

AGENDA POLICE STANDARDS ADVISORY COUNCIL

DATE: February 10, 2021

TO: Police Standards Advisory Council

FROM: Brenda L. Urbanek, Director

SUBJECT: Regular Meeting Wednesday, February 17, 2021, 9:00 A.M.
Library, Nebraska Law Enforcement Training Center,
3600 N. Academy Road, Grand Island, Nebraska 68801

- I. CALL TO ORDER**
- II. APPROVAL OF JANUARY 20, 2021 P.S.A.C. MINUTES**
- III. ACADEMY REPORTS**
 - A. Director – N.L.E.T.C.**
 - B. Deputy Director of Training – N.L.E.T.C.**
 - C. Nebraska State Patrol**
 - D. S.L.D.E.A.**
- IV. CRIME COMMISSION REPORT**
- V. OLD BUSINESS**



VI. NEW BUSINESS

A. Academy Instructor Certifications

Attachment #1

General Original

Jesse A. Pfeifer – Nebraska State Patrol

General Recertification

Ryan S. Phinney – Nebraska State Patrol

Professional Original

Victoria Boldt - Sarpy Co. S.O. for SLDEA

Shane Flynn – Nebraska State Patrol

Nicholas Palmer – Sarpy Co. S.O. for SLDEA

B. Revocation of Law Enforcement Certificate

Kylan Lonowski, LR-151-18

C. Revocation of Law Enforcement Certificate

Richard Vance, LR-171-19

D. Revocation of Law Enforcement Certificate

Scott J. Bierle, LR-181-19

E. Revocation of Law Enforcement Certificate

Bradley Hansen, LR-203-21

F. Waiver Request for NLETC Supervision Training

Attachment #2

Sergeant Chadd Stutheit, University of Nebraska-Lincoln P.D.

G. Waiver of NLETC Management Training

Attachment #3

In-Lieu-Of Completion of FBI National Academy

Captain Michael Peschong, Lancaster County Sheriff's Office

H. 2020 Firearms Violations

I. 2020 Firearms Waiver Requests

Name	Agency	Reason	Date of Incident
Barton (Zellers), Jordin	Douglas Co So	Medical	8/8/2020
Book, Robert	OPD	Military	6/18/2020
Bruning, James	OPD	Medical	9/6/2020
Cahill, Larry	OPD	Medical	6/17/2020
Casarez, Angelo	Lancaster Co SO	Medical	11/25/2020
Cech, Sheila	OPD	Medical	7/24/2020
Conner, Anthony	OPD	Medical	12/4/2020
Cool, Courtney	NSP	Medical	3/2/2020
Donscheski, Roger	Retired	Medical	7/9/2020
Ducker, Dontrell	Bellevue PD	Medical	6/1/2020
Fidone, Stefanie	OPD	Medical	10/6/2020
Guyott, James	OPD	Medical	11/24/2020
Hansen, Bradley	Fremont PD	LOA	6/4/2020
Hardin, John	NSP	Military	5/31/2020
Henka, Eric	OPD	Medical	7/26/2020
Iselin, Kerry	OPD	LOA	10/1/2020
Kinsey, Shannon	OPD	LOA	8/19/2020
Lahm, Brad	Cass Co SO	Medical	1/16/2020
Larkins, Alexander	Central City PD	None Listed	Not Listed
Latham, Jeremy	OPD	Military	6/13/2018
Leach, Sasha	OPD	Medical	3/15/2020
Loges, Leighanne	OPD	Medical	11/12/2020
Lyon, Ronald	OPD	Medical	7/15/2020
Makell, Keith	OPD	Medical	1/14/2020
Malette, Bobbi	OPD	Medical	8/3/2020
McClure, Shawna	OPD	Medical	9/6/2020
McFarland, Robert	Ashland PD	Medical	10/30/2020
Menke, Taylor	Washington Co SO	Military	9/3/2020 8/8/2020 &
Merritt, Felicia	OPD	Medical	11/6/2020
Moore, Kasha	OPD	Medical	1/30/2020
Murcek, Steve	OPD	Medical	10/21/2020

