academies give the PPFT constantly, there's no  
17 issue with their ability or their knowledge of  
18 the PPFT. The problem really is in  
19 reciprocity, we have agencies that hire from  
20 out of state, and the administrator of that  
21 PPFT may have never given it in real life to  
22 anybody, and that's an issue for us because we  
23 don't audit that. Whereas, if we're, our staff  
24 is giving the PPFT, I think it just helps  
25 everybody involved.



1                   We've, the POST suggestion is to  
2     include a statement that it can be a designee  
3     of POST, and the reason we say that is if  
4     Mesquite wants to send someone over to Metro  
5     Academy, you accomplish the same thing, we're  
6     good with that, you know, it means nothing to  
7     us, or it doesn't change the facts that you're  
8     removing that perception by having another  
9     agency give the PPFT. But in general our  
10    staff, we're down here in Clark County, you  
11    know, at least once a month, or usually more,  
12    and our people that do deal with that every day  
13    can administer that easily.

14                  And there's not that many of them,  
15    there's no impact on us. It's something in the  
16    area of 15 to 20 reciprocities a year, so it's  
17    not a big impact on us. So, we're just looking  
18    to get some approval from the Commission, or  
19    thoughts on making that policy change.

20                  CHAIRMAN TANNER: I'll start off, Troy  
21    Tanner, for the record. I'm very pro this. I  
22    was in that position with a former chief,  
23    luckily he passed it, thank goodness, but it  
24    puts you in a bad position as an officer, I  
25    think I was a lieutenant at the time, to

1     conduct that test for someone who comes in and  
2     becomes the chief and if you don't, you feel  
3     like you're in a bad position with that person  
4     the rest of your career to be quite honest,  
5     especially in smaller agencies.

6             And saying that, this is one of the  
7     things I was pushing and wanted to talk to Mike  
8     about. About a year ago, we discussed it just  
9     briefly, because there's always those rumors  
10    and things being said, and just holding people  
11    accountable. Like you said, I don't think  
12    people would go to another agency knowing they  
13    can't pass it, you know what I'm saying, to  
14    take the test. So if we try that through POST,  
15    then they should know the standard before  
16    they're hired on, of course. And so I  
17    appreciate this coming up and support it.

18            So that being said, is there any  
19    comments or questions from the rest of the  
20    Commissioners?

21            COMMISSIONER REED: Ben Reed, for the  
22    record. I went through the same process and  
23    luckily passed it, it took a lot of warmup, but  
24    anyway, there was no controversy, I don't  
25    believe. Even with our own agency, they used a

1 lieutenant at the time that was a certified  
2 administrator of the test, and they sought that  
3 out to make sure that we were doing the right  
4 thing. But you're right, if I had failed it or  
5 if there was some controversy in the  
6 performance of it, maybe even more than one  
7 time, that kind of puts real serious pressure  
8 on that individual, and probably started a huge  
9 rigamarole in the whole area. This would clean  
10 it up, and I like to think, you know, I'm  
11 always cognizant of the fact that we're a long  
12 ways away from you in the other corner, and  
13 it's a haul, so the designee thing is, we so  
14 wanted to do that to give us a little  
15 flexibility too, but it's you guys' call, so I  
16 don't see it being a problem, it just cleans it  
17 up or actually tightens it up.

18 And I'm a proponent of -- I'd been  
19 retired for three years but I was within that  
20 five-year window and had to do a number of  
21 things when I went the reciprocity route,  
22 including the PPFT, and that in my opinion as  
23 it should be, and I was held to that standard  
24 as I should be, but I can see where it would  
25 cause a lot of controversy depending on who

1 administered the test and who may pass it.

2 UNIDENTIFIED COMMISSIONER: Like Ben,  
3 I went through that process myself many many  
4 years ago, and you know, I understand that, but  
5 I think we could use your folks on some of our  
6 cases where we've had, so we've already  
7 practiced that. I remember we had some  
8 controversial ones where we wanted to avoid  
9 that and that was given to us any ways, but I  
10 just wanted to make sure this wouldn't be a  
11 workload burden on you, that you would be able  
12 to perform that. And if we're only getting  
13 about a dozen more per year and I haven't  
14 really thought about it, how many we're  
15 actually handling a year.

16 MR. SHERLOCK: Mike Sherlock for the  
17 record, and like I said, it's around 15, and  
18 you know, we'll go out to help, that's not a  
19 big deal for us. It just doesn't happen that  
20 often. If it becomes that we're getting a lot  
21 of those, we will reach out to allied agencies  
22 that we can designate to get those PPFTs  
23 because again, I think if you separate the  
24 agency, you've accomplished the purpose.

25 CHAIRMAN TANNER: Any other comments?

1 All right. Is there any public comment? State  
2 your name.

3 LIEUTENANT LININGER: Don Lininger.

4 I'm just here as -- I'm for this action, but  
5 how soon would it go into effect? I've got two  
6 potentially within the next six months that  
7 could be facing a reciprocity challenge, and  
8 I'm all for a designee such as Elko County,  
9 because it's a trek for us to Carson City, 400  
10 miles each way, so I'm for the program with a  
11 designee. How soon do you think it will go  
12 into effect?

13 MR. SHERLOCK: Mike Sherlock for the  
14 record. Again, with the approval of the  
15 Commission, it would be tomorrow, but just let  
16 us know, because we will help you out, whether  
17 it's sending Warren out to you guys, whatever  
18 it may be, or Brian, we can do it.

