

**AGENDA
POLICE STANDARDS ADVISORY COUNCIL**

DATE: August 13, 2025

TO: Police Standards Advisory Council

FROM: Mark Stephenson, Director

SUBJECT: Meeting Wednesday, August 20, 2025, 9:00 A.M.
Library, Nebraska Law Enforcement Training Center
3600 North Academy Road, Grand Island, Nebraska 68801

I. CALL TO ORDER

II. APPROVAL OF JULY 16, 2025 P.S.A.C. MINUTES

III. REPORTS

- A. Director – N.L.E.T.C.**
- B. Deputy Director of Training – N.L.E.T.C.**
- C. Nebraska State Patrol Training Academy**
- D. Crime Commission Report**

IV. OLD BUSINESS

V. NEW BUSINESS

- A. Appeal Hearing: Denial To Attend Basic Training-Voting Item**
George Jackson-Cheyenne County Sheriff's Office: (25-PSAC-107)



B. Revocation: Voluntary Surrender-Voting Item

1. Adam Cooper: LR-277-24
2. Robby Jackson: LR-288-24
3. Jason Miller: LR-303-25
4. Steven Zieg: LR-285-24

C. Waiver of Supervision In Lieu Of NLETC Supervision Attachment 1

1. Joshua Black: Douglas County Sheriff's Office-Voting Item
2. Peter Coffey: Douglas County Sheriff's Office-Voting Item
3. Jarrod Wineinger: Douglas County Sheriff's Office-Voting Item

D. Extension of 1 Year Requirement for Management Attachment 2

1. Kreighton Baxter: Clay County Sheriff's Office-Voting Item
2. Kyle Hansen: Frontier County Sheriff's Office-Voting Item
3. Casey Ricketts: Nebraska Racing and Gaming Commission-Voting Item
4. Derek Herron: Thurston County Sheriff's Office-Voting Item

E. Academy Instructor Requests Attachment 3

1. Professional Original-Voting Item
Scott Eveland: Lincoln Police Department
2. Professional Renewal-Voting Item
John Fencil: Lincoln Police Department

F. Explosive Detector Dog Judge Approval-Voting Item Attachment 4

Jason Prante: Nebraska State Patrol

G. Temporary Suspension of EVO/DVO Time Requirements-Voting Item

Gene Boner: Deputy Director/NLETC

H. Hiring Bonus Grant Approvals-Voting Item

<u>Name</u>	<u>Agency</u>
Anthony Wielgus	Columbus PD
Christofer Thompson	Gering PD
Julia Slade	Imperial PD
Ethan Brock	Johnson Co SO
Ethan Kastens	Lancaster Co SO
Brandon Livingston	Lancaster Co SO
Jaime Lopez	Lancaster Co SO
Nathaniel Hutton	Lincoln Co SO
Brendan Whitted	Nebraska City PD
Stuart Hasemann	Norfolk PD
Joseph Beeson	Schuyler PD

I. NCO's Eligible for Automatic Extension

<u>Name</u>	<u>Agency</u>
Eathen Sanchez	Box Butte Co SO
Jose Ambriz	Broken Bow PD
Wyatt Woodward	Broken Bow PD
Ty Racek	Brown Co SO
Martavius Pennington	Columbus PD
Justin Schwisow	Garfield Co SO
Haley Walker	Hitchcock Co SO
Jaime Shirley	Sherman Co SO
Abigail Fraas	Sidney PD
Tori Adams	York Co SO

J. Public Comment

VI. OTHER BUSINESS

A. Informational Items

1. Trainees

<u>Name</u>	<u>Agency</u>
Christopher Laake	Alliance PD
Mitchell Raasch	Boyd Co SO
Alexander Keller	Butler Co SO
Colton Rahe	Butler Co SO
Noah Anderson	Central City PD
Nathan Fiala	Cherry Co SO
George Jackson	Cheyenne Co SO
Zachary Brennfoerder	Clay Co SO
Kyle Sneed	Clay Co SO

Johny Cruz	Grand Island PD
Kody Kerr	Grand Island PD
Eli Sattley	Grand Island PD
Blake Stewart	Grand Island PD
Tyler Gunderson	Hall Co SO
Rene Lopez	Hall Co SO
Joseph Dearth	Hamilton Co SO
Tyler Moll	Harlan Co SO
DeAnthony Moretti	Harlan Co SO
Shania Daugherty	Jefferson Co SO
Donaven Nolze	Kimball Co SO
Jason Kloepping	McCook PD
Chance Eickenberry	Minden PD
Douglas Chicas	Norfolk PD
Grant Gilsdorf	Norfolk PD
Preston Beller	North Platte PD
Kaleb Bomberger	North Platte PD
Isaiah Estrada	North Platte PD
Gracie Rock	Ord PD
Leeesia Christiansen	Otoe Co SO
Clinton Stenka	Webster Co SO
Silverio Barrios	West Point PD

2. NCO's Completing 80 Hours of Training

<u>Name</u>	<u>Agency</u>
Jose Ambriz	Broken Bow PD
Wyatt Woodward	Broken Bow PD
Noah Anderson	Central City PD
Preston Beller	North Platte PD
Isaiah Estrada	North Platte PD
Kyle Norman	North Platte PD
Jaime Shirley	Sherman Co SO
Tori Adams	York Co SO

B. Date, Time & Location of Next Meeting

September 17, 2025, 9:00 a.m., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801

REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
July 16, 2025

I. CALL TO ORDER

Chairman, Chief Steve Reeves called the meeting to order at 9:00 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on July 9, 2025. Roll call; Chief Paul Graham, Mr. Matthew McCarthy, Sheriff Dan Osmond, Chief Steve Reeves, Lt. Col. Jeff Roby, Asst. Chief Jason Stille and Deputy Chief Sherie Thomas. Sheriff Greg London arrived at 9:21 a.m. Sgt. Drew Bolzer was absent from the meeting.

II. APPROVAL OF JUNE 18, 2025 P.S.A.C. MINUTES

Chief Reeves entertained a motion to approve the June 18, 2025 PSAC minutes.

MOTION

Mr. McCarthy: I'll make a motion to approve June's minutes. Sheriff Osmond seconded the motion.

Voting in favor: Mr. McCarthy, Sheriff Osmond, Chief Reeves, Lt. Col. Roby, Chief Graham. **Abstained:** Asst. Chief Stille, Deputy Chief Thomas. Motion approved.

III. REPORTS

A. Director's Report

Director Mark Stephenson reported on the following:

- Investigator Dennis Leonard retired on July 11, 2025. Instructor Gary Reed is the new Investigator at NLETC.
- JTA Vendor: The paperwork to obtain a vendor for the Job Task Analysis has been submitted to DAS. It was entered into E1. Waiting for approval to move forward.
- Physical Task Testing: Per the request of the Council, NLETC has implemented the new testing with the current basic and the



Reciprocity/Reactivation courses. The instructors have reported that they have not had any problems. After the next basic runs through the test, Director Stephenson will bring the results to the Council.

- LEAR Update: Jessica Wagoner presented some numbers. 6.1 million dollars have been paid out to officers so far. Approximately 827 tier 2 applications have been submitted. There have been 63 requests for Hiring Bonuses with \$472,000.00. Sheriff Osmond asked how long it would take to receive the tier 2 payments. Jessica Wagoner responded that the applications are processed daily in house, they are sent to accounting in Lincoln weekly. Executive Director Tuma responded that the applications go to State Accounting then, after approval, they come back to the Commission to process the payments.

B. Deputy Director's Report

Due to Deputy Director Gene Boner's absence, Director Mark Stephenson reported:

- 220th Basic Training Session: Started April 28th with 48 students. Currently 41 students are enrolled. They are in the 11th week of training.
- The following training was held at NLETC:
 - Firearms Instructor Recertification: June 17, 2025 with 8 attendees.
 - Patrol Rifle Instructor Recertification: June 18, 2025 with 4 attendees.
 - Online Management: July 7-25, 2025 with 14 attendees.
 - Firearms Instructor Recertification: July 15, 2025 with 6 attendees.
 - Patrol Rifle Instructor Recertification: July 16, 2025 with 6 attendees.
- New Instructor: Eric Javins began July 7, 2025 as the DUI/SFST/Crash Investigations instructor. Eric spent 13 years with the Grand Island Police Department and the last 8 years with the Game & Parks Commission.

Chief Reeves asked if construction was on track. Executive Director Tuma responded that Matt Shaw the project manager reported that they are on schedule or maybe ahead of schedule and at least 1 million dollars under budget. Anticipating all aspects of the project should be completed on time and under budget.

