

MINUTES

STATE POLICE COMMISSION

JANUARY 25, 1993

The State Police Commission convened its monthly meeting at 9:17 a.m. on Monday, January 25, 1993, in Classroom No. 17, Second Floor Dorm Building, State Police Training Academy, 7901 Independence Boulevard in Baton Rouge, Louisiana. Present were Chair James R. Conway, III and Members Joseph T. Booth, Roane E. Hathorn, Richard N. Kinsey and Helen E. Mendell. Absent were Vice-Chair Ollie G. Christian and Member Clifford V. Johnson. Also present at the meeting were Jane Orr, Debra Johnson, Norman Ershler and Gilda Russ.

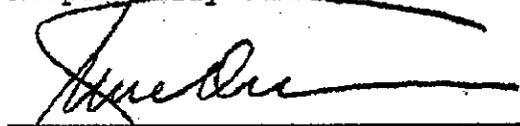
On motion duly made, seconded and passed, the Commission voted to approve the Minutes from the September 21, 1992 meeting.

The continuation of the public hearing of the appeals of Darrell Berry and Willie Giles, (Department of Public Safety and Corrections, Office of State Police), Docket Nos. 91-01-P and 91-04-P (consolidated) was called. On motion duly made, seconded and passed, the Commission voted to appoint Norman W. Ershler as Referee for the taking of testimony in this matter. Upon completion of the testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

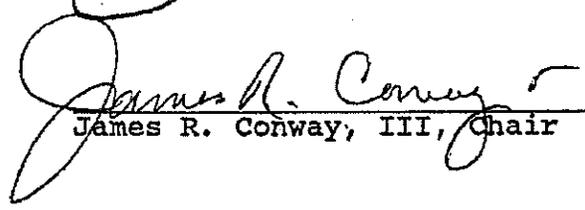
On motion duly made, seconded and passed, the Commission voted to enter into Executive Session for the purpose of discussing the disposition of the above-referenced appeal and personnel matters related to the Commission's Executive Director.

At the conclusion of the Commission's Executive Session, and with there being no further business, the Commission adjourned its meeting at 4:15 p.m., until Monday, February 15, 1993.

Respectfully submitted:



Jane Orr, Executive Director



James R. Conway, III, Chair

MINUTES

STATE POLICE COMMISSION

FEBRUARY 15, 1993

The State Police Commission convened its monthly meeting at 9:40 a.m., on Monday, February 15, 1993, in the Conference Room, Eleventh Floor, Wooddale Tower Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chair James R. Conway, III, Vice-Chair Ollie G. Christian and Members Joseph T. Booth, Roane E. Hathorn, Clifford V. Johnson, Richard N. Kinsey and Helen E. Mendell. Also present were Jane Orr, Debra Johnson, Norman Ershler and Gilda Russ.

On motion duly made, seconded and passed, the Commission voted to approve the Minutes from the January 25, 1993 meeting.

The public hearing of the appeal of Richard E. Briscoe, Docket No. 92-21-T was called. On motion duly made, seconded and passed, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in this matter. At the outset of the hearing it was determined that one of appellee's key witnesses was not present at the hearing and therefore, appellee requested that the matter be continued. This request was approved, and the matter was continued without date.

The public hearing of the appeal of JENNIFER L. EVANS, Docket No. 92-19-S was called. On motion duly made, seconded and passed, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in this matter. Upon completion of the testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be

forthcoming.

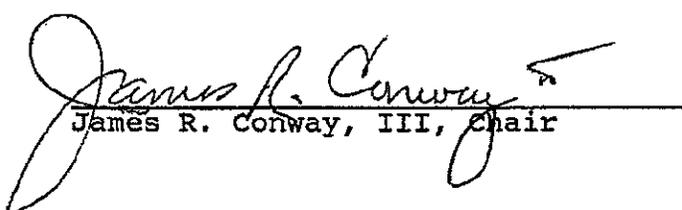
The public hearing of the appeal of JENNIFER L. EVANS, Docket No. 92-20-S was called. On motion duly made, seconded and passed, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in this matter. Testimony was taken from two witnesses, at which time it was determined that one of appellee's key witnesses was not present at the hearing and therefore, appellee requested that the matter be continued. This request was approved, and the matter was continued without date.

On motion duly made, seconded and passed, the Commission voted to enter into Executive Session for the purpose of discussing the disposition of the appeal of Jennifer L. Evans, Docket No. 92-19-S and personnel matters related to the Commission's Executive Director.

