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**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

**Peace Officer Standards and  
Training**

**POST BOARD MEETING**  
**RECORD OF PROCEEDINGS**  
*Friday, December 1, 2023*  
*10 A.M. – 12 P.M.*

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The Peace Officer Standards and Training Board held its 423<sup>rd</sup>  
Board meeting at  
**Department of Law**  
**1300 Broadway, Denver, CO 80203**

**BOARD MEMBERS PRESENT**

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  
SHERIFF KC HUME, Moffat County Sheriff's Office  
CHIEF DAVE KROUSE, City of Fruita Police Department  
SCOTT LEVIN, Public Member  
DEPUTY SHANNON LOFLAND, Arapahoe County Sheriff's Office  
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 SHAWN MOBLEY, Otero County Sheriff's Office  
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**

DONALD ADDY, Public Member  
SHARLETTA EVANS, Public Member  
CHIEF TERRENCE GORDON, City of Thornton  
CHIEF MARIS HEROLD, Boulder Police Department  
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety

**BOARD MEMBERS ABSENT**

OFFICER RACHEL ESTERS, City of Ouray

**BOARD COUNSEL**

TARA BUCHALTER, Asst. Attorney General

**POST STAFF MEMBERS PRESENT**

ROBERT BAKER, Training Manager  
ERIK BOURGERIE, Director  
GWEN BURKE, Curriculum Developer  
JANET DRAKE, Deputy Attorney General, Criminal Justice Section  
VICTORIA EDSTEDT, Administrative Coordinator  
NICOLA ERB, Training Specialist  
KIMBERLY HERNANDEZ, Grants Manager  
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  
MARY VEKASY, Compliance Specialist

**MEMBERS OF THE PUBLIC IN ATTENDANCE**

UNDERSHERIFF QUINN ARCHIBEQUE, Delta County Sheriff's Office, Member of SME  
Driving Committee  
LT. COL. ALYSSA AARHAUS, Department of Military and Veterans Affairs.  
REID ELKUS, Elkus & Sisson, P.C.  
PAUL GREGORY, Adams County Sheriff's Office, Chair of Firearms SME  
CHRIS HANSEN, 9NEWS  
KOREY HUTCHISON, CSPD  
JEFF JOHNSON, Member of the Public  
ALEXANDER LANDAU, Denver Justice Project  
JANET LARSON, Chair of Curriculum SME Committee  
LENA MENDEZ, Member of the Public  
MIKAELA NADDY, Member of the Public  
TREVON PERRY, Appellant  
MICHAEL PIETZRACK, Appellant  
MALLORY REVEL, FGMC Attorneys at Law  
MONICA SALAZAR, Member of the Public  
ALLISON SHERRY, CPR News

COMMANDER KARL SMALLEY, Adams County Sheriff's Office, Chair of Driving SME  
LEONELA URRUTIA Attorney General's Office  
CHRIS VANDERVEEN, 9NEWS  
PARKER WHITE, Department of Military and Veterans Affairs

1. **Welcome** Attorney General Phil Weiser
2. **Introduction of Board Members, SME Members, Staff and Guests** Attorney General Phil Weiser
3. **Roll Call** Director Erik Bourgerie
4. **Introduction of new POST Staff Member** Attorney General Phil Weiser
  - a. Gwen Burke – Curriculum Developer
5. **Moment of Silence for Sgt. Michael Moran** Attorney General Phil Weiser
6. **Pledge of Allegiance** Attorney General Phil Weiser
7. **Departing SME's** Attorney General Phil Weiser
  - a. Bill Claspell, Curriculum SME, 2021-2023
  - b. Gina Seago, Curriculum SME, 2019-2023
  - c. John Reece, Curriculum SME, 2009-2023
  - d. Gwen Burke, Curriculum SME, 2023-2023
8. **Approval of Work Session Minutes From September 7, 2023** Attorney General Phil Weiser