19 LIEUTENANT LININGER: Okay, perfect.  
20 That's all I had.

21 CHAIRMAN TANNER: Seeing no other  
22 comments, looking for a motion, and I'll read  
23 it. It's to approve POST administrative policy  
24 to require that reciprocity certificate  
25 applicants, POST staff or POST designee must

1 administer the POST physical fitness test,  
2 starting now. Would someone like to make a  
3 motion?

4 COMMISSIONER KETSAA: Jim Ketsaa for  
5 the record. I'll make a motion.

6 CHAIRMAN TANNER: Looking for a  
7 second.

8 COMMISSIONER REED: Ben Reed for the  
9 record. I would second.

10 CHAIRMAN TANNER: All in favor?

11 (Chorus of ayes.)

12 CHAIRMAN TANNER: All right, we move  
13 to item number seven. Number seven is  
14 discussion, public comment and for possible  
15 action. There's a request from Sheriff Ron  
16 Unger, Lander County Sheriff's Department, for  
17 discussion and possible action to provide more  
18 flexibility related to NAC 289.300, the  
19 mandatory academy entrance physical fitness  
20 standard and/or the Nevada Commission on POST  
21 basic training academy policy regarding the  
22 entrance physical fitness standard.  
23 NAC 289.300 requires the standard be met for a  
24 person enrolled in any POST certified basic  
25 academy no later than 30 days prior to the

1 start of the academy and up to 14 days after  
2 the start of the basic training academy.  
3 Current POST policy requires the entrance  
4 standard to be met at day one of the basic  
5 training academy held in Carson City. I am  
6 going to turn the time over -- let me make sure  
7 he's not in the back. Ron Unger is not here  
8 apparently, the sheriff is not here, so I'll  
9 turn it over to Mike Sherlock.

10 MR. SHERLOCK: Yeah, Mr. Chairman,  
11 Mike Sherlock for the record. Sheriff Unger  
12 was not positive he could make it, clearly he  
13 was unable to make it, and I don't want to  
14 pretend I know exactly what issues he wanted to  
15 bring up. About a week and a half ago he said  
16 if he did not make it, he would table it until  
17 the next Carson City Commission meeting, so we  
18 can table that particular agenda item, and I'll  
19 get with him after we're done here.

20 COMMISSIONER WRIGHT: Question. For  
21 the record, Jim Wright. Was this only to  
22 address yours, your academy?

23 MR. SHERLOCK: Mike Sherlock for the  
24 record. Yes. Well, I don't want to put words  
25 in his mouth. There was some concern with the

1 regulation itself, but I think, again, I think  
2 it's more about POST policy and how we applied  
3 the regulations.

4 COMMISSIONER REED: Another question,  
5 if I could, Ben Reed. I understand you mean to  
6 table it and we'll move on to talk more later,  
7 but can you tell us how it's currently done?  
8 That's where there's a little misconception. I  
9 know at my agency, we just test with the PPFT  
10 but I'm learning, I guess, that others don't.  
11 Is there a certain level at entrance at the  
12 beginning of the academy, and then do you have  
13 to meet the higher standard later; is that  
14 currently how it's done?

15 MR. SHERLOCK: Yes. Mike Sherlock for  
16 the record. So, the entrance level by  
17 regulation to, what it says is, to continue in  
18 the academy, you must pass at, it's 80 percent  
19 of the certification level, so it's an 80  
20 percent standard, you don't have to be at  
21 certification level. It says the, that  
22 particular PPFT must be given up to 30 days  
23 prior to the start of the academy, and not  
24 beyond 14 days after the start of the academy.

25 At POST, we comply with that



1 regulation by giving it on day one, which fits  
2 into that 30 days to 14 days. The regulation  
3 does not say you give it more than once, it  
4 says you give it once, but you know, there's  
5 some wiggle room there, I understand that, but  
6 at POST we give it on day one. Because of our  
7 structure, if they fail the 80 percentile, they  
8 go home. The reason for that -- well, there's  
9 a lot of reasons for it, but from an  
10 administrative standpoint we have people, I use  
11 the dorm as an excuse and I know, you know,  
12 some people say it's a copout, but you have to  
13 understand our structure. We have alternates  
14 waiting to get into the academy. If someone  
15 fails that PPFT and we let them get a room,  
16 what would we do with the alternate? So for  
17 that reason, if they fail, which is our  
18 standard anyway, then they are sent home and  
19 that alternate that passed the PPFT gets to  
20 stay and gets a room in the dorm. And that's  
21 why we apply that regulation on day one for  
22 those reasons, and so that's, in a nutshell,  
23 that's our side of it.

24 I want to give Sheriff Unger a chance,  
25 I don't know exactly if that's what the issue

1 is.

2 CHAIRMAN TANNER: So you do it on day  
3 one currently, but a person could continue on  
4 as long as they're meeting 80 percent of the  
5 full requirement. If they fall below the 80  
6 percent on day one, they're headed home.

7 MR. SHERLOCK: Mike Sherlock. That's  
8 correct.

9 CHAIRMAN TANNER: Okay, all right.

10 Troy Tanner for the record. I think I  
11 talked to Ben just briefly a while back at the  
12 Ely meeting, and I think we limited it to a  
13 hundred percent entry level, right, to come  
14 into the academy?

15 COMMISSIONER REED: Yeah, and we  
16 switched to 80. We just did it as part of our  
17 testing, which -- Ben Reed for the record,  
18 sorry, but that takes several months, I'm sure  
19 like everybody here, and I always worry that  
20 there's going to be a lapse by the time we get  
21 to the academy and they won't make the 100  
22 percent, but if there's that 80 percent cushion  
23 there, or 20 percent cushion, that they have  
24 time to make that up and improve within how  
25 long, Mike, by the end?