At the conclusion of Executive Session, the Commission instructed the staff to schedule a special meeting of the Commission for Wednesday, February 24, 1993, at 8:30 a.m., in Baton Rouge for the purpose of reviewing the budget. With there being no further business, the Commission adjourned its meeting at 7:40 p.m., until Wednesday, February 24, 1993.

Respectfully submitted:

Jane Orr, Executive Director



James R. Conway, III, Chair

MINUTES

STATE POLICE COMMISSION

FEBRUARY 24, 1993

The State Police Commission convened its meeting at 8:42 a.m., on Wednesday, February 24, 1993, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Vice-Chair Ollie G. Christian and Members Joseph T. Booth, Clifford V. Johnson, Richard N. Kinsey and Helen E. Mendell. Absent were Chair James R. Conway, III and Member Roane E. Hathorn. Also present at the meeting were Jane Orr, Debra Johnson, Norman Ershler and Gilda Russ.

The meeting was opened by Vice-Chair Christian and turned over to Member Mendell to conduct the proceedings.

The Commission received copies of the budget of the State Police Commission for Fiscal Year 1993/94 for its review. It was determined that the budget was submitted to the Division of Administration on Friday, February 19, 1993. Upon receipt of the budget, officials at the Division of Administration advised Ms. Johnson of the Commission that the budget was still lacking, in that it did not include the performance indicators. Ms. Johnson assured the budget officials that the forms would be forthcoming.

On motion duly made, seconded and passed, the Commission voted to enter into Executive Session to discuss personnel matters related to the Commission's Executive Director. At the conclusion of Executive Session, the meeting was returned to an open forum.

On motion duly made, seconded and passed, the Commission voted

to remove Ms. Orr from the position of Executive Director, effective at the close of business on Wednesday, February 24, 1993 for unsatisfactory performance.

On motion duly made, seconded and passed, the Commission voted to appoint Ms. Johnson as the Interim Executive Director, at a salary of \$1250 bi-weekly, which position was accepted by Ms. Johnson.

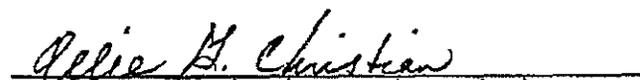
The Commission formed a Search Committee for the position of Executive Director, consisting of Members Christian, Hathorn and Kinsey.

The Commission also reinstated its Rule Committee, consisting of Members Booth, Johnson and Mendell.

There being no further business, the Commission adjourned its meeting at 9:48 a.m., until Monday, March 15, 1993.

Respectfully submitted:


Debra L. Johnson
Interim Executive Director


Ollie G. Christian, Vice-Chair

MINUTES

STATE POLICE COMMISSION

APRIL 19, 1993

The State Police Commission convened its monthly meeting at 9:10 a.m. on Monday, April 19, 1993, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chair James R. Conway, III, Vice-Chair Ollie G. Christian and Members Joseph T. Booth, Roane E. Hathorn, Clifford V. Johnson, Richard N. Kinsey and Helen E. Mendell. Also present were Debra Johnson, Norman Ershler and Gilda Russ.

On motion duly made, seconded and passed, the Commission voted to approve the Minutes from the February 15 and 24, 1993 meetings.

The Commission entertained a proposed settlement in the Appeal of Shannon L. Lavergne, Docket No. 93-27-0. After careful consideration, and on motion duly made, seconded and passed, the Commission voted to deny the settlement.

The Commission entertained comments from Russell Culotta, Debra Johnson, Colonel Fontenot and Baxter Welch in connection with the proposed rule revision of State Police Commission Rule 8.20(a). On motion duly made, seconded and passed, the Commission voted to amend the rule as follows:

8.20 Promotion.

- (a) Subject to the provisions of Rules 8.9(a) and 8.9(c), each promotion shall be made by appointing one of the eligibles within the five highest final grade groups on a promotional certificate issued by the Director following competitive examination. If there are five (5) or fewer qualified applicants for a vacancy, the Director may declare a non-competitive situation and forego testing for that vacancy. In such case, the applicants

shall be rated "Eligible".

