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STATE OF COLORADO
DEPARTMENT OF LAW

**Peace Officer Standards and
Training**

POST BOARD MEETING
RECORD OF PROCEEDINGS
Friday, September 08, 2023
10 A.M. – 12 P.M.

The Peace Officer Standards and Training Board held its 422nd Board meeting at
the Glenwood Springs Community Center

100 Wulfson Rd Glenwood Springs, CO 81601

BOARD MEMBERS PRESENT

DONALD ADDY, Public Member
SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District
ASHLEY BECK, Public Member
CHIEF GREGORY DALY, Avon Police Department
LAURA DANIELS, Gunnison County
CHIEF GEORGE DINGFELDER, Monte Vista Police Department
CHIEF TERRENCE GORDON, City of Thornton
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
SHERIFF KC HUME, Moffat County Sheriff's Office
CHIEF DAVE KROUSE, City of Fruita Police Department
SCOTT LEVIN, Public Member
SHERIFF DAVID LUCERO, Pueblo County Sheriff's Office
SHERIFF DAVID MARTIN, Morgan County Sheriff's Office
SHERIFF ANTHONY MAZZOLA, Rio Blanco County Sheriff's Office
SAC MARK MICHALEK, FBI
SHERIFF SEAN SMITH, La Plata County Sheriff's Office
CHIEF JEFFREY SWOBODA, Fort Collins Police Services
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law

BOARD MEMBERS EXCUSED

OFFICER RACHEL ESTERS, City of Ouray
CHIEF MARIS HEROLD, Boulder Police Department
DEPUTY SHANNON LOFLAND, Arapahoe County Sheriff's Office
SHERIFF SHAWN MOBLEY, Otero County Sheriff's Office

BOARD MEMBERS ABSENT

SHARLETTA EVANS, Public Member

BOARD COUNSEL

TARA BUCHALTER, Asst. Attorney General

POST STAFF MEMBERS PRESENT

ROBERT BAKER, Training Manager
ERIK BOURGERIE, Director
JANET DRAKE, Deputy Attorney General, Criminal Justice Section
VICTORIA EDSTEDT, Administrative Coordinator
NICOLA ERB, Training Specialist
KISHAWN LEUTHAUSER, Grants Specialist
MARIO NORIEGA, Administrative Coordinator
DAN OSTRANDER, Training Specialist
JANELLE RASMUSSEN, Compliance Specialist
CATHERINE RODRIGUEZ, Compliance Manager
MEGAN SERENA, Compliance Coordinator
COURTNAY SCHWARTZ, Law Enforcement Accountability Officer
JARED TORSNEY, Training Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

UNDERSHERIFF QUINN ARCHIBEQUE, Delta County Sheriff's Office, Member of SME Driving Committee
JOHN E BAILEY, Fifth Judicial District, Appellant
SERGEANT IKE BEERS, Lakewood Police Department, Chair of SME ACT Committee
GWEN BURKE, Front Range Community College
TYKO COSTANDINE, Appellant
DYLAN DESPAIN, Appellant
ROCCO A. DOMENICO, Colorado State Patrol
SUZETTE FRIEDBERGER, Grand Junction Police Department
JEFF FUNNEY, Pueblo Police Department
SUSAN GREENE, Colorado News Collaborative
PAUL GREGORY, Adams County Sheriff's Office, Chair of Firearms SME
DAVID HOISER, Brush Police Department
JANET LARSON, Chair of Curriculum SME Committee
NATE RUSINGER, Moffat County Sheriff's Office
PETE SCHULTE, Aurora Police Department
COMMANDER KARL SMALLEY, Adams County Sheriff's Office, Chair of Driving SME
KATHERINE VARELMAN, Brush Police Department, Appellant
TRAVIS VARELMAN

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 Sheriff's Office

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

Quorum of members present.

7. **Approval of Board Meeting Minutes From June 2, 2023** Attorney General Phil Weiser

*Motion to approve – 1st Dingfelder, 2nd Lucero.
Approved unanimously.*

8. **Subject Matter Expert Reports**

- a. Arrest Control Sergeant Ike Beers
Chair

The ACT committee has created a subcommittee to look at academy trends and will be bringing more information to the upcoming meeting in December. The committee approved two full skills instructors and handled a few injury reports that were deemed to be not concerning. They also continue to schedule inspections in an attempt to keep up the expectation from the POST Board.

- b. Curriculum Janet Larson
Chair

The Curriculum SME committee has met every month since the last POST Board meeting that took place in June. The committee is deep into revisions for the curriculum and had a discussion yesterday about major case considerations and how to turn that into a capstone for the academy so that they would be in reality-based applications. This will help cadets use knowledge of CRS and investigative procedures. The committee has set a goal to review 10 more courses by the next meeting in December. The curriculum committee lost two members but also gained new members. Lastly, Red Rocks Community College's review was completed.

- c. Driving Commander Karl Smalley
Chair

The Driving SME committee approved three new full skills instructors from Summit County, Pueblo Police Department Academy, and Denver Police Department Academy. The committee also approved two new members. The committee also has two renaming test outs for the year.