		Extended	
Neumann, Kerry	OPD	LOA	5/15/2020
O'Keefe, Rachel	OPD	Medical	9/16/2020
		Extended	
Passo, Andrew	OPD	LOA	10/12/2020
Phillips, Candace	OPD	Medical	9/6/2020
Rengo, Brock	OPD	Medical	11/11/2020
Richter, Joseph	OPD	Medical	11/9/2019
		Extended	
Saldierna, Emilio	OPD	LOA	12/2/2020
Sanchez, Joseph	OPD	Medical	10/9/2020
Schroeder, Chad	OPD	Medical	8/13/2020
Smith, Michael	OPD	Medical	10/5/2020
Talbitzer, Molly	OPD	Medical	4/8/2020
Thompson, Christopher	OPD	LOA	10/17/2020
Thompson, Keith	OPD	Medical	8/28/1996
Timperley, Scott	OPD	Medical	11/18/2020
Tran, Phillip	Lincoln PD	Military	7/5/2020
Trecek, Chase	OPD	Medical	11/16/2020
Valentine, Douglas	OPD	Medical	5/17/2019
Varona, Lindsay	Sarpy Co SO	Medical	3/2020

J. TABE Scoring Revisions

Attachment #4

IX. OTHER BUSINESS

A. Date, Time & Location of Next Meeting

March 17, 2021, 9:00; Library, Nebraska Law Enforcement Training Center,
3600 North Academy Road, Grand Island, Nebraska 68801

**REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
January 20, 2021**

I. CALL TO ORDER

Chairman, Lieutenant Colonel Buck Duis called the regular monthly meeting of the Police Standards Advisory Council to order at 9:00 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on Friday, January 8th, 2021.

Roll call of members; Lieutenant Colonel Buck Duis, Chief Deputy Greg London, Mr. Matthew McCarthy, and Sheriff Dan Osmond. Via Zoom; Chief Timothy Larby, Chief Tracy Wolf

Others present: Brenda Urbanek, David Stolz, Don Arp Jr., William Keeling, Captain Gregory Miller, Lieutenant Andrew Ecklund, and Kay Fielding. Via Zoom; Sheriff Shelly Perez, and Sheriff Terry Wagoner.

II. APPOINTMENT OF CHAIR

MOTION

Lieutenant Colonel Duis nominated Chief Deputy Greg London. Mr. McCarthy seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Larby, Mr. McCarthy, Sheriff Osmond, and Chief Wolf. Chief Deputy London abstained. Motion carried.

III. NOMINATION AND ELECTION OF VICE-CHAIR

Chief Deputy London nominated Sheriff Osmond for Vice Chair. Chief Larby seconded the nomination. Hearing no further nominations. Nominations closed. Voting in favor; Chief Deputy London, Chief Larby, Mr. McCarthy, Chief Wolf, and Lieutenant Colonel Duis. Sheriff Osmond abstained. Motion carried.

Jessica Wagoner, NLETC registrar joined the meeting.

Brenda L. Urbanek, Director

Law Enforcement Training Center

3600 North Academy Road
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IV. APPROVAL OF DECEMBER 16, 2020 P.S.A.C. MINUTES

MOTION

Sheriff Osborn motioned to approve. Mr. McCarthy seconded. Voting in favor; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, and Chief Deputy London. Motion carried.

V. ACADEMY REPORTS

A. Director – N.L.E.T.C.

Director Urbanek stated it was busy mid-December to mid-January as we were approving application packets for the Nebraska State Patrol Academy, NLETC Academy, and SLDEA, which all began January 4, 2021. Lincoln Police Department's Academy begins January 21st so their packets were processed as well. Omaha is currently not running an academy, but are gearing up to run one.

6 packets were processed for the NLETC Reactivation/Reciprocity Course currently on site.

I processed the annual reports for Continued Education, which will be review later.

The Executive Order allowing Zoom meetings affording the Council to attend and vote in this capacity ends January 31st. I do plan to continue offer the meetings via Zoom so those that have items don't have to drive long distance, but Council members will have to attend after January 31st unless the Governor extends the order.

I would like to introduce Jessica Wagoner, Training Center Registrar. She has been instrumental in the collection of the Continuing Education and Firearms reports.

B. Deputy Director of Training – N.L.E.T.C.

Mr. Keeling stated the 207th Basic Course started January 4th with 41 students. As of this morning we still have students masked up and are regularly screening them and doing temperature checks. So far things are going well.

We have two unit exams this week; the first occurred last night with quite a few failures.

The Reactivation/Reciprocity students will be here through January 29th. We started with 7 but 1 voluntarily withdrew. They will have Mr. Stolz's arrest, search and seizure this week along with interview and interrogation, radio procedures and vehicle stops.