The Commission entertained, on an ex parte basis, the Motion to Proceed in Forma Pauperis filed in connection with the Appeal of Darrell Berry, Docket No. 91-04-P. On motion duly made, seconded and passed, the Commission voted to deny the Motion. Additionally, the Commission requested the appellant furnish more detailed information with regard to his earnings and living expenses. Upon receipt of the additional information, this matter will be placed on the Commission's agenda for reconsideration on May 17, 1993.

The public hearing of the Appeal of Robert E. Hilburn, II, Docket No. 92-24-0 was called. On motion duly made, seconded and passed, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in this matter. This matter was limited to a consideration of the Motion for Summary Disposition and Opposition thereto, with testimony being taken in connection with the issue of timeliness. Upon completion of the testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

The public hearing of the Appeal of John B. Matte and Jesse S. Perry, Docket No. 92-25-S was called. On motion duly made, seconded and passed, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in this matter. Upon completion of the testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

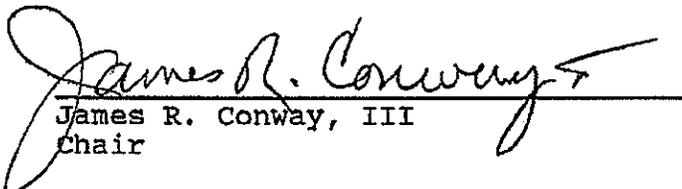
The Interim Executive Director advised the Commission of the status of the following items:

1. Proposed pay plan submitted to the Governor February 2, 1993;
2. Status of the budget and rent;
3. Professional services contract for transcription of appeal hearings.

At the conclusion of the Interim Executive Director's Report, and with there being no further business, the Commission adjourned its meeting at 6:20 p.m., until Monday, May 17, 1993.

Respectfully submitted:


Debra L. Johnson
Interim Executive Director


James R. Conway, III
Chair



MINUTES
STATE POLICE COMMISSION

MAY 17, 1993

The State Police Commission convened its monthly meeting at 9:12 a.m. on Monday, May 17, 1993, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chair James R. Conway, III, Vice-Chair Ollie G. Christian and Members Joseph T. Booth, Roane E. Hathorn and Helen E. Mendell. Members Richard N. Kinsey and Clifford V. Johnson were absent. Also present were Debra Johnson, Norman Ershler and Gilda Russ. Vice-Chair Christian departed the meeting at 10:10 a.m.

On motion duly made, seconded and passed, the Commission voted to approve the Minutes from the April 19, 1993 meeting.

The continuation of the public hearing of the appeal of Jennifer L. Evans, (Department of Public Safety and Corrections, Office of State Police - Troop A), Docket No. 92-20-S, was called. ~~Upon completion of testimony, evidence and all arguments by the parties,~~ the matter was taken under advisement, with a written decision to be forthcoming.

The public hearing of the appeal of Johnell Temple, (Department of Public Safety and Corrections, Office of State Police - Troop B), Docket No. 92-26-T, was called. By unanimous vote of the members present, the Commission voted to appoint Norman W. Ershler as Referee for the taking of testimony in this matter. The hearing was limited to a consideration of the Request for Summary Disposition filed by appellant and the Response thereto

filed by appellee. After considering the evidence (where appropriate), the law and the argument of the parties, the Request for Summary Disposition based on grounds 1, 3 and 4 was denied. The issues of discrimination, appellant's compliance with State Police Commission Rule 13.11(d) and the Request for Summary Disposition based on ground 2 were taken under advisement, with a written decision to be forthcoming. The remaining issues will be rescheduled for hearing.

As an item on the Director's Report, the Commission received a presentation from Lieutenant Booth relative to an amendment to State Police Commission Rule 6.16 (d). The proposal read as follows: However, upon a permanent employee attaining thirty (30) years of credited service, he shall be moved to the maximum of his pay range. The Commission received comments from Thomas H. Normile, Wanda Raber and Walter Smith in opposition to the proposal. After receiving all comments, and on motion duly made, seconded and passed, the Commission voted not to present the Rule change at a public meeting for adoption.