C. Nebraska State Patrol Training Academy

Sgt. Clayton Dishong reported on the following:

- Camp 72 started on July 7, 2025 with 23 recruits. Currently 20 recruits are enrolled. Covered and upcoming topics of instruction were presented.
- Completed the last session of in-service training.
- The Training Academy will be hosting an Amber Alert Training July 29-30, 2025.

D. Crime Commission Report

Executive Director Bryan Tuma reported the following:

- Congressional Action: Grants: The Burn Jag and C.O.P.S. grants should have an increase in funding for most programs.

IV. Old Business

NO OLD BUSINESS

V. New Business

1 **A. Revocation Hearing**

2 Grant Gentile: LR 222-21

3 **CHAIR:** Mr. Hendricks?

4 **Hendricks:** Thank you Mr. Chairperson. I want to ask the Council to enter an order of
5 dismissing this case without prejudice, meaning it can be re-filed. The
6 reason is we haven't been able to give personal service on Mr. Gentile.
7 There were personal service attempts and his attorney that was involved
8 prior, we've reached out to, but he was unhelpful in locating him. Due to
9 our regulations that require a hearing within sixty days of filing, we're
10 unable to meet that so I'd ask the Council to dismiss this complaint at this
11 time without prejudice so that it can be re-filed once he is located.

12 **OSMOND:** I would make a motion to dismiss this case without prejudice.

13 **McCarthy:** I'll second.

14 **CHAIR:** Any discussion? Hearing none, let's vote.

15 **GOBEL:** Sheriff Osmond?

16 **OSMOND:** Yes.

17 **GOBEL:** Chief Reeves?

18 **CHAIR:** Yes.

19 **GOBEL:** Lt. Col. Roby?

20 **ROBY:** Yes.

21 **GOBEL:** Asst. Chief Stille?

22 **STILLE:** Yes.

23 **GOBEL:** Deputy Chief Thomas?

- 24 **THOMAS:** I'll abstain.
- 25 **GOBEL:** Chief Graham?
- 26 **GRAHAM:** Yes.
- 27 **GOBEL:** Motion approved.

Chief Reeves changed the order of the agenda items.

C. Revocation-Voluntary Surrender

Wyatt Martian: LR-286-24

Special Assistant Attorney General Jon Hendricks entered one exhibit. Exhibit 1 is the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing for Wyatt Martian. Chief Reeves accepted the exhibit, and it was entered into the record.

Mr. Hendricks provided the factual summary of the details leading up to the revocation. Mr. Hendricks requested that the Council accept the relinquishment and recommended that Mr. Martian's Law Enforcement Certificate be revoked based upon Nebraska Revised Statute 81-1403(6)(c), due to a violation of Mr. Martian's oath of office, code of ethics and statutory duties.

MOTION

Mr. McCarthy: 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 his certificate, I make a motion that the Council accept the surrender of Wyatt Martian's Nebraska Law Enforcement certificate based on the recommendation outlined by Jon Hendricks. Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Deputy Chief Thomas seconded the motion.

Voting in favor: Chief Reeves, Lt. Col. Roby, Asst. Chief Stille, Deputy Chief Thomas, Chief Graham, Mr. McCarthy, Sheriff Osmond. Motion approved.

D. Omaha Police Department Supervision Course

Director Mark Stephenson reported that the Omaha Police Department has sent a request to conduct their own Supervision course in-lieu-of the NLETC Supervision course. The 40 hour course was evaluated and found to meet the core requirements for Supervision training. Director Stephenson recommended that the Council approve the request.

MOTION

Sheriff Osmond: I would make a motion that we approve the Omaha Police Department to conduct its own Supervision course in place of the NLETC Supervision course. Chief Graham seconded the motion.

Voting in favor: Lt. Col. Roby, Asst. Chief Stille, Chief Graham, Mr. McCarthy, Sheriff Osmond, Chief Reeves. Abstained: Deputy Chief Thomas. Motion approved.

E. Waiver of Supervision In-Lieu-Of NLETC Supervision

Brady Tucker: Washington County Sheriff's Office

Director Mark Stephenson reported that Sgt. Brady Tucker is requesting a waiver for attending the NLETC Supervision course. Sgt. Tucker attended a 24 hour Supervision course and has a master's degree. Director Stephenson recommended the approval of the waiver.

MOTION

Sheriff Osmond: I'll make a motion that we approve the waiver of the Supervision of NLETC's Supervision course for Brady Tucker of the Washington County Sheriff's Office. Chief Graham seconded the motion.

Voting in favor: Asst. Chief Stille, Deputy Chief Thomas, Chief Graham, Sheriff London, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Lt. Col. Roby. Motion approved.

F. Extension of the 1 Year Requirement for Supervision

1. Jacob Metcalf: McCook Police Department
2. James Wright: McCook Police Department

Director Mark Stephenson reported that Sgt. Metcalf and Sgt. Wright were both on the wait list for the June 2025 course and requested an extension to attend the 2026 course. Director Stephenson recommended the approval of the extensions.

MOTION

Chief Graham: I make a motion to extend the 1-year requirement for Supervision for Sgt. Jacob Metcalf and Sgt. James Wright of the McCook Police Department. Lt. Col. Roby seconded the motion.

Voting in favor: Deputy Chief Thomas, Chief Graham, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Lt. Col. Roby, Asst. Chief Stille. Motion approved.

G. Academy Instructor Requests

1. General Renewal

Cory Townsend-Nebraska State Patrol

After review by the NLETC staff, Director Stephenson recommended that the Council approve the renewal of the general academy instructor certification for Cory Townsend.

MOTION

Mr. McCarthy: I'll make the motion to approve the General Renewal instructor status of Cory Townsend from the Nebraska State Patrol. Sheriff Osmond seconded the motion.

Voting in favor: Chief Graham, Sheriff London, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas. Abstained: Lt. Col. Roby. Motion approved.

B. Appeal Hearing

B. 1. Michael Real: Red Willow County Sheriff's Office (25-PSAC-105)

CHAIR: The matter now before the Police Standards Advisory Council is the Red Willow County Sheriff's Office on behalf of its applicant, Michael Real v. the Nebraska Law Enforcement Training Center, Case Number 25 PSAC 105.

CHAIR: I will now call the meeting to order at 9:23 a.m. I will note that the following Council members are present; myself, Chief Steve Reeves, Lt. Col. Jeff Roby, Chief Paul Graham, Sheriff Greg London, Sheriff Dan Osmond, Mr. Matthew McCarthy, Deputy Chief Sherie Thomas, and Asst. Chief Jason Stille. I will note the following Council members are not present; Sgt. Drew Bolzer of the Lancaster County Sheriff's Office. I will also note that there is a quorum of the Council is present, so this hearing may proceed. Attorney Sara Bockstadter is here as legal advisor to the Council.

CHAIR: The Council has been asked by the Petitioner, Red Willow County Sheriff's Office, to consider reversing Director Stephenson's denial of Mr. Real's entrance into the Basic Law Enforcement Officer certification course.

CHAIR: The Council is here pursuant to its authority as stated in Nebraska Revised Statute 81-1403, its related statutes and Title 79 of the Nebraska Administrative Code.

CHAIR: I will note that the petitioner, Sheriff Kevin Darling is present along with the petitioner's applicant Michael Real. Sheriff Darling, are you represented by counsel?

24 **DARLING:** No I am not.

25 **CHAIR:** Mr. Real, are you represented by Counsel?

26 **REAL:** No sir.

27 **CHAIR:** Sheriff Darling, since the Red Willow County has appealed the Director's
28 decision, I will direct the rest of the proceedings to you in a moment.

29 **CHAIR:** The Nebraska Law Enforcement Training Center's Director Mark
30 Stephenson is present without counsel and will present the case on behalf
31 of the Nebraska Law Enforcement Training Center. Does either party
32 contest the Council's authority to hear this type of case? Mr. Stephenson?

33 **DIRECTOR:** No sir.

34 **CHAIR:** Sheriff?

35 **DARLING:** No sir.

36 **CHAIR:** Title 79 of the Nebraska Administrative Code, Chapter 8, specifies the
37 requirements that must be met by an applicant in order to be eligible for
38 the Basic Law Enforcement Officer Certification course. Pursuant to Title
39 79, Chapter 8, section 008.01, upon request of an applicant or agency, the
40 Council will consider a hearing in order to determine whether the
41 applicant meets the minimum qualification for admission into a certification
42 course. The burden during the appeal hearing is on the applicant to
43 demonstrate by clear and convincing evidence that he meets admission
44 qualifications.

45 **CHAIR:** Per Title 79, Chapter 13, section 004.02G, the issues of this appeal will be
46 limited to those raised in the request for review and reconsideration as

47 provided in sections 004.02C and the Director's written decision in
48 response. The decision of the Council is final.

