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POST Board Meeting Agenda

Friday, September 8, 2023

Peace Officer Standards and Training (POST) Board Meeting
9:30 a.m. – 12 p.m.
Glenwood Springs Community Center
100 Wulfsohn Rd, Glenwood Springs, CO 81601

Board Members
Philip J. Weiser
Attorney General
Chair
Chief George Dingfelder
City of Monte Vista
Vice Chair
Donald Addy
Public Member
Sr. Investigator Tonya Barnes
Eighteenth Judicial District
Ashley Beck
Public Member
Chief Gregory Daly
Town of Avon
Commissioner Laura Daniels
County of Gunnison
Officer Rachel Esters
City of Ouray
Sharletta Evans
Public Member
Chief Terrence Gordon
City of Thornton
Chief Maris Herold
City of Boulder
Executive Director Stan Hilkey
Department of Public Safety
Chief David Krouse
City of Fruita
Scott Levin
Public Member
Deputy Shannon Lofland
Arapahoe County
Sheriff David Lucero
Pueblo County
Sheriff David Martin
Morgan County
Sheriff Anthony Mazzola
Rio Blanco County
Special Agent in Charge Mark Michalek
Federal Bureau of Investigation
Sheriff Shawn Mobley
Otero County
Sheriff Steve Nowlin
Montezuma County
Sheriff Sean Smith
La Plata County
Chief Jeffrey Swoboda
City of Fort Collins

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance** Attorney General Phil Weiser
3. **Introduction of New Board Members** Attorney General Phil Weiser
 - a. Sheriff KC Hume, Moffat County
4. **Departing Board Member** Attorney General Phil Weiser
 - a. Senior Investigator Tonya Barnes
5. **Introduction of Board Members, SME Members, Staff and Guests**
6. **Roll Call** Director Erik Bourgerie
7. **Approval of POST Board Minutes From June 2, 2023** 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

POST Director
Erik J. Bourgerie

- d. Firearms Div. Chief Paul Gregory
Chair
- Recommended RDS Instructor Program
(See supplemental materials)
9. **Request for Appeal** Director Erik Bourgerie
Rule 21 Remediation Order: Adams County LETA
(See supplemental materials)
10. **Request for Appeal** Director Erik Bourgerie
Rule 8 Variance: Tyko Costandine – 2nd Submission
(See supplemental materials)
11. **Request for Appeal** Director Erik Bourgerie
Rule 8 Variance: Dylan deSpain
(See supplemental materials)
12. **Request for Appeal** Director Erik Bourgerie
Rule 8 Variance: Katherine Varelman
(See supplemental materials)
13. **Request for Appeal** Director Erik Bourgerie
Rule 11 Variance: John Bailey
(See supplemental materials)
14. **Peace Officer Certification** Director Erik Bourgerie
Revocation Actions
(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. A Colorado peace officer certification may also be surrendered pursuant to § 24-31-305. 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.

Misdemeanor Convictions:

1. M22-16, Kevin Syracuse, Certification PID CO-6145-8333. On October 13, 2021, Respondent was sentenced after pleading guilty to one count of § 18-8-111(1)(a)(II) False Reporting-Fake Crime, a Misdemeanor, in Case No. 2021CR443 in the Larimer District Court. *The Respondent was employed as a peace officer at the time of the offense (Date of Offense: October 9, 2020, Arapahoe County Sheriff's Officer, Separation Date August 18, 2021).* The Respondent complied with the POST Order to Show Cause by appearing at a Show Cause Hearing on February 6, 2023. The POST Director Erik J. Bourgerie recommends revocation of Kevin Syracuse's Colorado Peace Officer Certification, PID CO-6145-8333.
2. M23-01, Cienna Wathier, Certification PID CO-5083-3903. On June 21, 2022, Respondent was sentenced after pleading guilty to one count of § 6-2-2(A)(1) Harassment – Strikes/Shoves/Kicks, a Misdemeanor, in Case No. 2022-001868-DV in the Westminster Municipal Court. *The Respondent was not employed as a Peace Officer at the time of the offense (Date of Offense: June 7, 2022).* The Respondent complied with the POST Order to Show Cause by appearing at a Show Cause Hearing on January 19, 2023. The POST Director Erik J. Bourgerie recommends revocation of Cienna Wathier's Colorado Peace Officer Certification, PID CO-5083-3903.