As additional items on the Director's Report, Ms. Johnson requested the members select an alternative date for the August 1993 meeting, inasmuch as the Commission staff would be out of town part of the week previous to the meeting and would be unable to deal with last minute meeting items. The Commission requested that the matter be discussed at the June 21, 1993 meeting, where all members could be present. Ms. Johnson also advised the Commission as to the status of the current budget, as well as the budget for Fiscal Year 1993/94. As regards Cadet testing, Ms. Johnson

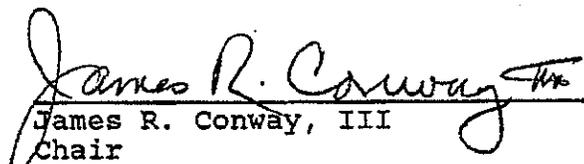
informed the Commission of a meeting between Lieutenant Booth, Ms. Johnson and Herbert L. Sumrall of the Department of Civil Service, wherein it was requested that the State Police Commission be allowed to utilize the test for Cadet previously administered by the Department of State Civil Service. This request was denied by Mr. Sumrall, citing that Ms. Johnson was using the best possible vehicle for testing Cadet applicants. The possibility was also discussed of the necessity of charging applicants an "application fee" for applying and testing for Cadet. The Commission requested Ms. Johnson research the feasibility of charging for testing and report her findings to the Commission at their June 21, 1993 meeting.

The Commission entertained, on an ex parte basis, the Amended Motion to Proceed in Forma Pauperis, filed in connection with the Appeal of Darrell Berry, Docket No. 91-01-P. Upon completion of reviewing the original Motion, as well as the Amended Motion, by unanimous vote of the members present, the Commission voted to deny the Motion to Proceed in Forma Pauperis.

At the conclusion of the Director's Report, and with there being no further business, the Commission adjourned its meeting at 6:15 p.m., until Monday, June 21, 1993.



Debra L. Johnson
Interim Executive Director



James R. Conway, III
Chair



MINUTES

STATE POLICE COMMISSION

JUNE 21, 1993

The State Police Commission convened its monthly meeting at 9:10 a.m., on Monday, June 21, 1993, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chair James R. Conway, III, Vice-Chair Ollie G. Christian and Members Joseph T. Booth, Roane E. Hathorn and Richard N. Kinsey. Commissioner Clifford V. Johnson arrived at 9:20 a.m. Commissioner Helen R. Mendell was absent. Also present were Debra Johnson, Norman Ershler and Gilda Russ.

On motion duly made, seconded and passed, the Commission voted to approve the Minutes from the May 17, 1993 meeting.

The public hearing of the appeal of Richard E. Briscoe, (Department of Public Safety and Corrections, Office of State Police - Troop C), Docket No. 92-21-T, was called. By unanimous vote of the members present, the Commission voted to appoint Norman W. Ershler as Referee for the taking of testimony in this matter. Upon completion of testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

The public hearing of the appeal of Shannon L. Laverqne, (Department of Public Safety and Corrections, Office of State Police - Troop D), Docket No. 93-27-0, was called. This matter was limited to a consideration of the issue of timeliness. By unanimous vote of the members present, the Commission voted to

appoint Norman W. Ershler as Referee for the taking of testimony in this matter. Upon completion of testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

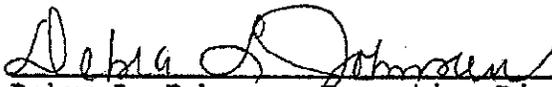
The Commission entertained, on an ex parte basis, the Motion to Request an Answer for Denying Appellant Pauperis Status and Motion to Expedite Transcription of Tapes filed by appellant in connection with the appeal of Darrell Berry, (Department of Public Safety and Corrections, Office of State Police), Docket No. 91-01-P. After a review of the Motions, the Commission issued the correspondence, attached hereto as Attachment A.

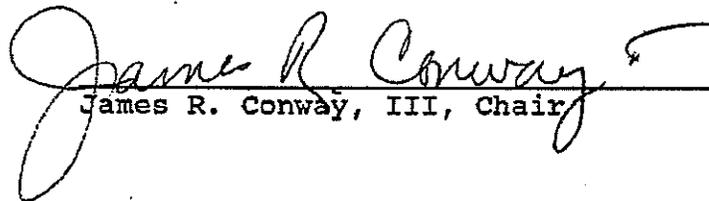
The Commission entertained a June 15, 1993 letter from Colonel Fontenot, requesting that the public hearing of the appeal of Edward Kuhnert, Docket No. 93-36-D, be expedited. The Commission is looking into the feasibility of scheduling an "additional" meeting in September, 1993, in order to move all appeal hearings up on the calendar by a month. No firm date was scheduled for this meeting.