*Motion to approve – 1<sup>st</sup> Daniels, 2<sup>nd</sup> Beck.  
Approved unanimously.*
9. **Approval of Board Meeting Minutes From September 8, 2023** Attorney General Phil Weiser

*Motion to approve – 1<sup>st</sup> Lucero, 2<sup>nd</sup> Dingfelder.  
Approved unanimously.*
10. **Subject Matter Expert Reports**
  - a. Arrest Control Sergeant Ike Beers  
Chair

The ACT committee approved several instructors. Sgt. Beers discussed changes which were detailed on page 23 of the packet. ACT developed a subcommittee to address the verbiage as it pertains to excited delirium discussion with training under section 14 because it contains the term, “excited delirium”. They conducted a lot of research and interviewing, including medical personnel, to come up with verbiage that would reflect best training practices for the academies in the state for new officers. The proposal was presented to the board. The changes are highlighted in red and were read aloud by Sgt. Beers. The general Learning Goal will state that the students will understand and demonstrate procedures and techniques for custodial care. In section B, students will learn and understand procedures for first aid and transfer to medical care of subjects who are in custody. Section C, the students will learn and understand law enforcement role in violent encounters with subjects in altered mental states or justifiable the medical emergency, as defined in C.R.S.

*Motion to approve Excited Delerium - 1<sup>st</sup> Mazzola, 2<sup>nd</sup> Mobley.  
Approved unanimously.*

b. Curriculum

Janet Larson  
Chair

The Curriculum SME committee presented a culmination of a year’s work, meeting every month as a committee, and then multiple subcommittee meetings in between those to make the proposed changes. Primarily, the changes are to the basic law section and to the tactical casualty care. The goal was to make them more cohesive. The changes address the minimum requirements, and any academy can add more to the curriculum as they feel necessary. Janet answered some questions concerning the changes for clarification reasons.

*Motion to approve Revisions to Basic Academy Curriculum- 1<sup>st</sup> Daly, 2<sup>nd</sup> Levin.  
Approved unanimously.*

There was also a change to the Reserve Academy as it addressed first responder interactions with persons with disabilities. They increased interactions with special populations to eight hours to include more hands on. Feedback from the change said this was too long, so they have cut it to four hours.

*Motion to approve Revisions to Reserve Academy Curriculum - 1<sup>st</sup> Lucero, 2<sup>nd</sup> Dingfelder.  
Approved unanimously.*

The committee is still seeking out new members.

- c. Driving Commander Karl Smalley  
Chair

The Driving SME committee approved 11 new full skills instructors for driving. They reviewed an academy driving program submitted by Thornton Police Department. It was not approved due to some issues with the lesson and site plan. They are all set for test outs for 2024. There committee is up to 19 members. They still need one more member, so please let him know if you have any suggestions for the final member.

- d. Firearms Undersheriff Paul Gregory  
Chair

The Firearms SME committee approved nine full skills instructors, completed two test outs, three inspections, one program approval, two RDS instructor courses, two site approvals, and welcomed three new members.

11. **Request for Appeal -** Director Erik Bourgerie  
**Disqualifying Incident Revocation: Trevon Perry**

*Motion to grant Appeal/hearing – 1st Dingfelder, 2nd Daly.*

*Approved unanimously.*

*The subcommittee for the appeal hearing: Daly, Mazzola, Martin, Lucero, Beck.*

12. **Request for Appeal -** Director Erik Bourgerie  
**Peace Officer Database: Rogelio Pacheco**

*No motion suggested.*

*Initial ruling stands*

13. **Request for Appeal -** Director Erik Bourgerie  
**Rule 8 Variance: Michael Pietzrack**

*No motion suggested.*

*Initial ruling stands*

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

**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. 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. 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.