49 **CHAIR:** Sheriff Darling, I want to go over your rights in this Administrative Hearing.
50 You have the right to be heard, either in person or by counsel who you
51 hire at your own expense. You have a right to notice; this is to receive a
52 statement from the State, the Nebraska Law Enforcement Training Center,
53 detailing or justifying its actions in this matter. Do you understand these
54 rights?

55 **DARLING:** Yes sir.

56 **CHAIR:** Did you receive such notice via letters from Director Stephenson stating
57 his reasons for the denial of Michael Real's basic application?

58 **DARLING:** I did.

59 **CHAIR:** Did you notice any defects in those letters that prejudiced you from
60 presenting your case?

61 **DARLING:** No.

62 **CHAIR:** Additionally, you have a right to present evidence at this hearing, a right to
63 the Council's findings and the right to seek judicial review thereafter. Do
64 you understand these rights?

65 **DARLING:** Yes sir.

66 **CHAIR:** The Police Standards Advisory Council shall act as the Hearing Board for
67 this appeal. Neither I, nor any other Council member, will be witness for
68 either side and I am not aware of any matter which I believe may be
69 grounds for challenge by either side against me or the other members. As

70 it pertains to your appeal of the Director's decision to your applicant's
71 entrance into the basic officer certification course I have not had any
72 personal information conveyed to me nor have I had any personal
73 knowledge of this case. Does any Council member have any personal
74 knowledge of petitioner's appeal for entrance in the basic officer
75 certification course? Lt. Col. Jeff Roby?

76 **ROBY:** No.

77 **CHAIR:** Chief Graham?

78 **GRAHAM:** No.

79 **CHAIR:** Sheriff London?

80 **LONDON:** No.

81 **CHAIR:** Sheriff Osmond?

82 **OSMOND:** No.

83 **CHAIR:** Mr. McCarthy?

84 **McCARTHY:** No.

85 **CHAIR:** Deputy Chief Sherie Thomas?

86 **THOMAS:** No.

87 **CHAIR:** Asst. Chief Stille?

88 **STILLE:** No.

89 **CHAIR:** Does either side have any further questions or challenge for cause against
90 any member of the Council?

91 **DIRECTOR:** No sir.

92 **DARLING:** No sir.

93 **CHAIR:** Director Stephenson, do you have any procedural documents for this case
94 and if so, please present them to the Council.

95 **DIRECTOR:** I do. May I approach?

96 **CHAIR:** Yes.

97 **DIRECTOR:** I have two exhibits that I ask to be accepted into evidence at this time.
98 Both are contained in a single binder. The first exhibit is the admission
99 documents for Michael Real. The second exhibit is the documents for the
100 denial packet. I will note that in the denial packet there's a, the very last
101 tab is supporting documents that is the information provided to me by
102 Sheriff Darling when he requested reconsideration with Mr. Real's account
103 of what happened, and several letters of recommendation provided for
104 that reconsideration, and they are under the supporting documents tab.

105 **CHAIR:** Sheriff Darling, have you received what's been marked as Exhibits 1 and
106 2?

107 **DARLING:** Yes.

108 **CHAIR:** Do you have any objections to the receipt of these items into evidence?

109 **DARLING:** No.

110 **CHAIR:** Exhibits 1 and 2 will be received.

111 **CHAIR:** Does either side wish to address any further preliminary matters?

112 **DIRECTOR:** No sir.

113 **DARLING:** No sir.

114 **CHAIR:** Sheriff Darling, as the petitioner, you may make an opening statement at
115 this time. Keep in mind, this is just an opening statement. You can present
116 your case here in a moment.

117 **DARLING:** Just as an opening, the defense's outline of criminal history from 25 +
118 years ago, Mr. Real is not the person he was at that time. I am frankly
119 surprised after his initial interview that there was a criminal history. During
120 and just immediately after, we initially started the process, and the criminal
121 history was there, and we worked through that. So Mr. Real worked for me
122 at the jail as a corrections officer. He's done a stellar job. He acts now as
123 a person that I got to know during the initial interview and (unintelligible) to
124 be a law enforcement officer and he applied for that position.

125 **CHAIR:** Thank you. Mr. Stephenson, do you have an opening?

126 **DIRECTOR:** Members of the Council, Mr. Real was appointed as a Deputy Sheriff for
127 the Red Willow County Sheriff's Office on January 16, 2025 and has
128 applied for the Basic Police Academy Training Course. I have reviewed
129 Mr. Real's application packet. The review consisted of comparing the
130 information supplied by Mr. Real and his agency, as well as additional
131 background information against the standards set forth in Nebraska
132 Administrative Law, Title 79 Chapter 8. The basis for denial of Mr. Real's
133 application is founded on the following grounds; Nebraska Code Title 79,
134 Chapter 8, Section 005.01F states, "The applicant has never been
135 convicted by any state, the United States, or by any foreign government of
136 a crime punishable by imprisonment for a term of one year or more. An

137 applicant will not be disqualified if such conviction has been overturned or
138 reversed by a court of competent jurisdiction or a pardon has been
139 obtained.” On page 3 of Mr. Real’s Personal Character Affidavit for the
140 Nebraska Law Enforcement Certification Program question 5 reads, “I
141 have not been convicted of a felony or any crime which carried a possible
142 penalty of one year or more in prison or jail, or any crime which would
143 have carried out such a penalty if committed in Nebraska (Class 1
144 Misdemeanor)”. Mr. Real responded “False” to this question. Mr. Real did
145 not provide any details to the event other than to say, “Times got hard,
146 and I fell in with the wrong people and I had lost sight of what was right.”
147 On page 4 of the Personal Character Affidavit for the Nebraska Law
148 Enforcement Certification program, Section III, Criminal Violations, Mr.
149 Real listed the original charge as Possession with the Intent to Deliver on
150 12/21/1997. The amended charge as Attempted and Class A
151 Misdemeanor. Mr. Real’s Nebraska criminal history report show the
152 original charge of Possession of a Controlled Substance with
153 Intent/Marijuana, Class 4 Felony. The amended charge and convictions
154 shows Attempt of a Class 4 Felony, Class 1 Misdemeanor. Mr. Real’s
155 Class 1 Misdemeanor conviction is in conflict with Nebraska
156 Administrative Law, Title 79, Chapter 8, Section 005.01F. For this reason,
157 Mr. Real’s application for the Basic Police Academy training was denied.

158 **CHAIR:** Thank you. Now it is time that further evidence can be presented to the
159 Council. This may include written evidence, witness testimony and/or any

160 unsworn statements by yourself or any other person. Sheriff Darling do
161 you have any written evidence for us to consider on behalf of your agency
162 or Mr. Real?

163 **DARLING:** Beyond the exhibits that we sent in, the references, the letter of
164 explanation from Mr. Real I believe is Exhibit 2. So you have those items.

165 **CHAIR:** Ok. Sheriff Darling, do you have any additional evidence or testimony to
166 offer?

167 **DARLING:** No. I'll back that off. I do have. I didn't find out until, I have been off a
168 couple of days for personal reasons, I found out this morning that within
169 the corrections facility at our jail that Mr. Real received a promotion to
170 sergeant. So he's doing the job that I am expecting him to do.

171 **CHAIR:** Mr. Real, do you have any evidence or testimony that you wish to present
172 on behalf of yourself?

173 **REAL:** My evidence is presented there as Exhibit 2. As far as an oral statement,
174 based on the admitting "false" to the, "have you ever been convicted of a
175 felony", I will say that I was just not paying attention to the whole
176 statement when I read that. It was actually true. I had just seen the felony
177 portion of that statement, I read it and focused on felony, and I was not
178 convicted of one, so I put false. It was my negligence. I should have been
179 more thorough in reading through the process.

180 **CHAIR:** Director Stephenson, do you have any additional evidence or testimony to
181 offer?

182 **DIRECTOR:** No sir.

183 **CHAIR:** Sheriff Darling, do you have anything additional to offer in light of the
184 training center's response?

185 **DARLING:** No.

186 **CHAIR:** Sheriff Darling, you may make your closing argument at this time.

187 **DARLING:** My closing it refers to the exhibits that I would like to explain. The first is a
188 letter to the board that, although he was charged with possession and the
189 intent to distribute, the situation was that he was turned in by, for whatever
190 reason, he wasn't physically distributing anything. He became a stash spot
191 for those that were. He didn't catch on to it quickly enough and was initially
192 charged with that. I don't think that's who he is, or who he was. Followed
193 by his years of service in the Army National Guard, his recommendations,
194 commendations. I discovered in all of the interviews that I did with his
195 references, talked about his military bearing and that's what I see every
196 day. Regardless, he's grown up and turned into a better person and I think
197 he can share those experiences and maybe (unintelligible).

198 **CHAIR:** Mr. Real, do you wish to make a closing argument of behalf of yourself?