1 MR. SHERLOCK: Mike Sherlock for the  
2 record. So, the validation study is based on  
3 16 weeks, so if, the study indicates that if  
4 they pass at 80 percent, by 16 weeks they will  
5 be at a hundred percent, so in our academy we  
6 give the record certification PPFT because our  
7 academy is longer than 16 weeks, we give it at  
8 the 16th week, and that's the certification  
9 testing at that point, but it's based on 16  
10 weeks.

11 CHAIRMAN TANNER: Troy Tanner for the  
12 record. Not to be offensive to anyone in here,  
13 but one of my goals when I became chair was  
14 going to ask, to hopefully encourage everyone  
15 to go to a hundred percent on entry level  
16 because we've got so much time and money  
17 invested with new recruits, and remember, these  
18 are new people, so I was hoping some day it  
19 would go to a hundred percent so we're all the  
20 same sort of, you know what I mean, across the  
21 board, because you notice on the fire side of  
22 it, they're pretty bright, on the Clark County  
23 side they're all pretty consistent on their  
24 requirements for physical fitness. So, I think  
25 we learned something from that. I was much

1 more, no offense to Sheriff Unger, a nice man,  
2 but I was going to push to ask that in the  
3 future we make it a hundred percent in the  
4 academy, just because we have all this time  
5 wasted, we're asking for more monies, and then  
6 we have these people at several academies where  
7 people, there wasn't positions open to put  
8 people in the academy when they were needed  
9 right away. So I'd like to see the future go  
10 to a hundred percent to be quite honest, not  
11 just because I do it, I just think that it's  
12 not that hard of a test, that's why they did  
13 the test, and they paid all that money and  
14 moved that forward, so that's in the back of my  
15 mind and I want to share that with you, because  
16 I'm pretty vocal on that, I just feel like it's  
17 a new person. I tested for Metro back when I  
18 was 20, not to do the walk through snow story,  
19 but it was 12 minutes, a mile and a half was 12  
20 minutes, so we've come a long ways from that,  
21 we're at 16:50. We've actually tested it as  
22 PPFT instructors back before I was chief, we  
23 could run the longs and walk the corners as  
24 fast as we could, and make it.

25 So to me in my mind I'm thinking, you

1 know, people are entering this skill, this is  
2 what they're going to do for a career, I feel  
3 like they should pass at a hundred percent, no  
4 problem.

5 So anyway, any more comments?

6 COMMISSIONER WRIGHT: Jim Wright.  
7 We've gone back and forth. We were given a  
8 hundred percent unknowingly, we had some change  
9 in academy commander staff for a few years  
10 there, and we had a rash of failures on it, and  
11 this is back in Dick Clark days. And we  
12 happened to have full staff at that test, and  
13 they said you know, you're giving the  
14 completion test your first day, and they  
15 weren't aware of it. So we've gone back and  
16 forth, and basically because of our hiring  
17 problems that we've had, you know, we've had to  
18 look at that, and I don't think since we've  
19 gone to the entry level on the first day, that  
20 we have had many not make the hundred percent  
21 during that time period. So I mean, it's  
22 worked for us, you know, with the difficulties  
23 we were having with hiring, and people taking  
24 our people and stuff, we've got to use  
25 everything we can.

1 MR. SHERLOCK: Yeah, Mike Sherlock for  
2 the record, and I would agree with that. I  
3 think the validation study is correct. I mean,  
4 we don't have -- if they make the entry level  
5 they are, we don't lose people for  
6 certification, I can't think of one actually.

7 COMMISSIONER WRIGHT: And they know  
8 it. They know.

9 COMMISSIONER ALLEN: Mike Allen.  
10 Mine's more of a question, it just came to me,  
11 but we do test people two weeks before we send  
12 them to POST just to make sure that they can  
13 make it, because we've had some failures as  
14 well. But if it's a certified trainer or  
15 tester, he may make it at that time, so does  
16 that qualify for an actual?

17 MR. SHERLOCK: Mike Sherlock for the  
18 record. You have to understand, it may fall  
19 within the regulation, but it doesn't fall  
20 within our certification of our academy. So  
21 it's a requirement of our academy that you pass  
22 at 80 percent the first day. If you gave them  
23 that test two weeks prior, yes, it's within the  
24 30 days, I understand that, but that's a  
25 different issue. And sure, I mean, if they

1 pass, you know, it's pretty unusual for them to  
2 pass and then two weeks later not pass. You  
3 know, we have had issues with the administering  
4 of the PPFT. Our staff does it all the time,  
5 they look at the validation study as a legal  
6 document, which we think it is, and so they run  
7 the PPFT to the word in terms of that  
8 validation, and I think sometimes that doesn't  
9 translate well at your individual agencies, you  
10 know, but generally -- to answer your question  
11 in a nutshell, no. Our certification requires  
12 that they pass the PPFT on day one to continue  
13 on in the academy, and that's the issue there.

14 COMMISSIONER WRIGHT: Okay. And I  
15 guess what I was kind of alluding to was if  
16 they were injured within those two weeks, they  
17 would still have to, we'd have to hold them out  
18 until they could successfully pass on the first  
19 day.

20 MR. SHERLOCK: Mike Sherlock. Yeah,  
21 that's correct, and you know, injuries are a  
22 separate issue and we deal with that a lot, and  
23 there's other reasons, not just the PPFT, but  
24 just the physical nature of a basic academy,  
25 it's tough for us to allow, depending on the

1 injury, and we have let people continue if they  
2 can physically do things. But there's other  
3 issues, as you know, with injuries, but yeah,  
4 that's the bad part, and I agree with you.

