



ACTION/MINUTES

LOUISIANA STATE POLICE COMMISSION
GENERAL BUSINESS MEETING
THURSDAY, JANUARY 10, 2019
9:00 A.M.

John Bel Edwards
Governor

Jason Hannaman
Executive Director

*STATE POLICE COMMISSION, VETERANS MEMORIAL AUDITORIUM, SUITE 1247,
DEPT. OF AGRICULTURE & FORESTRY BLDG., 5825 FLORIDA BLVD., BATON ROUGE, LA 70806*

I. Call to Order

The State Police Commission convened its monthly general business meeting at 9:06 A.M. on Thursday, January 10, 2019.

II. Roll Call

Present were Chairman Eulis Simien, Jr., Commissioners Nelson Cantrelle, Jr., Sgt. Jeffrey Foss, Jared Caruso-Riecke, and Harold Pierite, Sr; there was a quorum. Vice-Chairman Brian Crawford was absent. Additionally, Commission Referee Lenore Feeney and Executive Director Jason Hannaman were present. Commissioner Leonard Knapp, Jr. arrived at 9:15 A.M. during agenda item #1 of regular business.

III. Moment of Silence

A moment of silence was observed.

IV. Pledge of Allegiance

Chairman Eulis Simien, Jr. led the Pledge of Allegiance.

V. Opportunity to Address the Commission by employees or others concerning items on the agenda. (Please submit a speaker request form prior to the meeting being called to order.)

Mr. Leon Millet submitted a request to address the Commission. He read a prepared statement requesting an investigation into what he deems as violations of Chapter 14 of State Police Commission rules and violations of Article 10, section 47 of the Louisiana Constitution. Mr. Millet alleges that three current members of the State Police Commission violated prohibitions on political activity; he attached printouts from the Board of Ethics' Computerized Data Management System as support documentation.

Commissioner Jared Caruso-Riecke advised that he will happily respond in writing regarding the false accusations.

Chairman Eulis Simien recommended that all commissioners implicated by the allegation submit a response before the next business meeting.

VI. Business

1. Election of Officers – per SPC Rule 2.1(b):

Chairman: Eulis Simien, Jr. was nominated by Jared Caruso-Riecke and elected without opposition.

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, Harold Pierite, Sr., Leonard Knapp, Jr.

Abstained: Eulis Simien, Jr.

Opposed: None

Vice-Chairman: Leonard Knapp, Jr. was nominated by Harold Pierite, Sr. and elected without opposition.

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Harold Pierite, Sr., Jeffrey Foss, and Nelson Cantrelle, Jr.

Abstained: Leonard Knapp, Jr. and Eulis Simien, Jr.

Opposed: None

2. Consideration of the December 13, 2018 minutes.
On motion duly made by Mr. Pierite, seconded, and passed; the Commission voted to approve the minutes from the December 13, 2018 meeting. Jared Caruso-Riecke abstained.
3. Request from Louisiana State Police for reinstatement of 387.34 hours of sick leave for State Police Trooper Michael Hughes per SPC Rule 11.21.1(b).
Director Hannaman advised that the SPC rules allow the director to approve reinstatement of up to 1040 hours of sick leave for a Trooper injured in the line of duty. Any request to reinstate a balance above 1040 hours must go before the Commission for consideration; the remaining balance is 387.34 hours.

On motion duly made by Mr. Riecke, seconded, and unanimously passed; the Commission voted to reinstate 387.34 hours of sick leave for State Police Trooper Michael Hughes.
4. Public Hearing to Consider Proposed Changes to Chapter 13 and 16 of the State Police Commission Rules. (Details contained in revised General Circular No. 195).
The Commission conducted a public hearing to consider adopting proposed changes to Chapters 13 and 16 of the State Police Commission rules as detailed in General Circular 195.
 - Chapter 13
 - a) Public Comments: Attorneys Floyd Falcon and Michelle Giroir appeared and offered comments regarding the proposed changes.
 - b) Consideration of Proposed Changes: On motion duly made by Mr. Riecke, seconded, and passed; the Commission approved adopting amendments to Chapter 13 as promulgated in circular 195 with the exception that we will come back and vote individually on whether or not we want to keep 13.1(L), that Commissioner Foss indicated that he may have support for, and also with the understanding that we would revisit the issue of 13.1(C) relative to whether we would drop the language that says “other than a rule in Chapter 10”, and also with the proviso that we will need to add to Rule 13.5 a provision that sets forth that all of the evidence in support of a motion for summary disposition must be filed and served on the opposing party at least 45 days prior the hearing and the inclusion of affidavits.

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, Harold Pierite, Sr., and Vice-Chairman Knapp.

Opposed: None

On motion duly made by Vice-Chairman Knapp, seconded, and passed; the Commission voted adopt the changes to Rule 13.1(C) as promulgated in circular 195.

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, Harold Pierite, Sr., and Vice-Chairman Knapp.

Opposed: None

On motion duly made by Mr. Foss, seconded, and passed; the Commission voted to not amend Rule 13.1(L) as promulgated in circular 195 and retain 13.1(L) so that Rule 13.1 would read as follows:

Rule 13.1 Appeals to the Commission.