NLETC Staff Instructor Aaron Smith went back to work full time as a Hamilton County Deputy. His last day was January 1st. We were able to get the job vacancy posted, closed and have two interviews scheduled for Friday morning. After a 10-day posting, we only had 4 applicants; 2 were from out-of-state.

C. Nebraska State Patrol

Captain Miller reported that Camp 64 started January 4th with 10 cadets. There are currently 8. They are in week 3. Last week they had CPR and First Aid. This week they will be learning Policy and Procedure along with Written Communication and Cultural Diversity.

Camp 65 is undergoing testing right now and it is scheduled to begin July 6th.

D. S.L.D.E.A.

No Report given.

VI. CRIME COMMISSION REPORT

Mr. Arp reported it was the middle of the legislative session so today was the last day for Bill drop. So far by my count there are at least 20 Bills that directly relate to some aspect of what we are doing plus another 5 that are transcendental but not actually under the purview of PSAC or the Commission. Everything from LB51, which covers accreditation, change in training standards a bunch of other stuff to recording gender identify to providing funding to the Training Center.

Hearings start next week but none of the bills involving us will be next week.

VII. OLD BUSINESS

A. Change-In-Status Form

Director Urbanek stated the comments from last month's meeting were used to modify the Change-In-Status form as it is presented. We have begun the automatic enrollment when a form is submitted for an uncertified person. We then send an email stating this person is enrolled in the next Basic session. We are working on a method to track those agencies who don't have a name but have requested spots so those people who are doing it correctly, don't get penalized because they don't have a name to submit to us until later. I haven't heard comments or much push back from it.

For new employees, we are going to ask that agencies submit the employee's authority to release information form so we can have that in the record so we can see people are actually doing that. On occasion I hear from an administrator who is trying to hire somebody and they send out the release but doesn't get any response back from the previous employer. We are going to try and educate employers letting them know it is required, not optional.

Director Urbanek requested a motion for approval.

MOTION

Sheriff Osborn motioned to accept. Mr. McCarthy seconded the motion. Voting in favor; Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, Chief Deputy London, and Chief Larby. Motion Carried.

VIII. NEW BUSINESS

A. Annual Firearms Reporting

1. Non-Compliant Agencies

Director Urbanek stated all agencies reported their Firearms; no agencies were non-compliant.

B. Annual Continuing Education Reporting

1. Non-compliant agencies

Director Urbanek stated if nothing is reported by January 7th, the agency is subject to a fine. On the 7th 9 emails were sent to agencies saying their agencies were subject to a fine. On the 8th 2 agencies had not reported to us so Pierce County Sheriff's Office and Kimball Police Department were both assessed fines of \$400.00.

Since the agencies didn't report we didn't have a record of the officers and deputies who worked for the agencies so the people were suspended as well and to get off the suspension list they had to show documentation of their hours and pay a reinstatement fee.

2. Non-compliant officers

Director Urbanek stated as we go down the list what tends to happen is they work for an agency for a while then they change to a couple different agencies during the year so they don't show up on the first two rosters because they are no longer employed at neither of the first two agencies. So they fall through the crack during the year and the first agencies don't keep their training records. So when we send the letter stating they are suspended and can't work as a law enforcement officer, it prompts them to provide us with hours of continuing education and a check for suspension fee.

What is not on this list is the 190 officers we are tracking who went inactive last year and did not get their continuing education. Sheriff Dunning retired last year and didn't get his continuing education. Technically his certificate is suspended. I would be highly surprised to see a change in status come in for Tim Dunning working for another agency, but if it did we would notify that agency that he was in a suspended status and would need to get the 22 hours of continuing

education rectified and a suspension fee paid prior to working. The Rule and Regulation does not have any leeway in terms of getting out of this.

If an officer has two consecutive years of not reporting continuing education or firearms, we can file an informal complaint and revoke their certificate.

C. Continuing Education Waivers

Director Urbanek stated Neb. Rev. Stat. §81-1414 section 10 states if you are on active military duty it is an automatic waiver, this body does not have to take any action on the military reasoning listed here.

Mr. Stolz stated the continuing education requirements are suspended for any law enforcement officer while he or she is on active duty with the armed forces of the United States.