5 CHAIRMAN TANNER: Go ahead.

6 COMMISSIONER McGRATH: John McGrath  
7 for the record. Just, you know, we've hired a  
8 lot of people over the last two years, we had  
9 the 80 percent standard, we did have a lot of  
10 people that weren't improving in the academy  
11 and we couldn't figure out why, I think it was  
12 just the volume of people we were putting  
13 through, so we went to the hundred percent  
14 standard.

15 I think that people will do the  
16 minimum, if you tell them this is what the  
17 minimum is, that's what they will prepare for.  
18 So that's one of the reasons why we changed it  
19 from 80 to a hundred. Really if you look at  
20 the numbers, it's not that big of a difference.  
21 So I agree with Troy with going towards the  
22 hundred percent, but obviously we have  
23 different, we don't have any issues with  
24 recruiting and hiring at this point, like a lot  
25 of the other agencies do.



1 MR. SHERLOCK: Mike Sherlock for the  
2 record, and we could certainly talk about the,  
3 at some point the validation study, and there's  
4 actually two validated standards within that.  
5 At some point POST staff has recommended that  
6 we use the higher standard, but we can talk  
7 about that at a later day, it's not on the  
8 agenda, but there are two standards within the  
9 validation itself, two ways of looking at it,  
10 and it's an extremely important issue for  
11 certain agencies.

12 COMMISSIONER McGRATH: John McGrath  
13 for the record. Just, the other thing is, we  
14 test when we do the written test, we give them  
15 the PT test, but it could be six months before  
16 they go to an academy, so we have to test them  
17 again on the first day. Actually during  
18 orientation we test them again, and they have  
19 three chances to pass it because the academy  
20 hasn't officially started yet, but we still  
21 start making sure they understand what the  
22 standard is and that they might be going home  
23 if they don't make it by that first day of the  
24 academy.

25 COMMISSIONER REED: One comment on the

1 administration of the test, Ben Reed for the  
2 record. I think I've got two, maybe three of  
3 the people that are certified to administer the  
4 test, and because of the controversy around the  
5 state the last couple of years that I've heard,  
6 I've reminded them that I want them to  
7 administer it like you said, to the letter, and  
8 I've asked them to on repetitions like sit-ups  
9 and push-ups, you count them out loud and that  
10 kind of thing.

11 The last thing I think we need is  
12 chiefs and sheriffs getting all wound up and  
13 after each other, and after a policy  
14 controversy, you know, we're trying to manage,  
15 trying to budget, and personnel, and all kinds  
16 of local politics and all, the last thing we  
17 need to be doing is weighing in on, in my  
18 opinion on, you know, who counted out 29  
19 sit-ups versus 30 or whatever, you know. Give  
20 them a fair chance and read it to the letter,  
21 count them out loud, administer the darned test  
22 and if they don't cut it, they don't cut it.  
23 I've seen some of our applicants several times  
24 now, you know, melt down and miss it by one  
25 rep, and we say thanks for applying to the City

1 of Elko, love to have you next time, you know,  
2 as politely as we can, see you later. They're  
3 given it on line, they're given it at the time  
4 of employment application, they can find it on  
5 line anytime they please, they know it, HR  
6 sends it to them, I don't know what else we can  
7 do. But the last thing I want is my guys to be  
8 messing up the administration of the test  
9 before we even get to POST.

10 MR. SHERLOCK: Mike Sherlock, and I  
11 don't want to beat a dead horse here, but just  
12 to give you a couple other ideas of what we see  
13 from our academy, and in fact to Chief  
14 McGrath's point on if you encourage the  
15 minimum, you're only going to get the minimum.  
16 So what we find in a lot of agencies where the  
17 standard is 17 pushups and the administrator is  
18 giving that test at the home agency, they stop  
19 them at 17, oh, that's all you have to do.  
20 Well, you have to understand from an academy  
21 dynamic, you're already losing starting that  
22 academy, because my staff wants you to put out  
23 a hundred percent. So you stop at 17, and you  
24 may not have done 17 good pushups; we're stuck,  
25 right? You didn't meet the minimum per the

1 validation and now you stop at 17, and you're  
2 mad at us because we're saying you didn't do  
3 17. Well, look, if you would have pumped out  
4 30 pushups, those 15 that didn't count would  
5 not have hurt you. So, we see that a lot where  
6 the agencies or the administrators are stopping  
7 at the minimum, and that will hurt your cadet  
8 or recruit when they hit the academy, and it's  
9 just something to think about for the agency.

10 CHAIRMAN TANNER: Other comments?

11 I don't know, I feel inclined -- Troy  
12 Tanner for the record. I'm still looking for a  
13 motion not to change the minimum standard. I  
14 know you can table it but I don't, from  
15 listening to everyone's opinion in here and how  
16 I feel about it, I feel like we're setting guys  
17 up to fail if we don't put them at where they  
18 need to be when they attend the academy. I  
19 don't want to send somebody and invest the  
20 money, and then they can't pass the PT test.  
21 It's embarrassing to my agency for one, and  
22 number two, you have to worry about replacing  
23 the person you spent all that money on, so  
24 that's where I'm at with it, unless you want me  
25 to do something else, I'm --

1 MR. SHERLOCK: Mike Sherlock for the  
2 record, Mr. Chairman. Again, I don't want to  
3 misquote Sheriff Unger, I'm not saying he wants  
4 to change the minimum standards at all. He may  
5 just want to talk about our general policy and  
6 that kind of thing, so I don't want to say that  
7 there's any desire to change the minimum  
8 standards, because that's not how it was  
9 brought to me at all. I think it's more how  
10 that standard is applied, and I would like to  
11 give him a chance.