199 **REAL:** Yes sir. What happened on that date that is recorded in that written
200 statement, I was very immature, small town boy in a big town. I was too
201 prideful. My explanation in my first primary letter was, I'm not the type of
202 person to go into depth about myself, I don't put my feelings out there very
203 well. I am a very cut and dried person, I apologize I should have been
204 more, had a better explanation of that but there is no excuse for what I did
205 at that time. I don't make excuses about it. It was wrong. I was, in part,

206 cowardly. I guess because of my age and immaturity. I have learned a lot
207 since then. I have gone outside, since that incident, I have gone and
208 helped fellow veterans, people in my community. That situation has taught
209 me a lot, and I see the signs of it and now especially working in
210 corrections. I try to help people get past, move away from those scenes. I
211 am not always successful, but I do try. I believe this incident has given me
212 a different outlook when it comes to law enforcement. I have that
213 experience and to be able to identify and maybe help deter people from
214 further actions in the wrong direction. That's all I have.

215 **CHAIR:** Director Stephenson, you may make your closing argument at this time.

216 **DIRECTOR:** Thank you sir. Mr. Real disclosed all necessary information and provided
217 the requested legal documents which appear before you today in Exhibits
218 1 and 2. This case is being presented to you based upon that information.

219 **CHAIR:** Mr. Real, I don't have that information in front of me, how old were you at
220 the time of the events took place?

221 **REAL:** 20 years old sir.

222 **CHAIR:** And how old are you now?

223 **REAL:** 48.

224 **CHAIR:** What was your service in the National Guard?

225 **REAL:** I believe it was 19 Kilo. As an armor crew member with McCook National
226 Guard, first 95th Armor Division and then as an 88 Mike I did tours in the
227 Balkans, Kuwait and then after the military I served with the Department of
228 Justice as a sub-contractor working overseas for 7 years.

229 **CHAIR:** What was your total service time?

230 **REAL:** 8 years.

231 **CHAIR:** 8 years. Are there any questions from the Council for either side?

232 **LONDON:** This was 28 years ago?

233 **REAL:** Yes sir.

234 **LONDON:** And it was, was it marijuana?

235 **REAL:** Yes sir.

236 **LONDON:** How much did you have?

237 **REAL:** I'm not for sure. I can't remember the details off of my head.

238 **LONDON:** You said it was about an ounce?

239 **REAL:** An ounce, I think. I don't have the citation in front of me. I know that it was

240 an ounce, I'm not sure. I can't verify the amount. It's been twenty years

241 since I've seen the citation.

242 **LONDON:** Were you doing drugs at the time?

243 **REAL:** I was smoking, yes.

244 **LONDON:** When is the last time that you smoked?

245 **REAL:** (Unintelligible)

246 **LONDON:** Have you had any other drug issues since then?

247 **REAL:** No sir. None.

248 **OSMOND:** When you talk about, I have two questions, what did you do to make

249 yourself better from that? How did you get past that? And you talk about

250 helping other people, what do you do to help other people?

251 **REAL:** It was a big disappointment with my family and a lot of my friends when
252 they found out what happened. And I kind of hit a low point. That was my
253 low point. After the incarceration, I was incarcerated for a few days and
254 then I bonded out. I knew that I couldn't go back home. I remained
255 homeless for a while. In the city of Lincoln until a friend of mine happened
256 to come along and I stayed with him for a few days and then I was able to
257 make arrangements to come back to McCook. And from there, during this
258 time I was in the military and some of the senior NCOs that were in my
259 unit, after a good, pardon my language, an ass chewing, they took me
260 under their wing and straightened me up. And from there, within that first
261 year I was nominated for a soldier of the month award with the Nebraska
262 National Guard and by the end of the year I was nominated for Soldier of
263 the Year. I just focused on my military going forward. After my deployment
264 to the Balkans, coming home there was a few individuals we served with
265 that had some incidents over there, they had PTSD, they'd fallen off, they
266 kind of lost their way, so to speak. I was there to try and help them as best
267 as I could. I do the same thing currently now in the jail. I have one former
268 inmate that is currently seeking treatment. He's in either here in Grand
269 Island or in Minnesota, I can't remember but I got him help through the VA
270 to get him straightened out. I wish there was more that I could do but
271 when I see it I try to help people out. I just try to avoid getting in trouble.

272 **GRAHAM:** You did eight years?

273 **REAL:** Yes sir.

274 **GRAHAM:** What was your rank when you got out?

275 **REAL:** I should have got my 5, so E-4.

276 **STILLE:** I guess I have a question for the Sheriff. You mentioned that you were
277 surprised by the criminal history statement, and it wasn't reflective of what
278 you saw in the interview with Mr. Real. Either your interview or your staff's
279 interview, what do you see as attributes, values, that you saw in him in the
280 interview that aligned with your values at the sheriff's office?

281 **DARLING:** The respect, the feeling of a servant's attitude, I mentioned it a few times,
282 his military bearing has always been in the fore front. Willing to do what he
283 needs to do. He mentioned that he's pretty cut and dry and straight
284 forward. This is what we have to do, let's get it done. Mission oriented is, I
285 guess, a good term for it. He's someone I thought I could work with. Again,
286 keeping in line with my thoughts and my direction for the agency I thought
287 he fit that bill. And he's grown up he's from a different generation from
288 young kids today and a different mentality and that's difficult to find.

289 **THOMAS:** I have a question. I haven't seen the exhibit yet, but I believe in something
290 that was said or read, said that times got hard and maybe that was a
291 reason for you being involved in, my question is, you said you were a
292 stash house? Can you kind of explain how you, just a little more details
293 about...

294 **REAL:** I was currently working with, I was in the training program for Burlington
295 Northern Santa Fe Railroad conductor program. Had been doing that for
296 6-7 months and they let a bunch of us go. The class was not supposed to

297 be that big in the Nebraska Division where I was. I decided that I wanted
298 to stay in Lincoln. So I did and there was a lifestyle that I was having
299 involved working for the railroad that I wasn't able to afford. Kind of got
300 down on myself. That's when I started smoking the marijuana and, I hate
301 to say it but, the people that were in my neighborhood at the time were, I
302 didn't know, were gang affiliated. They took advantage of my immaturity
303 and my unknowledge of the world and I thought that they were leaving the
304 stuff just there for me, whatever, and come to find out that wasn't the
305 case. Which I found out later on after I was arrested. It was, I kind of fell
306 into the hole, I don't know what you want to call it, I don't have the word for
307 it. That's what I mean by hard times. It was, they were helping to provide
308 for me, they were using me to keep their drugs in the house.

309 **THOMAS:** So what were they helping to provide for you?

310 **REAL:** Well I never had a need for any food. I had rides anywhere I needed to go.
311 They bought food. We had parties. Everything else. They even paid the
312 rent at times.

313 **THOMAS:** But you had no idea that they were stashing things in your house?

314 **REAL:** I had no idea.

315 **LONDON:** So if I am reading that right, on your personal character affidavit, so, you
316 referred to this before #3 where you marked true? You said you
317 mismarked something.

318 **REAL:** This one here, #3 where it said have you been convicted of a felony. I
319 focused on the felony words, I had never been convicted of a felony, so I
320 marked false.

321 **LONDON:** The bottom line that, you included your incident on, in 1997 you were
322 arrested in 2004, that was part of your original application?

323 **REAL:** Yes.

324 **ROBY:** So to be clear on your conviction, it's a Class 1 Misdemeanor off of that
325 original felony charge?

326 **REAL:** Yes sir.

327 **ROBY:** Were you actively distributing any of the marijuana?

328 **REAL:** No sir.

329 **ROBY:** Ok.

330 **CHAIR:** So you said you got caught with an ounce but what kind of weight was
331 going through the house?

332 **REAL:** I can't say to that sir. I don't, I didn't understand any of that stuff that was
333 going on. I mean, they said, here's an ounce and I was smoking regularly
334 so it was my person consumption I wasn't selling or anything like that. I
335 didn't know what to do. I hadn't gotten involved in what they were doing
336 outside of my house.

337 **CHAIR:** Did anyone else get arrested?

338 **REAL:** No sir.

339 **CHAIR:** Any other questions?

340 **OSMOND:** I have one for the Sheriff. Do you polygraph in your interviews?

341 **DARLING:** No.

342 **CHAIR:** Anything else? Is there a motion to go into executive session?

343 **LONDON:** I would move that the Council go into executive session based on the

344 prevention of needless injury to the reputation of Michael Real and for the

345 purpose of executive session we will allow the following to remain in the

346 room; all Council members and our legal advisor Sara Bockstadter.

347 **McCARTHY:** Second.

348 **GOBEL:** Sorry, who was second?