Extended LOA

Culler, Danette – OPD

Director Urbanek stated the reason provided was an extended leave of absence. I did a little checking. The OPD officers are in what is known as a binding separation agreement. It fundamentally means they don't show up for work but they're still on the books until such a date that they can meet their retirement. It's a negotiated agreement, you are not going to stay with us but we will work this out so you can retire. In Ms. Culler's situation her binding separation agreement began June 27, 2020, and it states she will be retiring in 2021.

MOTION

Lieutenant Colonel Duis made a motion to deny the requests for the waiver. Chief Larby seconded the motion. Voting in favor; Sheriff Osmond, Lieutenant colonel Duis, Chief Deputy London, Chief Larby and Mr. McCarthy. Voting against; Chief Wolf. Motion carried.

Extended LOA

Hansen, Bradley – Fremont PD

Director Urbanek stated he was placed on administrative leave in May pending criminal investigation. He came back on December 8th and retired in-lieu-of termination. He is on the 791 list. The agency submitted the waiver request. My assumption is because he was on their roster, the investigation wasn't complete, so they filed the waiver because they didn't know which way it would go.

MOTION

Mr. McCarthy: I'll make the motion to deny the waiver of Bradley Hansen. Sheriff Osmond seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, Mr. McCarthy, and Sheriff Osmond. Voting against; Chief Wolf. Motion carried.

Sheriff Osmond questioned, if we approve the waiver, do they have a certain amount of time to get those hours done?

Director Urbanek stated there are two things this body has done in the past, one is they just grant a blanket waiver and say you are good, we are just going to give you a waiver for your hours. The other thing they can do is say, we can grant a conditional waiver and give you until March 1st to get the hours and get them submitted to us and if you don't do it by that time then we will suspend you.

None Listed

Rivera, Robert – Lyons PD

Director Urbanek stated Robert Rivera was already on the books. The reason provided by Chief Moore from Lyons was that he took office and there were no records of in-service on Mr. Rivera. They do have a couple part-time officers with their agency, but since they work for other agencies they reported with the other agencies.

MOTION

Sheriff Osmond motioned that we offer a conditional waiver and give him until March 1st to provide his 22 hours of continuing education. Mr. McCarthy seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Mr. McCarthy, and Sheriff Osmond. Voting against; Chief Larby, Chief Wolf. Motion carried 4-2.

Extended LOA

Shymkewicz, Scott – OPD

Director Urbanek stated this was another binding separation. This one went into effect August 22, 2020 and will retire in 2021.

MOTION

Chief Larby motioned to deny the waiver request. Sheriff Osmond seconded the motion. Voting in favor; Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, and Lieutenant Colonel Duis. Voting against; Chief Wolf. Motion carried 5-1.

None Listed

Zabka, Michael – Newman Grove PD

Director Urbanek stated Michael Zabka was unable to make continuing education requirements due to Covid. Point of reference; Mr. Zabka and his employment with Newman Grove in April and we received the Change in Status in December.

The Council asked if he was the only one that made the Covid argument.

Director Urbanek stated one other one did but used it as Medical.

MOTION

Chief Larby: I would make a motion that we accept the waiver with the hours made up and verified by March 1st. Mr. McCarthy seconded the motion. Voting in favor; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis. Voting against; Chief Deputy London. Motion carried 5-1.

Extended LOA

Iselin, Kerry – OPD

Kinsey, Shannon – OPD

Director Urbanek stated both had their hours and were not in a binding separation.

Chief Deputy London requested that the two be tabled until next month to get clarification from OPD.

MOTION

Chief Larby motioned to table the two officers until Brenda can audit them. The motion failed for a lack of a second.

MOTION

Sheriff Osmond motioned to deny the continuing education motion for Kerry Iselin and Shannon Kinsey. Lieutenant Colonel Duis seconded the motion. Voting in favor; Sheriff Osmond, Lieutenant Colonel Duis, Chief Deputy London. Voting against; Mr. McCarthy, Chief Wolf, Chief Larby. Motion tied 3-3 No relief but no suspension because they have their hours.

Extended LOA

Neumann, Kerry – OPD

Director Urbanek stated Kerry Neumann was in a binding separation agreement. Did not have his 22 hours of continued education.

Mr. McCarthy questioned when they are in a binding separation agreement, not working, officially on the books, do they still have their credentials, can still say I'm OPD officer, let me into this training?

Director Urbanek stated she did not know, she didn't know if they turned in their guns and were civilians, or what was part of the agreement.

