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POST Board Meeting Agenda

Friday, September 24, 2021

Via [Zoom](#)

Webinar ID: 893 5369 6771

Public Link: <https://us02web.zoom.us/j/89353696771>

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SME Committee Meetings: 8:00 am – 10:00 am

Peace Officer Standards and Training (POST) Board Meeting:
 10:00 am - 12:00 pm

Board Members
 Philip J. Weiser
 Attorney General
 Chair
 Sheriff Anthony Spurlock
 Douglas County
 Vice Chair
 Sr. Investigator Tonya Barnes
 Eighteenth Judicial District
 Chief Gregory Daly
 Town of Avon
 Chief George Dingfelder
 City of Alamosa
 Officer Rachel Esters
 Town of Ouray
 Chief Debra Funston
 City of Palisade
 Chief Terrence Gordon
 City of Thornton
 Executive Director Stan Hilkey
 Department of Public Safety
 Sheriff Robert Jackson
 Alamosa County
 Deputy Shannon Lofland
 Arapahoe County
 Sheriff David Martin
 Morgan County
 Sheriff Anthony Mazzola
 Rio Blanco County
 Chief John Minor
 City of Silverthorne
 Sheriff Shawn Mobley
 Otero County
 Chief Clint Nichols
 City of Commerce City
 Sheriff Steve Nowlin
 Montezuma County
 Special Agent in Charge
 Michael Schneider
 Federal Bureau of Investigation
 Councilman Wayne Williams
 City of Colorado Springs

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance** Attorney General Phil Weiser
3. **Introduction of New Board Members** Attorney General Phil Weiser
 Officer Rachel Esters
 Chief Terrence Gordon
 Sheriff David Martin
4. **Introduction of New POST Staff** Director Erik Bourgerie
 Administrative Coordinator Mario Noriega
 Law Enforcement Accountability Officer Courtney Schwartz
5. **Introduction of Board Members, SME Members, Staff and Guests**
6. **Roll Call** Director Erik Bourgerie

POST Director
 Erik J. Bourgerie

7. **Approval of POST Board Minutes From June 4, 2021** Attorney General Phil Weiser
8. **Subject Matter Expert Committee Reports**
 - a. Arrest Control Sergeant Ike Beers
Chair
 - b. Curriculum Janet Larson
Chair
 - c. Driving Commander Karl Smalley
Chair
 - d. Firearms Commander Paul Gregory
Chair
 - Handgun Instructor Program
(See supplemental materials)
9. **New Board Representatives:**
 - Firearms
 - Curriculum
10. **Request for Appeal – Variance Denial: Matthew Hoerter** Director Erik Bourgerie
(See supplemental materials)
11. **Peace Officer Certification Revocation Actions** Director Erik Bourgerie
(See supplemental materials)

POST Rule 9 - Revocation of Peace Officer Certifications: Pursuant to § 24-31-305(2)(a), C.R.S., a Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder has been convicted of a felony at any time, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305, C.R.S. A Colorado peace officer certification may also be suspended or revoked if pursuant to § 24-31-305(2.5), C.R.S., a law enforcement agency has found, by clear and convincing evidence, that the certificate holder has knowingly made an untruthful statement concerning a material fact while testifying under oath, or during an internal affairs investigation or comparable administrative investigation; or knowingly omitted a material fact on an official criminal justice record, or has otherwise failed to meet the certification requirements established by the Board. For purposes of this Rule 9, a deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement concerning a felony or any misdemeanor described in (1.5) of § 24-31-305, whether pending or successfully

completed, also support the suspension or revocation of a Colorado peace officer certification.

*The certificate holders in the following matters did **not** appear at the show cause hearing or indicate any intent to oppose the revocation. Unless any member objects and asks to consider one or all of these matters separately, they will all be presented to this Board as a group.*

Felony Convictions:

1. No. F21-04, Seth H. Roosevelt, Certification PID 130598. On March 26, 2021, Respondent was sentenced after pleading guilty to one count of §18-5-102(1)(c), Forgery – Check/commercial instrument, a Felony, in Case No. 20CR1615 in the District Court of Weld County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 3, 2020). The respondent has not complied with POST Show Cause Order No. F21-04 by failing to appear at the scheduled Show Cause Hearing on June 7, 2021. POST Director Erik J. Bourgerie recommends revocation of Seth H. Roosevelt's Colorado Peace Officer Certification, PID 130598.
2. No. F21-05, Jamie L. Oliva, Certification PID 134099. On April 9, 2021, Respondent was granted a deferred sentence after pleading guilty to one count of §18-18-405(1), Controlled Substances – Conspiracy schedule 1/2, a Felony, in Case No. 20CR108 in the District Court of Lincoln County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 12, 2018). The respondent has not complied with POST Show Cause Order No. F21-05 by failing to appear at the scheduled Show Cause Hearing on June 28, 2021. POST Director Erik J. Bourgerie recommends revocation of Jamie L. Oliva's Colorado Peace Officer Certification, PID 134099.