Misdemeanor Convictions:

1. M23-07, Nichole Gladkowski, Certification PID CO-0657-9084. On May 31, 2023, Respondent entered into a deferred sentence agreement to one count of § 18-9-111(1)(c) C.R.S. Harassment – follow person in public place, a Misdemeanor, in Adams County District Court case number 2023CR659. The Respondent was not employed as a Peace Officer at the time of the offense (Dates of Offense: January 23, 2023-February 18, 2023). The Respondent complied with the POST Order to Show Cause No. M23-07 by appearing at a rescheduled Show Cause Hearing on September 14, 2023. The POST Director Erik J. Bourgerie recommends revocation of Nichole Gladkowski’s Colorado Peace Officer Certification, PID CO-0657-9084.

*Motion to revoke – 1<sup>st</sup> Dingfelder, 2<sup>nd</sup> Daniels  
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 these matters separately, they will all be presented to this Board as a group.*

Felony Convictions:

1. F23-08, John Mayns, Certification PID CO-124539. On December 26, 2014, Respondent was sentenced after pleading guilty to one count of §18-3-205(1)(b) C.R.S. Vehicular Assault – DUI, a Felony, and one count of §18-8-

404 C.R.S. Official Misconduct, a Misdemeanor, in Jefferson County District Court case number 2014CR1821. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: June 1, 2014, Jefferson County Sheriff's Office, Separation Date August 18, 2014).* The Respondent did not comply with POST Order to Show Cause No. F23-08 by failing to appear on August 15, 2023. POST Director Erik J. Bourgerie recommends revocation of John Mayns' Colorado Peace Officer Certification, PID CO-124539.

2. F23-09, Melissa Reynolds, Certification PID CO-124059. On April 6, 2023, Respondent was sentenced after pleading guilty to one count of §18-3-205(1)(b)(I) C.R.S. – Vehicular Assault – DUI, a Felony, in El Paso County District Court case number 2022CR3784. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: December 10, 2021, Fountain Police Department, Separation Date May 5, 2022).* The Respondent did not comply with POST Order to Show Cause No. F23-09 by failing to appear on October 10, 2023. POST Director Erik J. Bourgerie recommends revocation of Melissa Reynolds' Colorado Peace Officer Certification, PID CO-124059.
3. F23-10, Quinten Stump, Certification PID CO-5541-6378. On July 31, 2023, Respondent was sentenced after being found guilty in a jury trial to one count of §18-3-104(1)(a) C.R.S. – Attempted Manslaughter – reckless, a Felony, in Kiowa County District Court case number 2021CR1. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: April 9, 2020, Kiowa County Sheriff's Office, Separation Date November 20, 2020).* The Respondent did not comply with POST Order to Show Cause No. F23-10 by failing to appear on October 10, 2023. POST Director Erik J. Bourgerie recommends revocation of Quinten Stump's Colorado Peace Officer Certification, PID CO-5541-6378.
4. F23-11, Alexander Kenoyer, Certification PID CO-134563. On August 14, 2023, Respondent was sentenced after pleading guilty to one count of §18-8-306 C.R.S. – Attempt to Influence a Public Servant, a Felony, in Teller County District Court case number 2022CR271. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: October 30, 2021, Cripple Creek Police Department, Separation Date October 25, 2022).* The Respondent did not comply with POST Order to Show Cause No. F23-11 by failing to appear on October 18, 2023. POST Director Erik J. Bourgerie recommends revocation of Alexander Kenoyer's Colorado Peace Officer Certification, PID CO-134563.

5. F23-12, William Schwartz, Certification PID CO-4747-0820. On August 18, 2023, Respondent was sentenced after being found guilty in a jury trial to one count of §18-4-401(1),(2)(j) C.R.S. – Theft – \$1,000,000 or More, a Felony, and one count §18-4-401(1),(2)(i) C.R.S. – Theft-\$100,000-\$1,000,000, a Felony, in Denver County District Court case number 2022CR15064. *The Respondent was employed as a Peace Officer at the time of the offense (Dates of Offense: November 12, 2014-July 31, 2019, Colorado Rangers, Separation Date April 22, 2022).* The Respondent did not comply with POST Order to Show Cause No. F23-12 by failing to appear on October 19, 2023. POST Director Erik J. Bourgerie recommends revocation of William Schwartz’s Colorado Peace Officer Certification, PID CO-4747-0820.