MOTION

Sheriff Osmond motioned to deny the continuing education request for Kerry Neumann. Chief Larby seconded the motion. Voting in favor; Sheriff Osmond, Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, and Mr. McCarthy. Voting against; Chief Wolf. Motion Carried 5-1.

Extended LOA

Passo, Andrew – OPD

Director Urbanek stated the waiver was requested however his continuing education hours were reported.

MOTION

Sheriff Osmond motioned to deny the waiver. Lieutenant Colonel Duis seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Sheriff Osmond. Voting against; Chief Wolf, Chief Larby, Mr. McCarthy. Motion tied 3-3 No relief needed as hours were reported.

Other

Slavick, Joseph – Sarpy Co SO

Director Urbanek stated the Change in Status form was effective December 30, 2020 so they were requesting a waiver of the Continuing Education. He is in SLDEA now so he has met the hours so we can grant the conditional waiver and not have him make up the hours.

MOTION

Mr. McCarthy motioned to approve the waiver. Lieutenant Colonel Duis seconded the motion. Voting in favor; Chief Wolf, Lieutenant Colonel Duis, Chief Larby, Mr. McCarthy, Sheriff Osmond. Chief Deputy London abstained. Motion carried.

Extended LOA

Thompson, Christopher - OPD

Director Urbanek stated this binding separation began October 17th, 2020. His hours were reported as September 15, 2020.

MOTION

Chief Larby motioned to deny the waiver. Sheriff Osmond seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Sheriff Osmond. Voting against; Chief Larby, Mr. McCarthy, Chief Wolf. Motion tied 3-3 No relief given or needed as hours were reported.

MOTION

Mr. McCarthy motioned the Council to go into executive session based on the prevention of needless injury to the reputation of all the medical applicant waivers and for the purposes of executive session we will allow the following to remain in the room. All council members, Executive Director, Jessie the Registrar, Council Secretary and Legal Advisor. Sheriff Osmond seconded the motion. Roll call; Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf. Motion carried. Chief London reminded those present that the discussion in closed session needed to stay with the issue currently before the council.

The time is 10:10 AM.

MOTION

Mr. McCarthy motioned to come out of executive session. Sheriff Osmond seconded the motion. Roll call; Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf. Motion carried.

The time is 10:11 AM.

MOTION

Mr. McCarthy motioned the Council go into executive session based on the prevention of needless injury to the reputation of the applicants for medical waivers and for the purpose of the executive session we will allow the following to remain in the room. All Council members, the Director, Jessie, the Registrar, Council Secretary, and Legal Advisor, and the Executive Director. Sheriff Osmond seconded the motion. Roll call; Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf. Motion carried. Chief London reminded those present in executive session they must restrict their discussion in closed session to the issue that is currently before the council.

MOTION

Mr. McCarthy motioned to come out of executive session. Sheriff Osmond seconded the motion. Roll call; Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf. Motion Carried.

Time 10:45 A.M.

Medical

Olander, James – Newcastle PD

Chief Deputy London asked if there was a motion on the floor for James Olander.

MOTION

Chief Larby; I make a motion to accept the waiver for a Medical hardship. Chairman London asked if there were any stipulations or just a straight waiver. Chief Larby stated it was just a straight waiver. Chief Wolf seconded the motion. Voting in favor; Chief Larby, Mr. McCarthy, Chief Wolf. Voting against; Lieutenant Colonel Duis, Chief Deputy London, Sheriff Osmond. Motion denied.

Medical

Slobodnik, Shauna – Yutan PD

MOTION

Sheriff Osmond; I would move for a conditional waiver because I know she gets the two hours she did not get by March 1, 2021. Mr. McCarthy seconded the motion. Voting in favor; Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis. Motion Carried.

Chairman London asked if there was a motion for everyone else listed on Attachment #3 for a medical waiver.

MOTION

Sheriff Osmond; I would move that we grant a waiver of continuing education for Rick Bickford, Cortes Clark, Roger Donscheski, Dontrell Ducker, Stefanie Fidone, Eric Henka, Roman Hutton, Sasha Leach, Ronald Lyon, Keith Makell, Shawna McClure, Ashley McNeil, Felicia Merritt, and Douglas Valentine. Mr. McCarthy seconded the motion. Voting in favor; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, and Chief Deputy London. Motion Carried.