*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. F23-01, Joseph Kanson, Certification PID CO-009-344. On January 31, 2023, Respondent was granted a deferred sentence after pleading guilty to one count of §18-8-112 C.R.S., Impersonating A Peace Officer, a Felony, and one count of §18-8-113 C.R.S. Impersonating a Public Servant, a Misdemeanor, in Case No. 2022CR1433 in the Larimer County District Court. *The Respondent was not employed as a peace officer at the time of the offense (Dates of Offense: September 14- September 21, 2022).* The Respondent did not comply with POST Order to Show Cause No. F23-01 by failing to appear on May 1, 2023.

POST Director Erik J. Bourgerie recommends revocation of Joseph Kanson's Colorado Peace Officer Certification, PID CO-009-344.

2. F23-02, Mark Bisset, Certification PID CO-2999-4788. On February 13, 2023, Respondent was granted a deferred sentence after pleading guilty to one count of §18-4-202(1) C.R.S., First Degree Burglary – armed with a weapon, a Felony, in Case No. 2022CR272 in the Teller County District Court. *The Respondent was employed as a peace officer at the time of the offense (Date of Offense: April 9, 2022, Teller County Sheriff's Office, Separation April 9, 2022).* The Respondent did not comply with POST Order to Show Cause No. F23-02 by failing to appear on May 1, 2023. POST Director Erik J. Bourgerie recommends revocation of Mark Bisset's Colorado Peace Officer Certification, PID CO-2999-4788.
3. F23-03, Timothy Hyatt, Certification PID CO-123573. On March 20, 2023, Respondent was granted a deferred sentence after pleading guilty to one count of §18-3-405.3(1) C.R.S.- Attempted Sexual Assault on a child by one in a position of trust, victim between the ages of 15-18, a Felony, and one count of §18-3-404(1)(a) C.R.S.- Attempted Unlawful Sexual Contact, a Misdemeanor, in Case No. 2022CR2266 in the Jefferson County Court. *The Respondent was employed as a peace officer at the time of the offense (Dates of Offense: February 25, 2022 – March 11, 2022, Denver Police Department, Separation November 28, 2022).* The Respondent did not comply with POST Order to Show Cause No. F23-03 by failing to appear on May 22, 2023. POST Director Erik J. Bourgerie recommends revocation of Timothy Hyatt's Colorado Peace Officer Certification, PID CO-123573.
4. F23-04, Carley Jackson, Certification PID CO-8267-7519. On April 14, 2023, Respondent was granted a deferred sentence after pleading guilty to one count of §18-8-306 C.R.S., Attempt to Influence a Public Servant, a Felony, and one count of §18-8-204(1)(a),(3)(b) C.R.S. – Introduction of Contraband, a Misdemeanor, in Douglas County Court case number 2022CR630. *The Respondent was employed as a peace officer at the time of the offense (Date of offense: May 31, 2022, Douglas County Sheriff's Office, Separation May 31, 2022).* The Respondent did not comply with POST Order to Show Cause No. F23-04 by failing to appear on July 10, 2023. POST Director Erik J. Bourgerie recommends revocation of Carley Jackson's Colorado Peace Officer Certification, PID CO-8267-7519.
5. F23-05, Emily Milne, Certification PID CO-811-110. On April 27, 2023, Respondent was granted a deferred sentence after pleading guilty to one count of §18-8-112 C.R.S., Impersonating a Peace Officer, a Felony, and one count of §18-8-111(1)(a)(III), False Reporting to Authorities, a Misdemeanor, in Mesa County Court case number 2023CR20. *The Respondent was not*

employed as a peace officer at the time of the offense (Date of Offense: January 5, 2023). The Respondent did not comply with POST Order to Show Cause no. F23-05 by failing to appear on July 12, 2023. POST Director Erik J. Bourgerie recommends revocation of Emily Milne's Colorado Peace Officer Certification, PID CO-811-110.

6. F23-06, Dawn Fliszar, Certification PID CO-138954. On May 1, 2023, Respondent plead guilty to one count of §18-4-401(1), (2)(h) C.R.S. – Attempted Theft \$20,000-\$100,000, a Felony, and to one count of §18-5-102(1)(e) C.R.S, Forgery – Government Issued Document, a Felony, in Arapahoe County Court case number 2021CR2041. *The Respondent was employed as peace officer at the time of the offense (Dates of Offense: November 15, 2019 – March 16, 2021, Morrison Police Department, Separation February 12, 2021, and Black Hawk Police Department, Separation March 23, 2021).* The Respondent did not comply with POST Order to Show Cause no. F23-06 by failing to appear on July 12, 2023. POST Director Erik J. Bourgerie recommends revocation of Dawn Fliszar's Colorado Peace Officer Certification, PID CO-138954.