349 **THOMAS:** McCarthy.

350 **CHAIR:** Any discussion? Hearing none, let's vote.

351 **GOBEL:** Sheriff London?

352 **LONDON:** Yes.

353 **GOBEL:** Mr. McCarthy?

354 **McCARTHY:** Yes.

355 **GOBEL:** Sheriff Osmond?

356 **OSMOND:** Yes.

357 **GOBEL:** Chief Reeves?

358 **CHAIR:** Yes.

359 **GOBEL:** Lt. Col. Roby?

360 **ROBY:** Yes.

361 **GOBEL:** Asst. Chief Stille?

362 **STILLE:** Yes.

363 **GOBEL:** Deputy Chief Thomas?

364 **THOMAS:** Yes.

365 **GOBEL:** Chief Graham?

366 **GRAHAM:** Yes.

367 **GOBEL:** Motion approved. We are in executive session at 9:48 a.m.

368 **CHAIR:** The meeting of the Police Standards Advisory Council will come to order.

369 The time is 10:19. Is there a motion to come out of executive session?

370 **GRAHAM:** I make a motion to come out of executive session.

371 **OSMOND:** I'll second.

372 **CHAIR:** A motion and a second to come out of executive session. Any discussion?

373 Hearing none, let's vote.

374 **GOBEL:** Mr. McCarthy?

375 **McCARTHY:** Yes.

376 **GOBEL:** Sheriff Osmond?

377 **OSMOND:** Yes.

378 **GOBEL:** Chief Reeves?

379 **CHAIR:** Yes.

380 **GOBEL:** Lt. Col. Roby?

381 **ROBY:** Yes.

382 **GOBEL:** Asst. Chief Stille?

383 **STILLE:** Yes.

384 **GOBEL:** Deputy Chief Thomas?

385 **THOMAS:** Yes.

386 **GOBEL:** Chief Graham?

387 **GRAHAM:** Yes.

388 **GOBEL:** Sheriff London?

389 **LONDON:** Yes.

390 **GOBEL:** Motion approved. We are out of executive session at 10:20 a.m.

391 **CHAIR:** All parties are present when the Council went into executive session are

392 again present. Is there a motion?

393 **LONDON:** Based upon clear and convincing evidence presented in the hearing today

394 in case number 25-PSAC-105 I hereby move that the Council affirms the

395 decision of the Director denying Michael Real's admission into basic

396 training on the basis that Mr. Real does not meet the qualifications for

397 admission.

398 **ROBY:** I'll second that.

399 **CHAIR:** Motion and a second. Any discussion on the motion? Hearing none, let's

400 vote.

401 **GOBEL:** Sheriff Osmond?

402 **OSMOND:** Yes.

403 **GOBEL:** Chief Reeves?

404 **CHAIR:** Yes.

405 **GOBEL:** Lt. Col. Roby?

406 **ROBY:** Yes.

407 **GOBEL:** Asst. Chief Stille?

408 **STILLE:** Yes.

409 **GOBEL:** Deputy Chief Thomas?

410 **THOMAS:** Yes.

411 **GOBEL:** Chief Graham?

412 **GRAHAM:** Yes.

413 **GOBEL:** Sheriff London?

414 **LONDON:** Yes.

415 **GOBEL:** Mr. McCarthy?

416 **McCARTHY:** Yes.

417 **GOBEL:** Motion approved.

418 **CHAIR:** Sheriff Darling, as you have heard, the Council has upheld the Director's

419 decision and denied your request for Mr. Real's admission into the basic

420 officer certification course. The Council will prepare written findings of fact

421 and conclusion of law pertaining to today's hearing and the Council's

422 decision. Where do you want the finding sent?

423 **DARLING:** Red Willow County Sheriff's Office.

424 **CHAIR:** To the Sheriff's Office?

425 **DARLING:** Yes sir.

426 **CHAIR:** Do you want those findings sent to you by US Mail or via email?

427 **DARLING:** Email is fine.

428 **CHAIR:** I'll think you'll find in those, find some guidance in those findings.

429 According to Title 79 of the Nebraska Administrative Code, Chapter 8,

430 section 008.02, the Council will render a decision and reduce its decision

431 in writing within 90 days of the hearing unless extended by order of the

432 presiding officer. Is there anything else from either side that needs to be
433 addressed?

434 **DIRECTOR:** No sir.

435 **DARLING:** No sir.

436 **CHAIR:** This hearing is concluded. The time is 10:22 a.m.

1 The Council took a break from 10:23 a.m. to 10:30 a.m.

2 B. 2. Aibor Huerta: South Sioux City Police Department (25-PSAC-106)

3 CHAIR: The matter now before the Police Standards Advisory Council is the Sioux
4 City, South Sioux City Police Department on behalf of its applicant, Aibor
5 Huerta versus the Nebraska Law Enforcement Training Center, Case
6 number 25-PSAC-106. I will now call the hearing to order at 10:30 a.m.

7 CHAIR: I will note that the following Council members are present; myself Chief
8 Steve Reeves, Lt. Col. Jeff Roby, Chief Paul Graham, Sheriff Greg
9 London, Sheriff Dan Osmond, Mr. Matthew McCarthy, Deputy Chief
10 Sherie Thomas and Asst. Chief Jason Stille. I will note the following
11 Council members are not present; Sgt. Drew Bolzer of the Lancaster
12 County Sheriff's Office.

13 CHAIR: I will note that there is a quorum of the Council present, so this hearing
14 may proceed. Attorney Sara Bockstadter is here as legal advisor to the
15 Council.

16 CHAIR: The Council has been asked by the Petitioner, South Sioux City Police
17 Department to consider reversing Director Stephenson's denial of Mr.
18 Huerta's entrance into the Basic Law Enforcement Officer Certification
19 course.

20 CHAIR: The Council is here pursuant to its authority as stated in Nebraska
21 Revised Statute 81-1403, its related statutes and Title 79 of the Nebraska
22 Administrative Code. I will note that the petitioner, Chief Edward Mahon is

23 present along with, and the petitioner's applicant Aibor Huerta is not
24 present. Chief Mahon are you presented by Counsel?

25 **MAHON:** No.

26 **CHAIR:** Chief Mahon, since South Sioux City Police Department has appealed the
27 Director's decision, I will direct the rest of the proceedings to you in a
28 moment. The Nebraska Law Enforcement Training Center's Director Mark
29 Stephenson, who is present without counsel, will present the case on
30 behalf of the Nebraska Law Enforcement Training Center. Does either
31 party contest the Council's authority to hear this type of case?

32 **DIRECTOR:** No sir.

33 **MAHON:** No sir.

34 **CHAIR:** Title 79 of the Nebraska Administrative Code, Chapter 8, specifies the
35 requirements that must be met by an applicant in order to be eligible for
36 the Basic Law Enforcement Certification course. Pursuant to Title 79,
37 Chapter 8, section 008.01, upon request of an applicant or agency, the
38 Council will conduct a hearing in order to determine whether the applicant
39 meets the minimum qualification for admission into a certification course.
40 The burden during the appeal hearing is on the applicant to demonstrate
41 by clear and convincing evidence that he meets admission qualifications.
42 Per Title 79, Chapter 13, section 004.02(G), the issues of this appeal will
43 be limited to those raised in the request for review and reconsideration as
44 provided in section 004.02(C) and Director's written decision in response.
45 The decision of the Council is final.

46 **CHAIR:** Chief Mahon, I want to go over your rights in this Administrative Hearing.
47 You have the right to be heard, either in person or by counsel who will hire
48 at your own expense. You have a right to notice; that is to receive a
49 statement from the State, the Nebraska Law Enforcement Training Center
50 detailing or justifying its actions in this matter. Do you understand those
51 rights?

52 **MAHON:** Yes sir.

53 **CHAIR:** Did you receive notice via letters from Director Stephenson stating his
54 reasons for denial of Aibor Huerta's basic application?

55 **MAHON:** Yes sir.

56 **CHAIR:** Did you notice any defects in those letters that prejudiced you from
57 presenting your case?

58 **MAHON:** I did not.

59 **CHAIR:** Additionally, you have a right to present evidence at this hearing, a right to
60 the Council's findings and the right to seek judicial review thereafter. Do
61 you understand these rights?

62 **MAHON:** I do.

63 **CHAIR:** The Police Standards Advisory Council shall act as the Hearing Board for
64 this appeal. Neither I, nor any other Council members, will be witness for
65 either side and I am not aware of any matter which I believe may be
66 grounds for challenge by either sided against me or the other members.
67 As it pertains to your appeal of the Director's decision to your applicant's
68 entrance into the basic officer certification course I have not had any

69 personal information conveyed to me nor do I have any personal
70 knowledge of this case. Does any Council member have any personal
71 knowledge of the petitioner's appeal for entrance into the basic officer
72 certification course? Lt. Col. Roby?