D. Waiver Request for Extension of One-Year Supervision Requirement

Sergeant Brian Golden, Lincoln Police Department

Sergeant Tu Tran, Lincoln Police Department

Sergeant David Lopez, Lincoln Police Department

Sergeant Dustin Romshek, Lincoln Police Department

Director Urbanek stated the letter provided in Attachment #4 reports they were all signed up to attend either LPO or leadership training at the NLETC in 2020 but those supervision schools were cancelled due to COVID 19. To clarify, NLETC's 2020 Supervision course was held so I don't know if he was talking about our specific course or a different one. They plan to attend a

Supervision school as soon as practical in 2021. The Training Center will hold their Supervision course in August.

MOTION

Sheriff Osmond moved to grant the waiver for the (4) four Lincoln Police Sergeants. Mr. McCarthy seconded the motion. Voting in favor; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, and Chief Deputy London. Motion Carried.

E. Revocation of Law Enforcement Certificate
Holly McQuaid, LRF-198-20

Mr. Stolz presented the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing signed by Holly McQuaid, marked as Exhibit #1 and asked that it be received into evidence.

Chairman London received Exhibit #1 into the record.

Mr. Stolz gave the factual basis stating the Respondent officer can voluntarily surrender their certificate after the informal complaint but before the formal one. On October 14, 2020, the Executive Director of the Crime Commission received the Respondent's consent to revocation. Exhibit #1, which was signed by the respondent on October 8, 2020, acknowledging she was a current holder of a Nebraska Law Enforcement Officer Certificate issued to her on or about August 5, 2010. She acknowledges that a written complaint was made against her to the Executive Director. She has reviewed and is familiar with the contents of the complaint that was made and is aware of the circumstances surrounding the allegations made in that complaint. She acknowledges the complaint made against her arose out of facts and circumstances that occurred while she was a certified law enforcement officer in this state. She is aware of her rights under the statutes, and rules and regulations of the Commission; to resist the complaint, to be represented by Counsel, to have a full administrative evidentiary hearing before this body if the complaint is pursued by the Commission and appeal any adverse decisions of the Council and Commission to the Nebraska Courts. Rather than to resist, contest or dispute the complaint filed against her, she wishes to voluntarily surrender her law enforcement certificate in this state and by signing this document, she freely and voluntarily consents to the revocation of her Nebraska Law Enforcement Officer Certificate by this body and the Nebraska Commission on Law Enforcement and Criminal Justice and freely and voluntarily waives her right to notice appearance, hearing regarding such action to be taken.

Based on the foregoing I would ask the Council to accept relinquishment and recommend to the Crime Commission that her Nebraska Law Enforcement Certificate be revoked based upon the statutory grounds of neglect of duty, and on the basis of a violation of the officers oath of office and code of ethics as found in Title 79 of the Nebraska Administrative Code Chapter 9, Section 003.04.

MOTION

Mr. McCarthy motioned based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and waiver of notice and hearing and has voluntarily surrendered her certificate, I make a motion that the Council accept the surrender of Holly McQuaid's Nebraska Law Enforcement Certificate as evidence of incompetence and neglect of duty.

Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Sheriff Osmond seconded the motion. Voting in favor; Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, Chief Deputy London, and Chief Larby. Motion Carried.

F. Waiver Request for Extension of One-Year Basic Training
Deputy Joshua Taylor, Thurston County Sheriff's Office

Sheriff Perez joined the meeting via Zoom and explained that Josh Taylor was hired on June 30, 2020 and started July 2th and should have attended the August Academy but already had two other deputies in that Academy and couldn't spare another one so she signed him up for January 2021 and he had every intention of going and then he had the opportunity to buy a snow removal business and he did that and with that winter months are a little tough to be away with a business so we were hoping to extend him until the May academy but he would not graduate until August 13, 2021, and he would have 12 days left of his training when his year expires.

Chairman London asked if his packet was in for the May class.

Director Urbanek stated we were waiting for fingerprint cards and he needed to pass the TABE.

Sheriff Perez stated he took the TABE Monday, we were waiting for the results.

MOTION

Sheriff Osmond made a motion that we grant the extension of the one-year certification with the caveat that the one month and twelve days that he is over he cannot work as a law enforcement officer. Chief Larby seconded the motion. Voting in favor; Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, and Mr. McCarthy. Motion carried.

