MINUTES

STATE POLICE COMMISSION

DATE: February 11, 2016 TIME: 9:00 A.M.

LOCATION: Office of the State Police Commission
Office of Management Finance & OMV Building
7979 Independence Boulevard
Suite 208
Baton Rouge, Louisiana 70806

PRESENT: Franklin M. Kyle, III, Chairman
W. Lloyd Grafton, Vice Chair
Calvin Braxton, Sr.
Donald Breaux
Trooper Thomas "T.J." Doss

ABSENT: Freddie Pitcher
William Goldring

Also Present: Cathy Derbonne, Executive Director
M. Lenore Feeney, Referee
William A. Norfolk, Referees

The regular monthly meeting of the Louisiana State Police Commission convened at 9:00A.M. on Thursday, February 11, 2016 at the above address.

Present were Chairman, Franklin M. Kyle, III, Vice-Chairman, W. Lloyd Grafton, and Members, Thomas "T. J." Doss, Donald Breaux, and Calvin W. Braxton. Members Freddie Pitcher and William Goldring were absent. Also present were M. Lenore Feeney and William A. Norfolk, Referees.

On motion duly made and seconded by unanimous vote of the Members present, the Commissioners voted to approve the minutes from the January 14, 2016, meeting. Commissioner Braxton requested more detailed minutes from the discussion between Commission Members and Mr. Floyd Falcon regarding the prohibition of political activity, specifically:

> **Com. Braxton**: "If a trooper, a classified member of the state police service, are they exempt from the prohibited political activities; specifically can a trooper vote and contribute to a politician as a member of the LSTA organization?"
> **Falcon** stated that he believes the troopers are exempt as members of LSTA.

Com. Grafton: "You believe, or you know?"

Mr. Falcon: "I don't know, sir."

Com. Grafton: "What I hear you say, is Louisiana State Police is prohibited from contributing to a political candidate, so you're telling us that Louisiana State Police classified members can form another group and they can contribute to a politician, when they were prohibited under the law from doing so, and they would not be held accountable because they formed a separate association?"

Mr. Falcon: "Yes."

Grafton: "It almost makes me think there was something suspect here because of the check writing. Why wouldn't the association have made the contribution; It looks like someone was trying to circumvent something?"

Mr. Falcon said he didn't know why the check was made in Young's name; but that LSTA supports a lot of different entities, and yes the organization did make a contribution.

Grafton pointed out the Commission is empowered to investigate illegal or questionable activity by the classified members of the State Police Service.

Opportunity to Address the Commission by Employees or Others

The Commission was addressed by the following:

Mr. Leon "Bucky" Millet questioned the Commission about the status of the investigation and when will he receive notice of a public hearing. Chairman Kyle requested that SPC counsel research and determine what the Commission's authority was in this matter and to make the Commissioners aware.

Lenore Feeney, attorney/referee for SPC, addressed the Commission stated that it was her opinion that the SPC did not have jurisdiction to consider any wrongdoing of by the LSTA or its executive director, David Young. She further stated that whether Mr. Young, who is not a State Trooper or Commissioner, violated the law by making political contributions in his own name, but on behalf of LSTA, and then obtaining reimbursement from LSTA was not an issue for the SPC to investigate.

She further stated that if, however, classified state troopers were involved in the selection of political candidates for LSTA to support through financial contributions or endorsements or otherwise made financial contributions through the LSTA to political candidates, then those troopers may be subject to discipline by the SPC. Such activities are prohibited by the La. Constitution (La. Const. Art. X, Sec 47) and SPC Rule 14.2

In order to determine whether any classified troopers were involved in the selection of political candidates for endorsement or for financial contributions, an investigation by the SPC will need to be instituted. The SPC rules governing investigations are located in Chapter 16. Because a person filed written charges alleging a violation of SPC rules, an investigation must be instituted and a public hearing held within six months of the filing of the charge. SPC Rule 16.3(b)The SPC has six months to investigate and hold a public hearing concerning those charges that stem from events that occurred in the preceding one year. After the investigation has begun, if the SPC is made aware of a classified trooper who the SPC has reasonable cause to suspect violated the rules, the SPC may declare that person to be a respondent. The respondent must be notified of the investigation promptly after the assigning of a date for public hearing.

In the appeal of Chris Guillory, all disputes involving this appeal were settled. Appellee agrees to replace the letter of reprimand dated November 13, 2015, with a letter of counseling. Each part shall bear its /his own costs and attorney's fees with regard to this appeal. In consideration of this settlement agreement, Appellant dismisses his appeal with prejudice. Approved by Michele M. Giroir, Attorney for Office of State Police and Attorney for Chris Guillory, Mrs. Jill L. Craft.

Under Commission business, the Director advised that a request for reinstatement of leave (sick leave) for State Police M/T Christopher Celestin was approved. M/T Celestin sustained an on-duty injury when his unit was hit from behind on July 6, 2008, and was required to take leave from August 21, 2008 to August 27, 2015. Human Resources has advised that a total of 1535 hours of sick leave was not reimbursed by workers compensation for this injury.

The next scheduled meeting of the State Police Commission is Thursday, March 10, 2016, at 9:00 a.m., at Office of Management Finance & OMV Building, 7979 Independence Blvd., Suite 208, Baton Rouge, La 70809.

At the Conclusion of the Commission's agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn its meeting at 9:45 A.M.

Respectfully submitted:

W. Lloyd Grafton, Vice-Chairman

Cathy Derbonne, Executive Director