- d. Firearms Undersheriff Paul Gregory
Chair

The Firearms SME committee approved eight full skills instructors and completed two test outs. The committee also has a few upcoming inspections. There is also a new SME applicant from CSP that the committee will be recommending to join the committee. Lastly the committee completed their RDS instructor curriculum that will affect rule 23 and 24 and will go into effect January 2024.

*Motion to approve recommended RDS Instructor Program - 1st Hilkey, 2nd Martin.
Approved unanimously.*

9. **Request for Appeal -** Director Erik Bourgerie
Rule 21 Remediation Order: Adams County LETA

*Chief Gordon recused on this matter.
Motion to grant hearing – 1st Dingfelder, 2nd Mazzola.
Approved unanimously.
The subcommittee for the appeal hearing: Martin, Dingfelder, Hume, Addy, Daniels.*

10. **Request for Appeal -** Director Erik Bourgerie
Rule 8 Variance: Tyko Costandine – 2nd Submission

*No motion suggested.
Initial ruling stands*

11. **Request for Appeal -** Director Erik Bourgerie
Rule 8 Variance: Dylan deSpain

*No motion suggested.
Initial ruling stands*

12. **Request for Appeal -** Director Erik Bourgerie
Rule 8 Variance: Katherine Varelman

*Sheriff Martin recused on this matter.
Motion to grant hearing – 1st Beck, 2nd Daniels.
Approved unanimously.
The subcommittee for the appeal hearing: Martin, Dingfelder, Hume, Addy, Daniels.*

13. **Request for Appeal - Rule 11 Variance: John Bailey** Director Erik Bourgerie

*Motion to grant extension – 1st Hilkey, 2nd Mazzola.
Approved unanimously.*

14. **Peace Officer Certification Revocation Actions** Director Erik Bourgerie

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 office 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.

*Motion to revoke – 1st Martin, 2nd Hume
Approved unanimously.*

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.

*Motion to revoke – 1st Hume, 2nd Addy
Approved unanimously.*

*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.*

Untruthfulness:

1. 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.

*Chief Krouse recused
Motion to revoke – 1st Dingfelder, 2nd Martin
Approved unanimously.*

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 Responded 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:

2. 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.
3. 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.
4. 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.

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.

Dir. Hilkey abstained from vote.

Motion to revoke – 1st Mazzola, 2nd Levin

Approved unanimously.

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.

15. **Rulemaking**

Director Erik Bourgerie
Board Counsel Tara Buchalter

POST Administrative Coordinator Mario Noriega has confirmed audio recording of The POST Board Rule Making Hearing on Friday, December 1st, 2023.

Rule 1

Pete Schulte commented on Rule 1.

Motion to approve revision to proposed changes to Rule 1 – 1st Hilkey, 2nd Swoboda.

Ike Beers commented on Rule 1

Motion to move effective date of proposed changes to Rule 1 to January 1 of 2024 – 1st Beck, 2nd Hume.

Approve Rule 1 as amended – 1st Dingfelder, 2nd Martin

Rule 3

*Motion to approve proposed changes to rule as proposed – 1st Hume, 2nd Martin.
Approved unanimously.*

Rule 4

*Motion to approve proposed changes to rule as proposed – 1st Lucero, 2nd Dingfelder.
Approved unanimously.*

Rule 5

*Motion to approve proposed changes to rule as proposed – 1st Levin, 2nd Beck.
Approved unanimously.*

Rule 14

*Motion to approve proposed changes to rule as proposed – 1st Hume, 2nd Martin.
Approved unanimously.*

Rule 17

*Motion to approve proposed changes to rule as proposed – 1st Mazzola, 2nd Daniels.
Approved unanimously.*

Rule 21

*Motion to approve proposed changes to rule as proposed – 1st Dingfelder, 2nd Martin.
Approved unanimously.*

Rule 23

*Motion to approve proposed changes to rule as proposed – 1st Beck, 2nd Dingfelder.
Approved unanimously.*

Rule 24

*Motion to approve proposed changes to rule as proposed – 1st Daniels, 2nd Hume.
Approved unanimously.*

Rule 32

*Motion to approve proposed changes to rule as proposed – 1st Beck, 2nd Dingfelder.
Approved unanimously.*

Rule 33

*Motion to approve proposed changes to rule as proposed – 1st Beck, 2nd Hume.
Approved unanimously.*

16. **POST Academy Fee Proposal** Sheriff Anthony Mazzola

*Motion to approve POST Academy Fee Proposal – 1st Lucero, 2nd Swoboda.
Approved unanimously.*

17. **SME Policy** Compliance Mgt Cathy Rodriguez

*Motion to approve SME Policy – 1st Dingfelder, 2nd Smith.
Approved unanimously.*

18. **Academy Subcommittee Opening** Attorney General Phil Weiser

Chief Swoboda was appointed to the Subcommittee.

19. **Law Enforcement Suicide Prevention** SAC Mark Michalek

20. **Appeal Subcommittee Findings** Board Member Ashley Beck

a. Eric Martinez – Appeal was granted.

21. **Comments From Others on POST Issues**

No comments from the public or POST Board members.

22. **Adjournment** Attorney General Phil Weiser

*Motion to adjourn - 1st ?, 2nd Hume.
Approved unanimously.*