Ms. Johnson advised the Commission of the final status of the budget for Fiscal Year 1992/93, as well as the status of the budget for Fiscal Year 1993/94. The Commission was advised that only two of the budgeted positions would be filled for Fiscal Year 1993/94. On motion duly made, seconded and passed, the Commission voted to appoint Debra Johnson as the permanent Director, with an interim salary of \$37,000, effective June 22, 1993.

At the conclusion of the appeal hearings and Director's Report, and with there being no further business, the Commission adjourned its meeting at 2:50 p.m., until Monday, July 19, 1993.

Respectfully submitted:


Debra L. Johnson, Executive Director


James R. Conway, III, Chair

State Police Commission



Post Office Box 66555
Baton Rouge, La. 70896-6555
Phone (504) 925-7057
Fax (504) 925-7058

June 24, 1993

Mr. Darrell Berry
7078 Van Gogh Avenue, Apt. 23
Baton Rouge, Louisiana 70806

In Re: Darrell Berry vs. Department
of Public Safety and Corrections,
Office of State Police, Docket No.
91-01-P

Dear Mr. Berry:

Your Motion to Expedite Transcript and Motion for Answer to Denial of Pauper Status were discussed by the State Police Commission on June 21, 1993.

With regard to the transcript, we are presently processing only your appeal, and the transcription of your record will therefore have priority status. As to your request for an answer concerning your pauper status, the Commission considered your pauper motion and all of its attachments and supplements and thereafter voted to deny the motion. Other than informing you of its action, no formal opinion is required.

Sincerely,

Debra L. Johnson, Secretary
State Police Commission

cc: Mr. Paul Schexnayder

Attachment A

MINUTES

STATE POLICE COMMISSION

JULY 19, 1993

The State Police Commission convened its monthly meeting at 8:30 a.m., on Monday, July 19, 1993, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chair James R. Conway, III, Vice-Chair Ollie G. Christian and Members Joseph T. Booth, Roane E. Hathorn and Clifford V. Johnson. Commissioner Helen E. Mendell arrived at 8:55 a.m.. Commissioner Richard N. Kinsey was absent. Also present were Debra Johnson, Norman Ershler and Gilda Russ.

The Commission convened its meeting at 8:30 a.m. for the purpose of entering into executive session to discuss personnel matters relative to Norman W. Ershler. At the conclusion of the executive session, on motion duly made, seconded and passed, the Commission voted to appoint Mr. Ershler as a part-time Deputy Director, in the unclassified service, at a monthly salary of \$1350 per month, reflective of compensation for a maximum of thirty (30) hours work per month, at a rate of \$45.00 per hour. It was further specified that Mr. Ershler would conduct his work in the Commission offices, his residence, law library and/or any other appropriate location, at his discretion. The Commission instructed Ms. Johnson to initiate the paperwork to place Mr. Ershler in said position, as well as to begin preparation of a contract for professional services with Mr. Ershler for legal services. The Commission also instructed Ms. Johnson to pursue all avenues available for a

permanent arrangement for legal services.

On motion duly made, seconded and passed, the Commission approved the Minutes from the June 21, 1993 meeting.

The Commission reviewed previously submitted writings by the Department of Public Safety and Corrections, Office of State Police and the Louisiana State Troopers Association, as well as received comments from Russell J. Culotta, Thomas H. Normile and Kenneth H. Norris relative to the amendment of State Police Commission Rule 11.23.1. On motion duly made, seconded and passed, the Commission voted to amend the Rule as follows:

11.23.1 Funeral Leave.

Probationary and permanent employees may be granted time off without loss of pay, annual leave or sick leave, when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, or grand-child; provided such time off shall not exceed three days on any one occasion.

The amended Rule became effective July 19, 1993, with a transmittal sheet to be forthcoming.

The public hearing of the appeal of Gregory V. Dawson, (Department of Public Safety and Corrections, Office of State Police - Troop A), Docket No. 93-29-S, was called. By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in this matter. Upon completion of testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

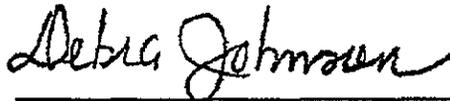
The public hearing of the appeal of Merwyn D. Erwin, (Department of Public Safety and Corrections, Office of State

Police - Protective Services), Docket No. 93-31-S, was called. By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in this matter. Upon completion of testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

On motion duly made, seconded and passed, the Commission voted to hold two additional meetings in 1993, in an attempt to minimize the backlog of appeals awaiting hearing dates. The specific meeting dates are September 13, 1993 and October 11, 1993. These meetings will be held in addition to the Commission's regularly scheduled meetings of September 20, 1993 and October 18, 1993.