Misdemeanor Convictions:

1. No. M21-03, Robert L. Easter, Certification PID 2014-8621. On March 10, 2021, Respondent was granted a deferred sentence after pleading guilty to one count of §18-3-204(1)(a), Third Degree Assault - Knowingly/Recklessly Causing Injury, a Misdemeanor, in Case No. 20M2318 in the County Court of El Paso County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: April 23, 2020, El Paso County Sheriff's Office, Separated March 16, 2021). The respondent has not complied with POST Show Cause Order No. M21-03 by failing to appear at the scheduled Show Cause Hearing on May 24, 2021. POST Director Erik J. Bourgerie recommends revocation of Robert L. Easter's Colorado Peace Officer Certification, PID 2014-8621.
2. No. M21-06, Dean M. Boyle, Certification PID 138782. On May 7, 2021, Respondent was sentenced after pleading guilty to one count of §18-9-111(1)(h), Harassment, a Misdemeanor, in Case No. 19CR114 in the County Court of Lincoln County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: October 1, 2019). The respondent has not

complied with POST Show Cause Order No. M21-06 by failing to appear at the scheduled Show Cause Hearing on July 8, 2021. POST Director Erik J. Bourgerie recommends revocation of Dean M. Boyle's Colorado Peace Officer Certification, PID 138782.

Untruthfulness:

1. No. U19-02, Jacob A. Fischer, Certification (PID 135101). On October 21, 2019, Grand County Sheriff's Office notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact on an official criminal justice record and during an internal affairs investigation on August 9, 2019 (Date of Separation: August 26, 2019). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Jacob A. Fischer's Colorado Peace Officer Certification (PID 135101).
2. No. U21-06, Andrew J. Luczak, Certification (PID 6140-7607). On April 28, 2021, Lone Tree Police Department notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact on an official criminal justice record on January 16, 2021 (Date of Separation: March 28, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Andrew J. Luczak's Colorado Peace Officer Certification (PID 6140-7607).
3. No. U21-08, Jordan T. Kissler, Certification (PID 4298-6140). On May 24, 2021, Colorado State Patrol notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact during an internal affairs investigation and during an administrative investigation and/or disciplinary process on October 2, 2020 (Date of Separation: March 18, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Jordan T. Kissler's Colorado Peace Officer Certification (PID 4298-6140).
4. No. U21-10, Burr E. Tolles, Certification (PID 139921). On June 3, 2021, El Paso County Sheriff's Office notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact on an official criminal justice record between March 7, 2021 and March 29, 2021 (Date of Separation: June 3, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Burr E. Tolles' Colorado Peace Officer Certification (PID 139921).

Due to board member conflicts, the following three matters will be addressed separately to allow for necessary recusals.

Felony:

1. No. F21-03, James Lopez Jr., Certification PID 118989. On February 2, 2021, Respondent was sentenced after pleading guilty to one count of §18-8-502, Perjury, a Felony, in Case No. 20CR120 in the District Court of Otero County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: February 12, 2020, Rocky Ford Police Department, Separated April 10, 2020). The respondent has not complied with POST Show Cause Order No. F21-03 by failing to appear at the scheduled Show Cause Hearing on April 29, 2021. POST Director Erik J. Bourgerie recommends revocation of James Lopez Jr.'s Colorado Peace Officer Certification, PID 118989.

Misdemeanor:

1. No. M21-05, Brian J. Valencia, Certification PID 137703. On March 22, 2021, Respondent was sentenced after pleading guilty to one count of §18-8-404, First Degree Official Misconduct, a Misdemeanor, in Case No. 20CR147 in the County Court of Otero County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: March 12, 2019, Rocky Ford Police Department, Separated December 26, 2019). The respondent has not complied with POST Show Cause Order No. M21-05 by failing to appear at the scheduled Show Cause Hearing on June 7, 2021. POST Director Erik J. Bourgerie recommends revocation of Brian J. Valencia's Colorado Peace Officer Certification, PID 137703.
2. No. M21-04, Edward F. Oxley, Certification PID 7493-2073. On March 22, 2021, Respondent was granted a deferred sentence after pleading guilty to one count of §18-8-404, First Degree Official Misconduct, a Misdemeanor, in Case No. 20CR286 in the County Court of Montezuma County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: February 15, 2018, Montezuma County Sheriff's Office, Separated September 17, 2018). The respondent has not complied with POST Show Cause Order No. M21-04 by failing to appear at the scheduled Show Cause Hearing on May 24, 2021. POST Director Erik J. Bourgerie recommends revocation of Edward F. Oxley's Colorado Peace Officer Certification, PID 7493-2073.

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| 12. | Rulemaking
<i>(See supplemental materials)</i> | Director Erik Bourgerie
Board Counsel Colleen Morey |
| 13. | Recap of Work Session | Director Erik Bourgerie |
| 14. | Formation of Standing
Academy Review Subcommittee | Attorney General Phil Weiser |
| 15. | Comments From Others on POST Issues | |
| 16. | Executive Session
(21CV31519) | Attorney General Phil Weiser |

(Legal Advice on Patterns and Practice Inquiries)

17. **Adjournment**

Attorney General Phil Weiser

Next POST Board Meeting

Friday, December 3, 2021

SME Meetings – 8 a.m.
POST Board Meeting – 10 a.m.