12 CHAIRMAN TANNER: Okay, then. Looking  
13 for a motion to table this.

14 UNIDENTIFIED COMMISSIONER: I make the  
15 motion.

16 UNIDENTIFIED COMMISSIONER: I second  
17 it.

18 CHAIRMAN TANNER: All in favor?

19 (Chorus of ayes.)

20 CHAIRMAN TANNER: All right. We'll  
21 move on to item eight, a request from West  
22 Wendover Police Department for a six-month  
23 extension past the one-year requirement in  
24 order to meet requirements for certification  
25 for employee Antonio Escareno. Then we have a

1 representative from West Wendover. Would you  
2 like to come forward? Sorry, I don't know your  
3 name.

4 LIEUTENANT LININGER: Don Lininger,  
5 Lieutenant, West Wendover.

6 CHAIRMAN TANNER: Can you just explain  
7 why, I guess, to the board, the Commission?

8 LIEUTENANT LININGER: Yeah. So, our  
9 former retired police chief sent a letter to  
10 the POST Commission, I'm not sure if you guys  
11 have all read that or not. In a nutshell,  
12 Officer Escareno, we hired him in December of  
13 2017 from -- he was initially enrolled in the  
14 academy that started in July. From December  
15 until July, I lost almost 50 percent of our  
16 staff, including the chief that wrote this  
17 letter. I've got 13 sworn positions in the  
18 City of West Wendover. Three of those, one of  
19 those is chief, one of those is mine as a  
20 lieutenant and one is a detective. That leaves  
21 me ten on patrol, three sergeants and seven  
22 officers. One sergeant resigned and relocated  
23 his family to Idaho, I've got another sergeant  
24 that's on FMLA for maternity leave, one officer  
25 resigned and moved his family to Mesquite,

1 another officer retired, and then since then  
2 the chief has also retired. Given that  
3 staffing level, if I was to send Officer  
4 Escareno to the academy at that time, I didn't  
5 feel I would have enough staff to cover the  
6 streets for West Wendover safely, so I made the  
7 decision to withhold him from the July academy.

8 Since then I have already enrolled him  
9 in the academy that begins in January of 2019.  
10 However, that puts him beyond his one-year  
11 requirement date that he needed to be certified  
12 in by almost three-and-a-half weeks. So with  
13 that, I was here to request if I could get that  
14 six-month extension for Officer Escareno to  
15 meet those requirements, which in essence would  
16 actually be a request for three-and-a-half  
17 weeks, but I have to ask for the six months.

18 If you have any questions or anything,  
19 I'd be happy to answer those.

20 CHAIRMAN TANNER: Any questions? All  
21 right. I appreciate it.

22 LIEUTENANT LININGER: Thank you.

23 CHAIRMAN TANNER: All right, looking  
24 for --

25 UNIDENTIFIED COMMISSIONER: A quick

1 question, Mike, is this the first request for  
2 an extension?

3 MR. SHERLOCK: Yeah. Mike Sherlock  
4 for the record, and I can let Mike Jensen kind  
5 of explain that, but the authority of the  
6 Commission is one six-month extension, and this  
7 would be that one extension.

8 CHAIRMAN TANNER: Anything you'd like  
9 to add to that?

10 MR. JENSEN: Basically the statute  
11 sets out the time period in which he has to be  
12 certified, and I think the wording is shown  
13 that you can extend it for six months.

14 CHAIRMAN TANNER: That being said, I'm  
15 looking for a motion to approve or deny.

16 COMMISSIONER REED: Mr. Chairman, Ben  
17 Reed for the record. I make a motion that the  
18 Commission grant that extension one time for  
19 six months for this officer.

20 CHAIRMAN TANNER: Looking for a  
21 second.

22 COMMISSIONER McKINNEY: Kevin  
23 McKinney, I'll second.

24 CHAIRMAN TANNER: All in favor?

25 (Chorus of ayes.)



1 CHAIRMAN TANNER: The motion passes.

2 Thank you.

3 We're at item number nine. Number  
4 nine, discussion, public comment for possible  
5 action, request from the Department of Public  
6 Safety for an executive certificate for their  
7 employee, Lieutenant Colonel Daniel Solow.  
8 I'll turn it over to Mike Sherlock.

9 MR. SHERLOCK: Mike Sherlock for the  
10 record. We received an application from DPS  
11 for Lieutenant Colonel Daniel Solow for the  
12 executive certificate. We have an executive  
13 certificate committee that took a look at that  
14 application and found that it met all the  
15 regulatory requirements, and he is qualified  
16 for that particular certificate, and staff  
17 recommendation is that the Commission issue  
18 that executive certificate.

19 CHAIRMAN TANNER: Is there a motion to  
20 approve the issuance of the executive  
21 certificate?

22 Oh, I'm sorry, hold on a second. Is  
23 there any public comment on that? I apologize.  
24 All right. Now I'm looking for a motion.

25 COMMISSIONER KETSAA: For the record,

1 Jim Ketsaa. I make that motion.

2 CHAIRMAN TANNER: Looking for a  
3 second.

4 COMMISSIONER WRIGHT: I second, Jim  
5 Wright.

6 CHAIRMAN TANNER: All in favor?  
7 (Chorus of ayes.)

8 CHAIRMAN TANNER: The motion passes.  
9 All right. Item number ten, discussion, public  
10 comment and possible action, hearing pursuant  
11 to NAC 289.290(1)(g) on the revocation of  
12 George L. McMurry, formerly of the Nevada  
13 Department of Corrections, certification based  
14 on a conviction for two Category B felonies.  
15 The Commission will decide whether to revoke  
16 Mr. McMurry's Category III Basic Certificate,  
17 and I will turn this over to Mike Jensen.