Misdemeanor Convictions:

1. M23-09, Brian Saltzman, Certification PID CO-113221. On June 30, 2023, Respondent was sentenced after being found guilty at a jury trial of one count of §18-3-204(1)(a) C.R.S. – 3<sup>rd</sup> Degree Assault – Negligent – deadly weapon, a Misdemeanor, in Douglas County District Court case number 2020CR556. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: May 24, 2020, Palmer Lake Police Department, Separation Date August 10, 2020).* The Respondent did not comply with POST Order to Show Cause No. M23-09 by failing to appear on August 30, 2023. POST Director Erik J. Bourgerie recommends revocation of Brian Saltzman’s Colorado Peace Officer Certification, PID CO-113221.
2. M23-10, Donald Teschner, Certification PID CO-9085-8862. On July 21, 2023, Respondent entered into a deferred sentence agreement for one count of §18-9-111(1)(a) C.R.S. – Harassment-strike/shove/kick, a Misdemeanor, in Pueblo County Court case number 2022M2232 and one count of §18-3-204(1)(a) C.R.S. 3<sup>rd</sup> Degree Assault- knowingly or recklessly causes injury, a Misdemeanor, in Pueblo County Court case number 2023M724. *The Respondent was employed as a Peace Officer at the time of the offenses (Dates of Offense: December 20, 2022 and April 21, 2023, Pueblo County Sheriff’s Office, Separation Date April 21, 2023).* The Respondent did not comply with POST Order to Show Cause No. M23-10 by failing to appear on October 11, 2023. POST Director Erik J. Bourgerie recommends revocation of Donald Teschner’s Colorado Peace Officer Certification, PID CO-9085-8862.

Untruthfulness:



1. No. U23-19, Chad E. Mason, Certification (PID CO-136097). On August 2, 2023, Douglas 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 during an administrative investigation and/or disciplinary process on June 18, 2023 (Date of Separation: July 31, 2023). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Chad E. Mason's Colorado Peace Officer Certification (PID CO-136097).
2. No. U23-20, David C. Conway, Certification (PID CO-127903). On August 1, 2023, 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 on an official criminal justice record on August 18, 2022 (Date of Separation: January 13, 2023). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of David C. Conway's Colorado Peace Officer Certification (PID CO-127903).
3. No. U23-24, Timothy J. Miller, Certification (PID CO-033-160). On August 30, 2023, Parker 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 during and internal affairs investigation and during an administrative investigation and/or disciplinary process between May 2023 and August 2023 (Date of Separation: August 16, 2023). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Timothy J. Miller's Colorado Peace Officer Certification (PID CO-033-160).

*Motion to revoke – 1<sup>st</sup> Mazzola, 2<sup>nd</sup> Mobley  
Approved unanimously.*

**POST Suspension of Peace Officer Certification:** Pursuant to §24-31-904(2)(a)(I) C.R.S. a Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of §24-31-305 C.R.S. or §24-31-308 C.R.S. shall be suspended by the POST Board if the certificate holder has been convicted of or pleads guilty or nolo contendere to a crime involving the unlawful use or threatened use of physical force or a crime involving the failure to intervene in the use of unlawful force and the incident did not result in serious bodily injury or death to another person. For purposes of this Rule 5, pursuant to §24-31-904(4) a deferred judgement deferred

prosecution agreement, or pretrial diversion agreement for a crime involving the use of physical force or a crime involving the failure to intervene in the unlawful use of force also support the suspension of a Colorado peace officer certification.