There being no further business, the Commission adjourned its meeting at 2:00 p.m., until Monday, August 16, 1993.

Respectfully submitted:



Debra L. Johnson, Director



Ollie Christian, Vice-Chair



MINUTES

STATE POLICE COMMISSION

AUGUST 16, 1993

The State Police Commission convened its monthly meeting at 9:15 a.m. on Monday, August 16, 1993, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Vice-Chair Ollie Christian and Members Joseph T. Booth, Roane E. Hathorn, Clifford V. Johnson, Richard N. Kinsey and Helen E. Mendell. Chair James R. Conway, III was absent. Also present were Debra Johnson, Norman Ershler and Gilda Russ. In the absence of Mr. Conway, the meeting was chaired by Ms. Mendell.

On motion duly made, seconded and passed, the Commission voted to approve the Minutes from the July 19, 1993 meeting.

The Commission received a presentation relative to the proposed settlement of the appeal of Richard Christian, (Department of Public Safety and Corrections, Office of State Police - Troop G), Docket No. 93-32-S. On motion duly made, seconded and passed, the Commission voted to approve the settlement, as outlined in the July 29, 1993 settlement submitted by counsel.

The public hearing of the appeal of Kimberly Allison-LeBlanc, (Department of Public Safety and Corrections, Office of State Police - Troop D), Docket No. 93-34-P, was called. The hearing was limited to a consideration of the issue of the timeliness of the filing of the appeal. By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in this matter. Upon completion of testimony,

evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

The public hearing of the appeal of Richard Fox, (Department of Public Safety and Corrections, Office of State Police - Operational Development), Docket No. 93-33-0, was called. By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in this matter. After partial completion of the testimony, the parties presented a verbal settlement proposal to the Commission. On motion duly made, seconded and passed, the Commission voted to approve the settlement. The matter was continued pending submission of the written settlement and withdrawal of the appeal by appellant.

The Commission was advised that Item Number 6 on the agenda, the public hearing of the appeal of Genevieve L. May, (Department of Public Safety and Corrections, Office of State Police), Docket No. 93-37-R, was withdrawn by the appellant. No further action was required by the Commission.

As part of the Director's Report, Ms. Johnson discussed correspondence between Ms. Johnson and Raymond LaBorde, Commissioner of Administration, relative to the status of the budget for the office. Additionally, Ms. Johnson discussed correspondence received from the Attorney General's Office relative to the feasibility of charging applicants for taking the State Police Cadet examination. It was requested that Mr. Ershler conduct some additional research with regard to the fee for testing. Ms. Johnson also advised the Commission of communication

from the Division of Administration relative to Mr. Ershler's occupying the unclassified position of Deputy Director on a part-time basis. The Division of Administration advised Ms. Johnson that a contract for professional services must be entered into for legal services.

On motion duly made, seconded and passed, the Commission voted to enter into Executive Session to discuss a contract for legal services. At the conclusion of the Executive Session, the Commission instructed Ms. Johnson to draft a contract for legal services, at a rate of \$50.00 per hour, with a maximum of twenty (20) hours per month. An additional five (5) hours of work could be approved by Ms. Johnson. Any work over the twenty-five (25) hours would require approval of the Commission.

There being no further business, the Commission adjourned its meeting at 4:20 p.m., until Monday, September 13, 1993.

Respectfully submitted:



Debra L. Johnson, Director



Helen E. Mendell, Member



MINUTES

STATE POLICE COMMISSION

SEPTEMBER 20, 1993

The State Police Commission convened its monthly meeting at 9:10 a.m. on Monday, September 20, 1993, in Classroom No. 17, Second Floor Dorm Building, State Police Training Academy, 7901 Independence Boulevard in Baton Rouge, Louisiana. Present were Vice-Chair Ollie Christian and Members Joseph T. Booth, Clifford Johnson, Richard Kinsey and Helen Mendell. The meeting was chaired by Member Mendell. Also present were Debra Johnson, Gilda Russ and Norman Ershler. Chair James Conway and Member Roane Hathorn were absent.

On motion duly made, seconded and passed, the Commission voted to approve the Minutes from the August 16, 1993 meeting.