18 MR. JENSEN: Mr. Chairman, Mike Jensen  
19 for the record. We have three of these today  
20 so please bear with me, I'll try to move  
21 through these as quickly as I can. I know  
22 sometimes they seem a little tedious, but what  
23 we're doing as a Commission is developing the  
24 record if someone were to ever challenge the  
25 action taken by the Commission to make sure you

1 have the evidence to support any action you may  
2 decide to take today.

3           There are a couple of sections of the  
4 statute in NAC that are important for  
5 revocation hearings. 289.510 provides the  
6 Commission with the authority to adopt  
7 regulations that set minimum standards for  
8 certification and decertification of officers.  
9 The Commission through that authority has  
10 adopted NAC 289.290, which has the causes for  
11 the Commission to revoke or refuse or suspend a  
12 certificate, and on this particular hearing  
13 we're working under Section (1)(g) that  
14 mandates the certificate to be revoked if  
15 there's a felony conviction.

16           The exhibits that I would intend to  
17 present today and would ask the chairman be  
18 admitted into the record for purposes of  
19 supporting any action by the Commission are  
20 Exhibits A through, it looks like G, and those  
21 can be found behind your tab number, I think  
22 it's 10 on this agenda, under Tab Number 10.

23           The first is Exhibit A, which is your  
24 notice of intent, which you're required by your  
25 regulations to send to an officer if the

1 Commission is intending to take some action  
2 against their certificate. It has informed  
3 Mr. McMurry of the law that he was convicted  
4 under and the case that the Commission would be  
5 moving forward on. It informs him importantly  
6 of the date, time and location of this  
7 particular hearing and gives him an opportunity  
8 to be present, and to provide any evidence he  
9 wants the Commission to consider, and  
10 cross-examine any witnesses. And he is  
11 supposed to pursuant to your statute, give you  
12 15 days notice prior to this hearing if he  
13 intends to do so, and it's my understanding  
14 that he has not given any notice to the  
15 Commission that he intends to appear, and I  
16 don't see him here today. And finally, the  
17 scope tells him the scope of the hearing, which  
18 is essentially whether or not he has a felony  
19 conviction that would lead to the revocation of  
20 his certificate.

21 Exhibit B is the declaration of  
22 service which shows that Mr. McMurry was  
23 personally served with the notice of intent to  
24 revoke his certification.

25 Exhibit C is the personnel action

1 report, which is a report sent in to the  
2 Commission when his employment as a peace  
3 officer is terminated. It shows that he was  
4 terminated, his employment was terminated as a  
5 peace officer back in June of 2016.

6 Exhibit D is a certified copy of his  
7 certificate which would be what the Commission  
8 would be talking action on today.

9 Exhibit E is the court documents that  
10 show the charge and finally the conviction.  
11 The first is a certified copy of the criminal  
12 information through which Mr. McMurry was  
13 charged with two felony counts, one count of  
14 furnishing a controlled substance to a state  
15 prisoner, a Category B felony, and count two is  
16 transport of a controlled substance, a  
17 Category B felony.

18 Exhibit F is a certified copy of a  
19 guilty plea memorandum through which  
20 Mr. McMurry agreed to plead guilty to both of  
21 those counts, felony counts, one for the  
22 furnishing to a prisoner and the other for  
23 transport to the prison where it was furnished  
24 to a prisoner.

25 Exhibit G is a certified copy showing

1 he was in fact convicted on both of those  
2 counts, felony counts. It's dated March 18th  
3 of 2018, is what I've got here, and he was  
4 sentenced to a maximum 48 months, minimum of 12  
5 months on the first count, and count two a  
6 maximum of 48, minimum of 12 on the second  
7 count, with some credit for time served.

8 This is a pretty straightforward case,  
9 I think. It's a peace officer engaging in  
10 criminal activity in his role as a peace  
11 officer, and I would recommend that his  
12 certificate be revoked based on the evidence  
13 presented.

14 CHAIRMAN TANNER: All right, I  
15 appreciate that. Looking for a motion to  
16 revoke or not.

17 COMMISSIONER WRIGHT: Jim Wright. I  
18 make a motion to revoke based on the evidence  
19 presented.

20 CHAIRMAN TANNER: Looking for a  
21 second.

22 COMMISSIONER ALLEN: Mike Allen, I'll  
23 second.

24 CHAIRMAN TANNER: All in favor?

25 (Chorus of ayes.)

1                   CHAIRMAN TANNER: That passes. All  
2 right. Item 11, discussion, public comment and  
3 for possible action, hearing pursuant to  
4 NAC 289.290(1)(g) on the revocation of Jacob V.  
5 Hardy, formerly of the Nye County Sheriff's  
6 Office, certification based on a guilty plea to  
7 a Category E felony. The Commission will  
8 decide whether to revoke Mr. Hardy's Category  
9 III Basic Certificate. And I'll call on  
10 Mr. Jensen again.

11                  MR. JENSEN: Thank you, Mr. Chairman.  
12 Again, we're moving forward on those same two,  
13 the statute and regulation I alluded to in the  
14 prior hearing.

15                  I will just quickly go through the  
16 exhibits that I would ask be admitted and made  
17 part of the record in support of any action the  
18 Commission were to take today.

19                  The first, if you look behind Tab 11,  
20 is Exhibit A, which is the notice of intent to  
21 revoke. It's actually an amended notice here  
22 because it was originally going to be heard in  
23 Ely, and we had to change the date and time  
24 based on the change in the date and time of  
25 this particular hearing. It informs Mr. Hardy

1 of the law, again, that he is, that the  
2 Commission is moving forward with in terms of  
3 the alleged conviction which is for unlawful  
4 use of a controlled substance, a Category E  
5 felony out of the Fifth Judicial District Court  
6 in Nye County, Nevada.