73 **ROBY:** No.

74 **CHAIR:** Chief Graham?

75 **GRAHAM:** No.

76 **CHAIR:** Sheriff London?

77 **LONDON:** No.

78 **CHAIR:** Sheriff Osmond?

79 **OSMOND:** No.

80 **CHAIR:** Mr. McCarthy?

81 **McCARTHY:** Nope.

82 **CHAIR:** Deputy Chief Thomas?

83 **THOMAS:** No.

84 **CHAIR:** Asst. Chief Stille?

85 **STILLE:** No.

86 **CHAIR:** Does either side have any further questions or challenge for cause against
87 any member of the Council?

88 **DIRECTOR:** No sir.

89 **MAHON:** No sir.

90 **CHAIR:** Director Stephenson, do you have any procedural documents for this
91 case? And if so, please present them to the Council at this time.

92 **DIRECTOR:** Yes I do. May I approach?

93 **CHAIR:** Yes.

94 **DIRECTOR:** I have two exhibits, both are contained in this binder. Exhibit 1 would be
95 the application for admission documents. The second Exhibit is the denial
96 packet which includes the correspondence between myself and the Sioux
97 City Police Department, also the last tab for the supporting documents,
98 these were documents provided by Chief Mahon; letters of
99 recommendation being submitted with his request for reconsideration.

100 **CHAIR:** Chief Mahon, do you have any objection to the receipt of these?

101 **MAHON:** I do not.

102 **CHAIR:** Let the record reflect that Exhibits 1 and 2 are received. Does either side
103 wish to address any further preliminary matters?

104 **DIRECTOR:** No sir.

105 **MAHON:** No sir.

106 **CHAIR:** Chief Mahon, as the petitioner, you may make an opening statement at
107 this time. Keep in mind this is an opening statement. You can present your
108 case in a moment.

109 **MAHON:** Yes sir. In September of '24 we began the application process for our civil
110 service list for hires. On October 5th of that same year we began testing.
111 After testing background checks were completed. November 6th Mr.
112 Huerta was placed on the list. March 24th, the start date of his being hired.
113 He was put on a trainee status to apply for the academy in May.
114 Subsequently, I was notified by the director that he was going to be

115 denied. We decided to move his application to the September camp to
116 give us more time to go through FTO with him, find out more of additional
117 background checking and then reapply for the September camp.

118 **CHAIR:** Thank you. Director Stephenson, do you wish to make an opening
119 statement?

120 **DIRECTOR:** Yes sir. Members of the Council, Mr. Huerta was appointed as a police
121 officer by the South Sioux City Police Department on March 6th, 2025 and
122 has applied for the Basic Police Academy training course. I have reviewed
123 Mr. Huerta's application packet. The review consisted of comparing the
124 information supplied by Mr. Huerta and his agency, as well as additional
125 background information against the standards set forth in Nebraska
126 Administrative Law, Title 79, Chapter 8. The basis for denial of Mr.
127 Huerta's application is founded on the following grounds; Nebraska
128 Administrative Code Title 79, Chapter 8, section 005.02(A)(6)(b) states,
129 "Has not used marijuana for any purpose in the last two (2) years." On
130 page 3 of the Personal Character Affidavit for the Nebraska Law
131 Enforcement Certification, question 1 states, "I have not used marijuana
132 for any purpose in the two years preceding this application for admission
133 to certification training/testing." Mr. Huerta responded, "False". Mr. Huerta
134 state on page 12, "he used marijuana while on vacation in Colorado in
135 January of 2024." Mr. Huerta's admission to using marijuana 18 months
136 prior to the application is in direct conflict with Nebraska Administrative
137 Law Title 79, Chapter 8, section 005.02(A)(6)(b). For this reason Mr.

138 Huerta's application to the Basic Police Academy Training course was
139 denied.

140 **CHAIR:** Thank you. Now is the time further evidence can be presented to the
141 Council. This may include written evidence, witness testimony, and/or any
142 unsworn statements by yourself or any other person. Chief Mahon, do you
143 have any written evidence for us to consider on behalf of your agency or
144 Mr. Huerta other than what's been received at this point.

145 **MAHON:** I do not.

146 **CHAIR:** Chief Mahon, do you have any additional evidence or testimony to offer?

147 **MAHON:** I do. As I said earlier we began the process to gather a list together on
148 September 18th. Mr. Huerta did fully complete all of the appropriate
149 paperwork we required. He did admit that he did use marijuana. I believe
150 on that date he said January 12th he went to the Colorado on vacation.
151 Where it is legal. He did consume, I think he smoked a joint or a marijuana
152 cigarette. And we went through the Civil Service Commission. That was
153 discussed. Everybody felt that due to his other abilities he was put on the
154 list. We did so. Subsequently, we had somebody leave us on March 24th
155 and he was offered the position. According to the academy, this is no
156 one's fault but my own, I wasn't aware of the 2 years. I knew that he had
157 used marijuana. In the background we found nothing that was derogatory
158 whatsoever. He's worked for corrections, I believe in Lincoln. He got
159 extremely excellent (unintelligible) and reviews. In going through the
160 interview process, he was just that kind of person we want at South Sioux.

161 He is bilingual from the Hispanic community. South Sioux City is very
162 mixed. Many different cultures. He wants to come to South Sioux, he went
163 to, he advised me that he went to Lincoln for corrections because he
164 wanted to get law enforcement experience. But he did so. He applied
165 because his main goal and intent was to come back to South Sioux and
166 work in his community to be close to his family and some friends and be in
167 the community. He doesn't wish to leave. I guess that's his main goal. In
168 the interviews with the officers, the review boards, he had excellent
169 scores, and we started the training program he got nothing but good
170 reviews. In the FTO I forwarded you his paperwork. He comes in early. No
171 negative, he comes in with little law enforcement experience which is to be
172 expected. You can't bring somebody in thinking they are going to be
173 (unintelligible) where he rates high on, is how he deals with people, how
174 he talks to people, how he relates and his ability to take constructive
175 criticism and try to work hard to be. So everything you can teach, he has.
176 And he's exactly what, the kind of officer we need at South Sioux. The
177 ones that are from the community that will stay here and not go to another
178 jurisdiction because of more money. Again, it's not his fault that I was
179 unaware of the two year. I take full responsibility on that. We removed him
180 from May because I believe, after talking to the director, it's just too soon.
181 We were hopeful that with the totality of the circumstances and hopefully,
182 possibly get an exemption to get him into September. We are currently a
183 20 man department. We are a 20 officer department. Our patrol base will

184 be 16. Due to losses at South Sioux City, with one coming up for
185 retirement we are going to be 25% down and so to get individuals to stay
186 and get them certified so they can get out there, it's kind of paramount for
187 us at this time. I would like to just say, I hope you do have some
188 consideration because I think he would be an excellent officer, and I
189 understand rules and regulations I just hope you have some
190 consideration.

191 **CHAIR:** Director Stephenson, do you have any questions of the Chief?

192 **DIRECTOR:** No sir.

193 **CHAIR:** Council members, do you have any questions?

194 **LONDON:** Was January 12th of 2024?

195 **MAHON:** 2024.

196 **GRAHAM:** One time use?

197 **MAHON:** That was his last use. I think before, I can be quite frank, I think he used
198 some in high school. I think there's occasional use but since he redirected
199 himself and especially trying to go into law enforcement, that was the last
200 time he used and we don't have a polygraph so the truth is the truth and I
201 think that the Civil Service Commission and everybody that did interviews
202 and review boards thought that sometimes, I put it in my letter, the truth is
203 the same along with some characteristics and some ways people deal
204 with, I believe he made a mistake. It was not illegal. It was not like he was
205 smoking in the State of Nebraska where it wasn't legal. But he did not

206 deny that he did use. I thought initially that it was a gummy, but I believe
207 correctly that it would have been a marijuana cigarette.

208 **STILLE:** Chief, can you outline what your hiring and background process entails?

209 **MAHON:** Ok. They make an application process and then it has a criminal history.
210 Everything that the Civil Service Commission desires. Then once we go
211 through the initial screening which would have said that he smoked
212 marijuana at this date, they decide to kick out or not kick out, so our Civil
213 Service said in their opinion that would be understandable or at least
214 allowable at that time. Then it goes to our investigators and a background
215 is done. With any persons that they said for their background; past
216 employers, high school. It is as in depth as we can get with the people that
217 return our calls. I know that we had very strong recommendation from
218 corrections and other employees, employers that had him. Very
219 trustworthy. We never had anything that didn't come from Aibor that was
220 negative. He admitted to two things. He got fired from a job when he was
221 a young man and didn't show up for work or something and the smoking
222 of marijuana.