Misdemeanor Convictions:

1. M23-06, David Pearson, Certification PID CO-135380. On April 27, 2023, Respondent was granted a deferred sentence after pleading guilty to one count of §18-3-404(1)(a) C.R.S, Unlawful Sexual Contact – No Consent – Attempted, a Misdemeanor, and three counts of §18-9-111(1)(a) C.R.S. – Harassment – Strike/Shove/Kick, all Misdemeanors, in Montrose County Court case number 2021M480. *The Respondent was employed as peace officer at the time of the offense (Dates of Offense: June 20, 2020 – December 21, 2020, Olathe Police Department, Separation June 3, 2021).* The Respondent did not comply with POST Order to Show Cause no. M23-06 by failing to appear on July 12, 2023. POST Director Erik J. Bourgerie recommends revocation of David Pearson's Colorado Peace Officer Certification, PID CO-135380.

Untruthfulness:

1. U23-08, Julie Stahnke, Certification PID CO-112352. On May 3, 2023, the Aurora Police Department notified Colorado Peace Officer Standards & Training the Respondent knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact during an internal affairs investigation and during an administrative investigation and/or disciplinary process on January 14, 2022 and February 15, 2022 (*Date of Separation: May 1, 2023*). The respondent did not request a Show Cause

Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Julie Stahnke's Colorado Peace Officer Certification PID CO-112352.

2. U23-10, Aaron Laing, Certification PID CO-125883. On May 25, 2023, Colorado State Patrol notified Colorado Peace Officer Standards & Training the Respondent knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact on a criminal justice record on August 4, 2022 (*Date of Separation: November 9, 2022*). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Aaron Laing's Colorado Peace Officer Certification PID CO-125883.
3. U23-11, Venessa Valadez, Certification PID CO- 9187-4450. On May 17, 2023, Colorado State Patrol notified Colorado Peace Officer Standards and Training the Respondent knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact on a criminal justice record on August 19, 2022 (*Date of Separation: December 14, 2022*). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Venessa Valadez's Colorado Peace Officer Certification PID CO-9187-4450.
4. U23-12, Barry Tipton, Certification PID CO-115719. On June 20, 2023, Douglas County Sheriff's Office notified Colorado Peace Officer Standards and Training the Respondent knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact during an internal affairs investigation on June 8, 2023 (*Date of Separation: June 13, 2023*). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Barry Tipton's Colorado Peace Officer Certification PID CO-115719.
5. U23-13, Patricia Perea, Certification PID CO-124478. On June 21, 2023, Aurora Police Department notified Colorado Peace Officer Standards and Training the Respondent knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact on an official criminal justice record between 2019 and 2021 (*Date of Separation: May 8, 2023*). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Patricia Perea's Colorado Peace Officer Certification PID CO-124478.
6. U23-14, Michael Skelton, Certification PID CO-5273-0983. On June 22, 2023, Montrose County Sheriff's Office notified Colorado Peace Officer Standards and Training the Respondent knowingly made an untruthful statement

concerning a material fact OR knowingly omitted a material fact during an administrative investigation and/or disciplinary process on March 23, 2023 (*Date of Separation: May 23, 2023*). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Michael Skelton's Colorado Peace Officer Certification PID CO-5273-0983.

Voluntary Relinquishments:

1. VR23-01, Martin Brenner, Certification PID CO-130893. On June 13, 2023, the Respondent plead guilty to a non-disqualifying misdemeanor in La Plata County Court case number 2023M243. The Respondent's plea agreement included the stipulation he would voluntarily relinquish his peace officer certificate and not pursue employment in law enforcement again. Colorado Peace Officer Standards and Training (POST) received a voluntary relinquishment of Martin Brenner's Colorado Peace Officer Certificate on July 5, 2023.

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| 11. | Rulemaking
<i>(See supplemental materials)</i> | Director Erik Bourgerie
Board Counsel Tara Buchalter |
| 12. | POST Academy Fee Proposal
<i>(See supplemental materials)</i> | Sheriff Anthony Mazzola |
| 13. | SME Policy
<i>(See supplemental materials)</i> | Compliance Mgt Cathy Rodriguez |
| 14. | Academy Subcommittee Opening | Attorney General Phil Weiser |
| 15. | Law Enforcement Suicide Prevention | SAC Mark Michalek |
| 16. | Appeal Subcommittee Findings | Board Member Ashley Beck |
| | a. Eric Martinez
<i>(See supplemental materials)</i> | |
| 17. | Comments From Others on POST Issues | |
| 18. | Adjournment | Attorney General Phil Weiser |

Next POST Board Meeting

Friday, December 1, 2023

Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver, CO 80203

SME Meetings – 8:15 am

POST Board Meeting – 10:00 am