The Commission received a presentation relative to the proposed settlement of the appeal of Richard Fox, Docket No. 93-33-0. On motion duly made, seconded and passed, the Commission voted to approve the settlement, as outlined in the August 23, 1993 proposal submitted by counsel. Approval of the settlement does not constitute a final disposition of the matter. Appellant will withdraw the appeal when he is satisfied that all terms of the settlement have been carried out.

By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as Referee for the taking of testimony in the following cases:

- (a) Appeal of Johnell Temple, Docket No. 92-26-T;
- (b) Appeal of Vincent J. DiBenedetto, Docket No. 92-18-0; and

(c) Appeal of Louis H. Cook and Kenneth Williams, Docket No. 93-35-R/S.

The Commission received a presentation relative to the continuation of the appeal of Johnell Temple, Docket No. 92-26-T. The Commission was informed that depositions of the remaining two witnesses would be submitted, as well as post-hearing memoranda by both parties. After receipt of the depositions and memoranda, the matter will be deemed submitted, taken under advisement by the Commission, with a written decision to be forthcoming.

The Commission was advised that by letter dated September 8, 1993, counsel for appellant advised that the remaining issues in the appeal of Vincent J. DiBenedetto, Docket No. 92-18-0, were moot. Therefore, the appeal has been withdrawn from the docket of the Commission.

The public hearing of the appeal of Louis H. Cook and Kenneth Williams, Docket No. 93-35-R/S, was called. The Commission received testimony and evidence from the appellants only. Due to the lateness of the hour and the number of witnesses remaining, the matter was continued until Monday, October 18, 1993, at 9:00 a.m.

The Commission received a presentation from Norman Ershler relative to the propriety of charging applicants a test/administrative fee for the position of State Police Cadet. The Commission instructed Mr. Ershler to conduct some additional research on the issue and submit a report of his findings to the Commission at their next meeting.

On motion duly made, seconded and passed, the Commission voted to approve the proposed contract for professional services with Norman Ershler.

There being no further business, the Commission adjourned its meeting at 5:15 p.m., until Monday, October 18, 1993.

Respectfully submitted:



Debra L. Johnson, Director

Helen E. Mendell, Member



MINUTES

STATE POLICE COMMISSION

OCTOBER 18, 1993

The State Police Commission convened its monthly meeting at 9:15 a.m., on Monday, October 18, 1993, in the Hearing Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chair James Conway, Vice-Chair Ollie Christian and Members Joseph Booth, Clifford Johnson and Richard Kinsey. Members Helen Mendell and Roane Hathorn were absent. Also present were Debra Johnson, Norman Ershler and Gilda Russ.

The Commission received a presentation from Thomas H. Normile, outgoing Executive Director of the Louisiana State Troopers Association, introducing William Spencer as the newly appointed LSTA Executive Director, effective November 1, 1993. Mr. Normile thanked the Commission for the courtesies extended to him during his tenure as the Executive Director.

On motion duly made, seconded and passed, the Commission voted to approve the Minutes from the September 20, 1993 meeting.

On motion duly made, seconded and passed, the Commission voted to approve the revisions to the State Police Commission Rules concerning the changing of all Chapters of the Rules with regard to the following: State Department of Civil Service, Department of Civil Service and/or Civil Service Commission changed to the State Police Commission, and the Director of the State Department of Civil Service changed to Director of the State Police Commission, as well as the changes to Chapter 13 of the Rules, mailed out on

Transmittal Sheet No. 6, with an effective date of October 18, 1993.

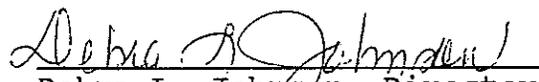
The continuation of the public hearing of the appeal of Louis H. Cook and Kenneth Williams, Docket No. 93-35-R/S, was called. Upon completion of the testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

The Commission received a presentation from Norman Ershler relative to discovery and pre-hearing procedures. The Commission instructed Ms. Johnson to begin the process of bringing these items up as additions to the State Police Commission Rules.

The Commission received a presentation from Mr. Ershler and Ms. Johnson relative to the contract for professional services with Mr. Ershler. Ms. Johnson advised the members that the contract was pending approval at the Attorney General's Office, and that the total dollar amount remaining in the contract for Fiscal Year 1993/94 is \$4,517.00.

There being no further business, the Commission adjourned its meeting at 6:00 p.m., until Monday, November 15, 1993.