223 **CHAIR:** I know you said it, but where was he working when you hired him?

224 **MAHON:** Corrections I believe in Lincoln.

225 **OSMOND:** Why isn't he here today?

226 **MAHON:** You know, again my error. I just knew what had happened and this is the
227 first appeal we've ever had, and I've never came down. I didn't know the,
228 probably in retrospect, that was my second mistake. He should be here.

229 He should be able to speak for himself and that was my error. I had the
230 factual basis presented to you but in retrospect that's on me.

231 **ROBY:** Chief with this September training course that you are trying to get into,
232 when does that graduate and what's your FTO look like?

233 **MAHON:** Well the FTO, we can get him through, we started the FTO process after
234 the May academy and he should be pretty close to finishing that out, he
235 should be able, I believe when that process is done he won't really have
236 any weeks left after September to get caught up on. To be quite frank,
237 with the 12th date we would really love to get him into September. Should
238 that not happen then my next question would be, the next camp, as you
239 well know is January 4th, so we have, best case, 10 more days. That
240 causes me great concern because he put his faith in our department in
241 May and I don't know what I can do to hold on to him if we don't get him in
242 in September or January and he left a very good job to be home. That's
243 my biggest concern. Not only is he a good quality candidate but that's
244 concerning. And I would like direction on that depending on what you guys
245 decide.

246 **CHAIR:** Thank you.

247 **MAHON:** Yes sir.

248 **CHAIR:** Any other questions?

249 **OSMOND:** These are questions that I would ask him if he was here, but do you know
250 if he's done anything, what did he do so he doesn't smoke marijuana
251 anymore, do you know?

252 **MAHON:** I do not know. He made a decision during his early, he's made a choice
253 and a direction. It's a process now. Why he did in January, I don't know.

254 **OSMOND:** Do you of anything that he does in the community, like helping the
255 community, attending certain things, positive social contributions?

256 **MAHON:** Yes. He's very into soccer. He was in soccer before in South Sioux. That's
257 one of his passions. He would like to get back into the school as an officer,
258 maybe an SRO. To get back and do some things with the community and
259 with children. He is also interested in, with our diverse community, there
260 are many, many opportunities to do outreach in all of the different, there
261 are numerous non-profits that need officers, but they need to be the right
262 officers that can really promote, not only themselves but the police
263 department in inter-racial cooperation. Right now it's a very good point.
264 Even with the worse problems in the nation we have a very good
265 community relations with our community, different communities and that's
266 basically due to the officer's mindset and we need as many of those as we
267 can.

268 **CHAIR:** Anything else?

269 **CHAIR:** Chief, do you have any further evidence?

270 **MAHON:** No sir.

271 **CHAIR:** Director Stephenson, do you have any additional evidence or testimony to
272 offer?

273 **DIRECTOR:** No I do not. Just a closing.

274 **CHAIR:** Chief Mahon, you may make your closing argument.

275 **MAHON:** I fully understand the rules and directives of the State and the board. I
276 would hope that you would again, not to be too redundant, but the totality
277 of the circumstances aren't meaningless. What this gentleman can give to
278 us, the circumstances, where it occurred and when it occurred and would
279 just like your (unintelligible).

280 **CHAIR:** Thank you. Director Stephenson, you may make your closing arguments.

281 **DIRECTOR:** Yes sir. Mr. Huerta disclosed all necessary information and provided the
282 requested legal documents which appear before you today in Exhibits 1
283 and 2 and this case is being presented to you based on that information.

284 **CHAIR:** Are there any further questions from the Council for either side? Is there a
285 motion to go into executive session?

286 **OSMOND:** I would move that the Council go into executive session based on the
287 prevention of needless injury to the reputation of Aibor Huerta and for the
288 purpose of the executive session we will allow the following to remain in
289 the room; all Council members and legal advisor Sara Bockstadter.

290 **LONDON:** Second.

291 **CHAIR:** Any discussion on the motion? Hearing none, let's vote.

292 **GOBEL:** Chief Reeves?

293 **CHAIR:** Yes.

294 **GOBEL:** Lt. Col. Roby?

295 **ROBY:** Yes.

296 **GOBEL:** Asst. Chief Stille?

297 **STILLE:** Yes.

298 **GOBEL:** Deputy Chief Thomas?

299 **THOMAS:** Yes.

300 **GOBEL:** Chief Graham?

301 **GRAHAM:** Yes.

302 **GOBEL:** Sheriff London?

303 **LONDON:** Yes.

304 **GOBEL:** Mr. McCarthy?

305 **McCARTHY:** Yes.

306 **GOBEL:** Sheriff Osmond?

307 **OSMOND:** Yes.

308 **GOBEL:** Motion approved. We are in executive session at 10:51 a.m.

309 **CHAIR:** The meeting of the Police Standards Advisory Council will come to order.

310 Is there a motion to come out of executive session?

311 **GRAHAM:** I make a motion to come out of executive session.

312 **OSMOND:** I'll second that.

313 **CHAIR:** Any discussion on the motion? Hearing none let's vote.

314 **GOBEL:** Lt. Col. Roby?

315 **ROBY:** Yes.

316 **GOBEL:** Asst. Chief Stille?

317 **STILLE:** Yes.

318 **GOBEL:** Deputy Chief Thomas?

319 **THOMAS:** No.

320 **GOBEL:** We are just coming out of executive session.

321 **THOMAS:** Oh, yes.

322 **GOBEL:** Chief Graham?

323 **GRAHAM:** Yes.

324 **GOBEL:** Sheriff London?

325 **LONDON:** Yes.

326 **GOBEL:** Mr. McCarthy?

327 **McCARTHY:** Yes.

328 **GOBEL:** Sheriff Osmond?

329 **OSMOND:** Yes.

330 **GOBEL:** Chief Reeves?

331 **CHAIR:** Yes.

332 **GOBEL:** Motion approved. We are out of executive session at 11:29 a.m.

333 **CHAIR:** All parties present when the Council went into executive session are again

334 present. Is there a motion?

335 **LONDON:** Yes. Based upon clear and convincing evidence presented in the hearing

336 today in case number 25-PSAC-106 I hereby move that the Council affirm

337 the decision of the Director denying Aibor Huerta's admission into basic

338 training on the basis that Mr. Huerta does not meet the qualifications for

339 admission.

340 **ROBY:** I'll second that.

341 **CHAIR:** A motion and a second. Any discussion on the motion? Hearing none let's

342 vote.

343 **GOBEL:** Asst. Chief Stille?

344 **STILLE:** No.

345 **GOBEL:** Deputy Chief Thomas?

346 **THOMAS:** No.

347 **GOBEL:** Chief Graham?

348 **GRAHAM:** Yes.

349 **GOBEL:** Sheriff London?

350 **LONDON:** Yes.

351 **GOBEL:** Mr. McCarthy?

352 **McCARTHY:** No.

353 **GOBEL:** Sheriff Osmond?

354 **OSMOND:** No.

355 **GOBEL:** Chief Reeves?

356 **CHAIR:** Yes.

357 **GOBEL:** Lt. Col. Roby?

358 **ROBY:** Yes.

359 **GOBEL:** That is a tie. Four, I have four yes and four no.

360 **SARA:** So the motion fails.

361 **GOBEL:** Ok.

362 **CHAIR:** Chief Mahon, as you have heard the Council has granted your appeal.

363 **LONDON:** Sorry Chair. So if the motion fails then what is the end result?

364 **SARA:** The motion dies.

365 **LONDON:** My motion dies?

366 **SARA:** Correct.

367 **OSMOND:** Yes.

368 **CHAIR:** Ok.

369 **SARA:** So now someone else can make a motion, you can make the same
370 motion. If you need discussion.

371 **LONDON:** If my motion dies, eventually PSAC is going to have to make some kind of
372 a decision, so the director knows what to do.

373 **SARA:** But you are not prevented from bringing the same motion again if you so
374 desire. Somebody has just got to bring another motion as to what we are
375 doing with this issue today. You can table it for further discussion or
376 evaluation and reschedule it for the next PSAC meeting. You could make
377 a motion to deny the decision of the Director, or your other option is to
378 make a motion to uphold the Director's decision.

379 **CHAIR:** If you table it and carry it to the next meeting, can any further evidence be
380 presented by either side?

381 **SARA:** No.

382 **THOMAS:** If we table to next month can we request that the applicant be present?

383 **SARA:** The evidence has been closed, and you have to have a hearing within
384 sixty days of the appeal. So we've had our hearing so it's just coming
385 down to what do we do with it. Are you needing further time to think about
386 it? And come back with a decision. You have a decision to make today. It
387 will all depend on the motion that's brought up.

388 **McCARTHY:** I make a motion to table it to next month.