7 Exhibit B is the declaration of  
8 service, showing that he was personally served  
9 with that notice on August 14th, 2018, which  
10 would comply with both your regulations for  
11 service and the open meeting law requirements  
12 for service.

13 Exhibit C is the personnel action  
14 report showing that Mr. Hardy's employment was  
15 terminated effective October 16th, 2015, and  
16 that at the time he was terminated, the agency  
17 informed the Commission that he may have  
18 committed an act that would lead to the  
19 revocation of his certificate.

20 Exhibit D is a certified copy of his  
21 Category III Basic Certificate.

22 Exhibit E is the certified copy here  
23 of the charging document, the criminal  
24 information which charges Mr. Hardy with the  
25 unlawful use of a controlled substance in



1 violation of NRS 453.411. It states the  
2 factual basis as that on or about October 16,  
3 2015, in Nye County Nevada, said defendant  
4 willfully and unlawfully and knowingly used or  
5 be under the influence of a Schedule I  
6 controlled substance, to wit, methamphetamine  
7 and/or amphetamine.

8 Exhibit F is the guilty plea  
9 memorandum through which he, Mr. Hardy agreed  
10 to plead guilty to that unlawful use Category E  
11 felony.

12 Exhibit G is the judgment of  
13 conviction, showing that he was in fact  
14 convicted of that Category E felony, unlawful  
15 use of a controlled substance. He was  
16 sentenced to a minimum term of 19 months and a  
17 maximum term of 48 months in the Nevada  
18 Department of Corrections. That sentence was  
19 suspended, he was placed on probation for five  
20 years with many conditions that are  
21 incompatible with being a peace officer,  
22 including possession of a firearm and other  
23 others, contact with felons, that sort of, or  
24 sorts of conditions.

25 Exhibit H is a probation agreement

1 rules, again showing those same types of  
2 conditions that are inconsistent and  
3 incompatible with him acting as a peace  
4 officer.

5 The evidence again in this case is  
6 pretty straightforward in terms of your  
7 regulations which provide that a certificate  
8 will be revoked on a felony conviction, and the  
9 fact that these actions were clearly  
10 inconsistent and incompatible with being a  
11 peace officer. It would be the staff's  
12 recommendation that this certificate be  
13 revoked.

14 CHAIRMAN TANNER: All right, any  
15 public comment? Seeing none, I'm looking for a  
16 motion to revoke Mr. Hardy's Category III Basic  
17 Certificate or not.

18 COMMISSIONER WRIGHT: Jim Wright. I  
19 make a motion to revoke.

20 CHAIRMAN TANNER: Looking for a  
21 second.

22 COMMISSIONER McGRATH: John McGrath,  
23 I'll second.

24 CHAIRMAN TANNER: All in favor?

25 (Chorus of ayes.)

1 CHAIRMAN TANNER: It passes, and it is  
2 revoked.

3 MR. JENSEN: I promise this is the  
4 last one. This --

5 CHAIRMAN TANNER: Did you want me to  
6 read it first?

7 MR. JENSEN: Oh, yes, please.

8 CHAIRMAN TANNER: Item 12, discussion,  
9 public comment for possible action on a hearing  
10 pursuant to NAC 289.290(1)(e) on the revocation  
11 of John A. Wilson, formerly of the Las Vegas  
12 Metro Police Department, certification based on  
13 a conviction for a Gross Misdemeanor. The  
14 Commission will decide whether or not to revoke  
15 Mr. Wilson's Category I Basic Certificate.  
16 I'll turn again to Mr. Jensen.

17 MR. JENSEN: I'll start that one  
18 again, and this will be the last one, since you  
19 know that already. In the Commission moving  
20 forward, it's the same regulation, same  
21 statutes. Behind your tab you will find the  
22 exhibits that I would ask be presented and  
23 submitted as part of the record to support any  
24 action taken by the Commission today.

25 We start with Exhibit A, which is the

1 notice of intent to revoke, again going through  
2 that notice, it informs Mr. Wilson of the  
3 intent of the Commission to revoke his  
4 certificate, of the particular criminal  
5 violations that would be based on, and  
6 importantly, the date, time and location of  
7 this particular meeting and his opportunity to  
8 appear. He is, it's my understanding, did not  
9 make a request within the 15 days to appear for  
10 this particular Commission meeting and I don't  
11 see him in the audience today, so I don't  
12 believe he's appearing today.

13 Again, the scope of this particular  
14 hearing has to do whether or not Mr. Wilson was  
15 convicted of a Gross Misdemeanor and when you  
16 look at the criminal record on this one it's a  
17 little bit confusing how that happened, but  
18 I'll try to explain it the best that I can  
19 understand what happened.

20 Starting off, though, with the  
21 personnel action report that shows that his  
22 employment was terminated effective January 17,  
23 2013.

24 Exhibit B is the certified copy of his  
25 basic certificate.

1           Exhibit E is a certified copy of the  
2     indictment. You see there, the original  
3     charging indictment in this case was for  
4     multiple felony counts, which included and  
5     appear to be related to false statements and  
6     representations to obtain benefits from his  
7     employer, and included in that were counts for  
8     theft and attempted theft that related to that  
9     same allegation. The alleged factual basis was  
10    that Mr. Wilson misrepresented to and/or  
11    concealed from his medical treating  
12    professionals and/or his claims administrator  
13    his actual injuries or physical condition  
14    and/or his level of recovery from those  
15    industrial injuries that he was alleged to have  
16    suffered in 2012, in an effort to continue to  
17    obtain industrial benefits and/or to be fit  
18    only for light duty assignments and/or obtain  
19    surgery on the affected body part to obtain  
20    payment for that, his benefit from the  
21    resulting surgery.