G. Extension of Firearms Instructor Recertification
Lieutenant James Stover, Nebraska State Patrol

Captain Miller stated Lieutenant Stover was signed up to attend the NSP Firearms Instructor Recertification classes at the end of October however he had some medical issues and was unable to attend. He was on medical leave from October 25th until November 2nd, 2020.

MOTION

Mr. McCarthy motioned to approve the extension for Firearms Instructor Recertification for Lieutenant James Stover. Chief Larby seconded the motion. Voting in favor; Sheriff Osmond, Chief Wolf, Chief Deputy London, Chief Larby, and Mr. McCarthy. Lieutenant Colonel Duis abstained. Motion Carried.

- H. Waiver Request for NLETC Management Training
In-Lieu-Of Completion of Northwestern School of Police Staff and Command**
Lieutenant Michael Maytum, Nebraska State Patrol
Lieutenant Tyler Kroenke, Nebraska State Patrol
Lieutenant Clint Elwood, Nebraska State Patrol
Lieutenant Michael Korte, Nebraska State Patrol
Lieutenant Kyle Diefenbaugh, Nebraska State Patrol

Director Urbanek recommended approval of the request based on their attendance to the Northwestern School of Police Staff and Command training with the condition that they attend the online portion of Mr. Stolz's Title 79 course sometime in the next calendar year if they haven't already done so.

MOTION

Sheriff Osmond motioned that we accept the training that these individuals received and with the condition if they haven't already attended Mr. Stolz's online portion of training. Mr. McCarthy seconded the motion. Voting in favor; Sheriff Osmond, Chief Wolf, Chief Deputy London, Chief Larby, and Mr. McCarthy. Lieutenant Colonel Duis abstained. Motion Carried.

I. Appointment of Hearing Officer

Mr. Stolz stated under the Administrative Procedure Act and Nebraska Statutes, as well as, Title 79 Chapter 9 of the Nebraska Administrative Code any time you have a contested hearing such as a contested revocation hearing you have to have a Prehearing Officer. A Prehearing Officer's duties are to preside over any type of motions or discovery requests or anything along that line and as for the council in those discovery issues, which would include simplifying issues, dealing with exchange of a witness list, reviewing exhibits, promulgating any stipulations to the agreed facts, requests for continuances, subpoenas and discovery. Now the rule and regulation says it can be the chairperson of the Council and in years gone by that has been the case. Or it can be a person designated by the Council to act in the Council's stead, only for those prehearing issues. We have probably been appointing me as the prehearing officer for the last three or four years. The issue is if you want me to continue to do that, you can either make me as an appointment, the only thing I can't do in a prehearing conference if it requires a motion by the Council and typically the one that will come up the most is a request for a closed session. That is a vote on the Council whether you decide to close the hearing or not. But certainly the chair can do it or you can designate anybody else in this room to do it.

Chief Deputy London asked if there was a motion for Dave Stolz to continue as the appointment of hearing officer.

MOTION

Mr. McCarthy: So moved. Sheriff Osmond seconded the motion. Voting in favor; Chief Wolf, Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, Mr. McCarthy, and Sheriff Osmond. Motion Carried.

**J. Waiver of NLETC Management Training
In-Lieu-Of Completion of FBI National Academy
Captain Tommy Trotter, Lancaster County Sheriff's Office**

Sheriff Wagner addressed the group via Zoom stating we are asking the Council to grant Captain Trotter a Management waiver as he attended the FBI National Academy and graduated on June 12, 2015, and that training should more than satisfy the requirements for the NLETC Management.

Director Urbanek stated Captain Trotter would need to attend Mr. Stolz's online portion of the class but would recommend accepting the waiver request.

MOTION

Sheriff Osmond: So moved. Mr. McCarthy seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, and Chief Wolf. Motion Carried.

IX. OTHER BUSINESS

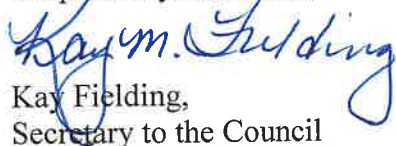
A. Date, Time & Location of Next Meeting
February 17, 2021, 9:00; Library, Nebraska Law Enforcement Training Center,
3600 North Academy Road, Grand Island, Nebraska 68801

MOTION

Sheriff Osmond motioned to adjourn. Mr. McCarthy seconded the motion. All were in favor.

The meeting dismissed at 11:15 AM.

Respectfully submitted,


Kay Fielding,
Secretary to the Council