389 **LONDON:** If we table it, what's the purpose of tabling it?

390 **McCARTHY:** We are at the time now that I don't see that changing in the next 30
391 seconds.

392 **LONDON:** But why would that change next month?

393 **McCARTHY:** I don't know.

394 **OSMOND:** Can we go back into executive session to discuss it more?

395 **McCARTHY:** Can we go back into executive session?

396 **SARA:** I don't know why you couldn't. There hasn't been a decision reached. And
397 if you feel like there needs to be further discussion.

398 **McCARTHY:** I withdraw my motion.

399 **CHAIR:** Mr. McCarthy will withdraw his motion to table.

400 **OSMOND:** I would move that the Council goes into executive session based on the
401 prevention of needless injury to the reputation of Aibor Huerta and for the
402 purpose of executive session we will allow the following to remain in the
403 room; all Council members and legal advisor Sara Bockstadter.

404 **LONDON:** I'll second that.

405 **CHAIR:** Any discussion on the motion? Let's vote.

406 **GOBEL:** Deputy Chief Thomas?

407 **THOMAS:** Yes.

408 **GOBEL:** Chief Graham?

409 **GRAHAM:** Yes.

410 **GOBEL:** Sheriff London?

411 **LONDON:** Yes.

412 **GOBEL:** Mr. McCarthy?

413 **McCARTHY:** Yes.

414 **GOBEL:** Sheriff Osmond?

415 **OSMOND:** Yes.

416 **GOBEL:** Chief Reeves?

417 **CHAIR:** Yes.

418 **GOBEL:** Lt. Col. Roby?

419 **ROBY:** Yes.

420 **GOBEL:** Asst. Chief Stille?

421 **STILLE:** Yes.

422 **GOBEL:** Motion approved. We are back in executive session at 11:34 a.m.

423 **CHAIR:** Will the Police Standards Advisory Council come to order. Is there a

424 motion to come out of executive session?

425 **GRAHAM:** I make a motion to come out.

426 **STILLE:** Second.

427 **GOBEL:** Who was second?

428 **ROBY:** Stille?

429 **CHAIR:** Any discussion on the motion to come out of executive session? Hearing

430 none, let's vote.

431 **GOBEL:** Chief Graham?

432 **GRAHAM:** Yes.

433 **GOBEL:** Sheriff London?

434 **LONDON:** Yes.

435 **GOBEL:** Mr. McCarthy?

436 **McCARTHY:** Yes.

437 **GOBEL:** Sheriff Osmond?

438 **OSMOND:** Yes.

439 **GOBEL:** Chief Reeves?

440 **CHAIR:** Yes.

441 **GOBEL:** Lt. Col. Roby?

442 **ROBY:** Yes.

443 **GOBEL:** Asst. Chief Stille?

444 **STILLE:** Yes.

445 **GOBEL:** Deputy Chief Thomas?

446 **THOMAS:** Yes.

447 **GOBEL:** Motion approved. We are out of executive session at 11:49 a.m.

448 **CHAIR:** All parties present when the Council went into executive session are again

449 present. Is there a motion?

450 **LONDON:** Yes. Based upon clear and convincing evidence presented in the hearing

451 today in case number 25-PSAC-106, I hereby move that the Council affirm

452 the decision of the Director denying Aibor Huerta's admission into basic

453 training on the basis that Mr. Huerta does not meet the qualifications for

454 admission.

455 **ROBY:** I'll second the motion.

456 **CHAIR:** A motion and a second to uphold the Director's decision. Any discussion

457 on the motion?

458 **OSMOND:** I think in this case, in order for us to overturn the Director's decision, the
459 denial, there's a lot of mitigating circumstances that have to be met and
460 there's been a lot of discussion on those today and I, after more
461 discussion, I'm not sure that we've heard enough of those.
462 **CHAIR:** Any other discussion on the motion? Hearing no further discussion, let's
463 vote.
464 **GOBEL:** Sheriff London?
465 **LONDON:** Yes.
466 **GOBEL:** Mr. McCarthy?
467 **McCARTHY:** No.
468 **GOBEL:** Sheriff Osmond?
469 **OSMOND:** Yes.
470 **GOBEL:** Chief Reeves?
471 **CHAIR:** Yes.
472 **GOBEL:** Lt. Col. Roby?
473 **ROBY:** Yes.
474 **GOBEL:** Asst. Chief Stille?
475 **STILLE:** No.
476 **GOBEL:** Deputy Chief Thomas?
477 **THOMAS:** No.
478 **GOBEL:** Chief Graham?
479 **GRAHAM:** Yes.
480 **GOBEL:** Motion approved.

481 **CHAIR:** Chief Mahon, as you've heard, the Council has upheld the Director's
482 decision and denied your request for Mr. Huerta's admission into the basic
483 officer certification course. Should you choose to re-apply and should an
484 appeal happen again we strongly encourage you to bring your candidate.

485 **MAHON:** Yes sir.

486 **CHAIR:** The Council will prepare written findings of fact and conclusions of law
487 pertaining to today's hearing and the Council's decision. Where do you
488 want your findings sent?

489 **MAHON:** The South Sioux City Police Department. You can do it electronically too.

490 **CHAIR:** Ok. According to Title 79 of the Nebraska Administrative Code, Chapter 8,
491 section 008.02, the Council will render a decision and reduce its decision
492 in writing within 90 days of the hearing, unless extended by order of the
493 presiding officer. Is there anything else from either side that needs to be
494 addressed?

495 **DIRECTOR:** No sir.

496 **MAHON:** Could I ask a couple of questions sir?

497 **CHAIR:** Go ahead.

498 **MAHON:** The timeframe between now and the next application period for, I assume,
499 the January academy, what status can I keep him? Can I keep him
500 working at the police department in any capacity?

501 **CHAIR:** I'm going to defer to...

502 **MAHON:** And if I apply again, if we put his application for the January 4th academy,
503 will that trigger another hearing here?

504 **CHAIR:** I would suggest that you get with Mr. Stephenson on some time frames.

505 **MAHON:** Ok. And just a last statement. I know that this is a very difficult thing that
506 you guys do. I appreciate your consideration, and I will do everything that I
507 can for our department so that this doesn't come up again. I will do
508 everything I can to (unintelligible) for our person and I should have had
509 him here and should we re-apply again and if we are denied, he will be
510 here.

511 **CHAIR:** Thank you. This hearing is concluded. The time is 11:53 a.m.

H. Hiring Bonus Grant Approvals

<u>Name</u>	<u>Agency</u>
Robert Rusk	Chase Co SO
Edna Medina-Rosales	Dawson Co SO
Nathan Karr	Hamilton Co SO
Nikolaus Statz	Hastings PD
Deitrik Brueggeman	Ogallala PD
Jonathan Dickman	Seward Co SO
Jonathan West	Seward Co SO
Tommy Nguyen	UNL PD
David Wobken	York PD

Jessica Wagoner reported that the compliance team vetted all of the applications listed under item H using the NLETC database. It was determined that all of the applicants listed have met the requirements except for Nathan Karr. Jessica Wagoner requested that the Council make a determination on Mr. Karr. Mr. Karr was hired by the Merrick County Sheriff's Office on 8/13/2024. Merrick County pulled him from basic training 12/5/2024 approximately a week before graduation. He was in good standing. Then he was hired by Hamilton County Sheriff's Office on 12/18/2024. He had to only complete RADAR training to receive a law enforcement certificate. He completed RADAR and received his certificate on January 29, 2025. After discussion and reviewing the statute the Council made the following motion.

MOTION

Sheriff London: I will make the motion that we approve the hiring bonus grants for everyone listed on the agenda. Chief Graham seconded the motion.

Voting in favor: Mr. McCarthy, Sheriff Osmond, Lt. Col. Roby, Asst. Chief Stille, Deputy Chief Thomas, Chief Graham, Sheriff London. Voting against: Chief Reeves. Motion approved.

VI. Other Business

A. Informational Items

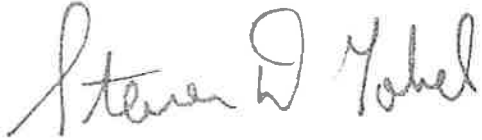
1. Trainees: The trainees were listed on the agenda for the Council's information. No action needed.
2. NCO's Completed 80 hours of training: The NCO's who have completed 80 hours of training were listed on the agenda for the Council's information. No action needed.

B. Date, Time & Location of Next Meeting

August 20, 2025, 9:00 A.M., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801.

Hearing no further business, Chief Reeves adjourned the meeting at 11:59 a.m.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steven D. Gobel". The signature is fluid and cursive, with the first name "Steven" being the most prominent.

Steven Gobel, Secretary to the Police Standards Advisory Council