Respectfully submitted:


Debra L. Johnson, Director

James Conway, Chair

MINUTES

STATE POLICE COMMISSION

NOVEMBER 15, 1993

The State Police Commission convened its monthly meeting at 9:15 a.m., on Monday, November 15, 1993, in the Hearing Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Members Joseph Booth, Ollie Christian, Roane Hathorn, Clifford Johnson and Richard Kinsey. Members James Conway and Helen Mendell were absent. Also present were Debra Johnson, Norman Ershler and Gilda Russ.

Robert R. Boland, Jr., General Counsel of the Department of State Civil Service, on behalf of his Director, addressed the Commission and expressed his Department's concern regarding the effect of a State Police Commission decision in the allocation of a job position within the Legal Section of the Office of State Police.

On motion duly made, seconded and passed, the Commission voted to approve the Minutes from the October 18, 1993 meeting.

On motion duly made, seconded and passed, the Commission voted to repeal State Police Commission Rule 4.1(e), effective November 15, 1993.

By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as Referee in the following cases:

1. Appeal of Michael Mensman, Docket No. 93-38-T;
2. Appeal of Kermit Smith, Docket No. 93-39-S;
3. Appeal of Gregory Dawson, Docket No. 93-40-O;

4. Appeal of Kimberly Allison-LeBlanc, Docket No. 93-34-P;
and

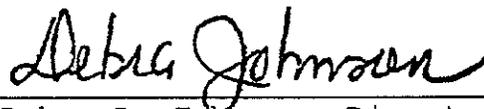
5. Appeal of Edward Kuhnert, Docket No. 93-36-D.

The public hearing of the appeal of Michael J. Mensman, Docket No. 93-38-T, was called. Upon completion of testimony, evidence and all arguments by the parties, the matter was taken under advisement, with a written decision to be forthcoming.

The public hearing of the appeal of Kermit W. Smith, Docket No. 93-39-S, was called. Upon completion of appellee's case-in-chief, counsel for appellant moved for summary disposition of the matter, based on the fact that appellee had not borne its burden of proof as to the charges outlined in the letter of disciplinary action. After considering all testimony, evidence and arguments by the parties, the Commission granted appellant's request for summary disposition of the appeal. A written decision will be forthcoming.

There being no further business, the Commission adjourned its meeting at 5:45 p.m., until Monday, December 20, 1993.

Respectfully submitted:



Debra L. Johnson, Director

Joseph T. Booth, Member

MINUTES

STATE POLICE COMMISSION

DECEMBER 20, 1993

The State Police Commission convened its monthly meeting at 10:20 a.m. on Monday, December 20, 1993, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were members Roane Hathorn, Richard Kinsey, Clifford Johnson and Joseph Booth. Members James Conway, Helen Mendell and Ollie Christian were absent. Also present were Debra Johnson, Norman Ershler and Gilda Russ.

The Commission received a presentation from Colonel Fontenot relative to granting a \$0.25 per hour shift differential to State Police officers in the Traffic Division, for the rank of Cadet through Lieutenant, for all hours actually worked from 6:00 p.m. to 6:00 a.m. On motion duly made, seconded and passed, the Commission voted to approve the request, pursuant to the provisions of State Police Commission Rule 6.16(a), with an effective date of January 3, 1994.

Colonel Fontenot addressed the Commission and requested that the detail of the position of Captain for the Office of Motor Vehicles, Motor Vehicle Police Section, be extended for some period, in order to allow time for the Office of State Police to present a formal request to the Commission for approval of the positions of Captain for Motor Vehicle Police Section and Captain for Legal Services Section. By unanimous vote, the Commission granted Colonel Fontenot's request and extended the detail of this position through the close of business on the day of its next

Commission meeting, January 24, 1994.

On motion duly made, seconded and passed, the Commission voted to approve the Minutes of the November 15, 1993 meeting.

By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as Referee in the following cases:

1. Appeal of Robert F. Guilbeaux, (Docket No. 93-41-S); and
2. Appeal of Vincent J. DiBenedetto, (Docket No. 93042-T).

After conducting preliminary business, Commissioner Booth's illness prevented him from remaining and the Commission then adjourned its meeting for lack of a quorum, at 11:55 a.m., until Monday, January 24, 1994.

Respectfully submitted:



Debra L. Johnson, Director

Roane E. Hathorn, Chair