1. M23-08, Francine Martinez, Failure to Intervene: Certification PID CO-3367-5475. On June 2, 2023, Respondent was sentenced after being found guilty at a jury trial of one count of §18-8-802(1.5) C.R.S. – Peace Officer – Failure to Intervene, a Misdemeanor, in Arapahoe County Court case number 2021M2303. *The Respondent was employed as a peace officer at the time of the offense (Date of Offense: July 23, 2021, Aurora Police Department, Separation Date August 12, 2021).* The Respondent complied with the POST Order to Show Cause No. M23-08 by appearing at a rescheduled Show Cause Hearing on September 13, 2023. The POST Director Erik J. Bourgerie recommends a five (5) year suspension of Francine Martinez’s Colorado Peace Officer Certification, PID CO-3367-5475.

*No Motion Suggested*

*Initial Ruling from Director Stands – Suspension begins 12/01/2023*

13. **Suspension Matrix/Rubric Subcommittee** Director Erik Bourgerie

Director Bourgerie took this moment to request a subcommittee to be created to develop a matrix that can help guide the Board in future decisions pertaining to suspensions and time limits on said suspensions.

*Subcommittee Formed – Dingfelder, Mobley, Swoboda, Lofland, Beck*

14. **Delegation of Exception Authority to Director** Board Counsel Tara Buchalter

After discussion by Buchalter, a motion was made to delegate the authority to Erik Bourgerie, POST Director, to make the decision whether to file exceptions to appeal the administrative hearing officer’s decision for any particular decision made by the hearing officer so that decisions are made within the 30-day deadline.

*Motion to approve – 1st Dingfelder, 2nd Beck.*

*Approved unanimously.*

15. **New Vice Chair** Attorney General Phil Weiser

The floor was opened for nominations to appoint the new Vice Chair. There being no other nominations, Chief George Dingfelder was nominated and appointed for another term as Vice Chair.

*Motion to approve – 1st Beck, 2nd Mazzola  
Approved unanimously.*

16. **Rule 21 – Hazing** Compliance Specialist Mary Vekasy

Concluding Mary Vekasy’s presentation a motion was made to recodify Rule 21 with the materials presented.

*Motion to approve – 1st Swoboda, 2nd Lofland.  
Approved unanimously.*

17. **Academy Renewal Policy Update** Compliance Manager Catherine Rodriguez

This proposal is most specific to the renewal policy. The biggest change is to timelines. Catherine explained the process and asked that the board approve the new policy. Motion was made to approve the Academy Renewal Policy.

*Motion to approve – 1st Mobley, 2nd Daly.  
Approved unanimously.*

18. **Academy Redesign Model Module/Project Plan Update** Curriculum Developer  
Gwen Burke

Curriculum Developer Gwen Burke gave a presentation on the updated project plan. And progress on model module.

19. **Academy Application Subcommittee** Sheriff Anthony Mazzola

Sheriff Mazzola gave a briefing on the Academy Application Subcommittee’s finding. The committee has reviewed nine academies, six of which have been renewed while three are currently in the process of renewal after being found to be out of compliance. One academy is suspected to not have enough time to come into compliance before the start of their next class. Lastly Sheriff Mazzola gave details on Arapahoe CC and Thornton PD and their progress while coming into compliance.

20. **Appeal Hearing Findings** Commissioner Laura Daniels

Commissioner Daniels gave a briefing on the appeal hearings findings of Ms. Barrowman. After careful consideration she was awarded her rule 8 variance.

21. **DMVA – MP Reciprocity** Lt. Col. Alyssa Aarhaus Lt. Parker White

A presentation was made by Colonel Alyssa Aarhaus, Commander of 89 Troop Command, with 2,300 soldiers and the Colorado National Guard's largest brigade. Results of the pole was presented for a reciprocity agreement to help them become certified officers. A motion was made to approve the presentation and to move forward.

*Motion to approve – 1st Mazzola, 2nd Dingfelder.*

*Approved unanimously.*

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

Alexander Landau, Founder and Co-Executive Director of the Denver Justice Project. Presented concerns over the shooting of Adam Fresquez in Edgewater on May 3, 2023.

23. **Adjournment** Attorney General Phil Weiser

*Motion to adjourn - 1st Dingfelder, 2nd Swoboda.*

*Approved unanimously.*