22           Exhibit F is an amended indictment  
23    charging him with one count of false statement  
24    or representation to obtain benefits, which at  
25    the time was the Category B felony, in

1 violation of NRS 616.302.

2 Exhibit G is a nolo contendere plea  
3 agreement under Alford versus North Carolina,  
4 for making a false statement or representation  
5 to obtain benefits. The plea agreement  
6 provides that if Mr. Wilson paid the \$500 a  
7 month towards restitution to pay off the amount  
8 that he was paid improperly, that he would be,  
9 and if he was granted an honorable discharge  
10 from probation, he'd be allowed to withdraw his  
11 plea to the felony charge and to enter a plea  
12 to a Gross Misdemeanor with no additional  
13 sentencing requirements.

14 Exhibit H is a guilty plea agreement  
15 through which that occurred, he pled guilty to  
16 a conspiracy to commit a prohibited act or a  
17 gross misdemeanor under an amended indictment,  
18 and I won't go through the factual basis  
19 because it's not a true factual basis, it's  
20 just for purposes of the plea agreement.

21 Exhibit I is a judgment of conviction  
22 that was entered on that conspiracy to commit a  
23 prohibited act. It shows in that judgment of  
24 conviction that he had paid what appears at  
25 this point to be the total amount he was

1 required to pay, which was \$16,358 in  
2 restitution, and was given credit for some time  
3 served.

4 I would based on the evidence that's  
5 presented, it shows that not only did he plead  
6 guilty to a felony, but was later convicted of  
7 a gross misdemeanor that appears to have arisen  
8 out of his employment as a peace officer and  
9 claims that he made for injuries as part of  
10 that. It certainly is serious criminal conduct  
11 for which there's a violation of the public  
12 trust that's placed in him as a peace officer,  
13 and through his own actions has disqualified  
14 him from the position of a peace officer and  
15 therefore, it would be the recommendation that  
16 his POST certificate be revoked.

17 CHAIRMAN TANNER: Any public comments?  
18 Hearing none, I'm looking for a motion to  
19 revoke Mr. Wilson's Category I Basic  
20 Certificate.

21 COMMISSIONER McGRATH: John McGrath.  
22 I'm happy to make this motion to revoke  
23 Mr. Wilson's Basic Certificate.

24 CHAIRMAN TANNER: Looking for a  
25 second.

1 COMMISSIONER KETSAA: Jim Ketsaa,  
2 second.

3 CHAIRMAN TANNER: All in favor?  
4 (Chorus of ayes.)

5 CHAIRMAN TANNER: Okay, it passes.  
6 Okay, moving to number 13, public comment, you  
7 guys have the last opportunity for public  
8 comment. All right.

9 Item 14, discussion, public comment  
10 and possible action on scheduling an upcoming  
11 Commission meeting. Mike?

12 MR. SHERLOCK: Mike Sherlock for the  
13 record. So, this September meeting kind of  
14 threw us off, and traditionally we do sheriffs  
15 and chiefs in November, which will, I think  
16 it's the first week in November, it's actually  
17 election day. After speaking to the chairman,  
18 we don't have a lot on the agenda. We are  
19 hearing through the grapevine and through  
20 various overtures of chiefs that a lot of those  
21 that are involved in contested elections aren't  
22 even going to be there anyway. Sheriff Unger  
23 said he would be unable to present his agenda  
24 item at that time, so again, after speaking to  
25 Chief Tanner, we may forgo the November meeting



1 and wait for the February meeting when  
2 everything is settled and that kind of thing.

3 Remember, we meet at the call of the  
4 chair. If some big items come up or there's  
5 something that needs to be addressed, our staff  
6 will put out an email to everyone, but at this  
7 point I think we're probably good until  
8 February, considering that we don't normally do  
9 September anyway. So at this point we'll hold  
10 off, and come up with a date for February, if  
11 that's okay with the chair.

12 CHAIRMAN TANNER: Looking for a  
13 motion. I guess the motion would be just to  
14 leave it up in the air, and more likely  
15 February to call a meeting.

16 COMMISSIONER WRIGHT: Jim Wright, I so  
17 move.

18 CHAIRMAN TANNER: Looking for a  
19 second.

20 COMMISSIONER REED: I'll second that,  
21 Ben Reed.

22 CHAIRMAN TANNER: All in favor?  
23 (Chorus of ayes.)

24 CHAIRMAN TANNER: Okay. The last and  
25 best one, discussion, public comment and

1 possible action, is looking for a motion for  
2 adjournment.

3 COMMISSIONER ALLEN: Mike Allen, I'll  
4 make the motion.

5 CHAIRMAN TANNER: Looking for a  
6 second.

7 COMMISSIONER KETSAA: Second.

8 CHAIRMAN TANNER: All right. All in  
9 favor?

10 (Chorus of ayes.)

11 CHAIRMAN TANNER: We're out of here.  
12 Thanks everyone for coming.

13 (Whereupon, the meeting in the  
14 above-entitled matter was concluded.)

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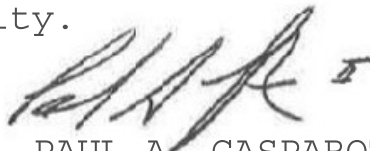
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## 1 CERTIFICATION

2 This is to certify that the attached  
3 proceedings were held according to the record,  
4 and that this is the complete, true, and  
5 accurate transcript which has been compared to  
6 the audio recording and transcribed to the best  
7 of my skill and ability.

8  
9 PAUL A. GASPAROTTI II

10 Transcriber

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