An appeal may be made to this Commission by

- (a) Any person in the Classified State Police Service who is alleged to have been discriminated against or subjected to any disciplinary action because of his/her political or religious beliefs, sex, or race.*
- (b) Any person in the Classified State Police Service who, having gained permanent status, is alleged to have been subjected to any disciplinary action or removal in violation of any provision of Chapter 12 of these Rules.*
- (c) Any person in the Classified State Police Service who is alleged to have been adversely affected by the violation of any provision of the State Police Commission Article or of any State Police Commission Rule other than a rule in Chapter 10.*
- (d) Repealed – Effective January 10, 2019.*
- (e) Repealed – Effective January 10, 2019.*
- (f) Repealed – Effective January 10, 2019.*
- (g) Repealed – Effective January 10, 2019.*
- (h) Repealed – Effective January 10, 2019.*
- (i) Repealed – Effective January 10, 2019.*
- (j) Repealed – Effective January 10, 2019.*
- (k) Repealed – Effective January 10, 2019.*
- (l) Any applicant for employment in the Classified Service and any employee in the Classified Service who alleges that he has been discriminated against because of his membership or nonmembership in any private organization.*
- (m) Repealed – Effective January 10, 2019.*

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, and Harold Pierite, Sr.

Opposed: Vice-Chairman Knapp

On motion duly made by Vice-Chairman Knapp, seconded, and passed; the Commission approved amending the proposed new State Police Commission Rule 13.5(g). The amended proposed Rule 13.5(g) now reads as follows:

13.5 Summary Disposition of Appeal

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...
- (f) ...
- (g) *The only documents the Commission shall consider in support of or in opposition to a request for summary disposition are the letter of discipline, the appeal by the classified employee, certified medical records, written stipulations, recorded statements of appellants, transcribed statements of appellants, affidavits, and other documentary evidence that the Commission deems reliable.*
- (h) ...

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, Harold Pierite, Sr., and Vice-Chairman Knapp.

Opposed: None

On motion duly made by Vice-Chairman Knapp, seconded, and passed; the Commission approved amending the proposed new State Police Commission Rule 13.5(b)1. The amended proposed Rule 13.5(b)1 now reads as follows:

13.5 Summary Disposition of Appeal

- (a) ...
- (b)1. *Every written request for summary disposition including all supporting evidence shall contain a certificate, signed by the person filing it, which shall state that the request has been served on the adverse party in a manner which would reasonably provide notice to the adverse party on the same date as the request is to be received by the Commission. The certificate shall state the date and method by which the request was filed and the service was made.*
- 2. ...
- (c) ...
- (d) ...
- (e) ...
- (f) ...
- (g) ...
- (h) ...

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, Harold Pierite, Sr., and Vice-Chairman Knapp.

Opposed: None

On motion duly made by Mr. Riecke, seconded, and passed; the Commission approved amending the proposed new State Police Commission Rule 13.5(b)2. The amended proposed Rule 13.5(b)2 now reads as follows:

13.5 Summary Disposition of Appeal

(a) ...

(b)1. ...

2. The adverse party shall have forty-five (45) calendar days after such service to file with the Executive Director an opposition, which may be supported by legal argument and admissible evidence. The Commission or referee may set a different date for the filing of an opposition. Any opposition shall be subject to the certificate and service requirements of 13.5(b)1.

(c) ...

(d) ...

(e) ...

(f) ...

(g) ...

(h) ...

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, Harold Pierite, Sr., and Vice-Chairman Knapp.

Opposed: None

Chairman Simien provided an opportunity for additional public comments on the rules as amended on the floor; there were no additional comments.

On motion duly made by Mr. Riecke, seconded, and passed; the Commission approved the adoption of all Chapter 13 Rules as amended on the floor.

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, Harold Pierite, Sr., and Vice-Chairman Knapp.

Opposed: None

- Chapter 16
 - a) Public Comments: – No Comments

b) Consideration of Proposed Changes:

On Motion duly made by Mr. Riecke, seconded, and passed; the Commission approved to adopt the changes to Chapter 16 of the State Police Commission Rules as promulgated in General Circular 195.

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, Harold Pierite, Sr., and Vice-Chairman Knapp.

Opposed: None

VII. Director's Report

- The Commission's Monthly Expenditure Report has been placed in the binder for your review.
 - New for 2019, an electronic cadet application is available. Applicants can type and save their application and are now able to submit their application electronically. We have already seen numerous applications arrive via email using this new format; we are very pleased with the progress here.
 - The revised 2019 Promotional Exam Announcement and study materials will go out by end of the month. There will not be a mandatory retest in 2019; scores will remain valid from the 2018 exam. However, should an employee take the 2019 exam, that most recent grade will be the certifiable score for the employee until the next test cycle.
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VIII. Opportunity to Address the Commission by employees or others on matters not on the agenda. (Please submit a speaker request form prior to the meeting being called to order.)

An additional request was received from Mr. Leon Millet to address the Commission. He is requesting that the Commission investigate what he believes to be violations State Police Commission Rules and the Louisiana Constitution. Mr. Millet alleges that the LSTA through Louisiana Trooper Charities made a contribution of \$800 to Acadiana Strong Pack on December 12, 2018.

On motion duly made by Mr. Foss, seconded, and passed; the Commission voted to order the Executive Director to conduct an investigation and submit a report of his investigation at the next business meeting relative to the allegations against the sitting members of the Commission.

Roll Call Vote:

In Favor: Jared Caruso-Riecke, Nelson Cantrelle, Jr., Jeffrey Foss, Harold Pierite, Sr., and Vice-Chairman Knapp.

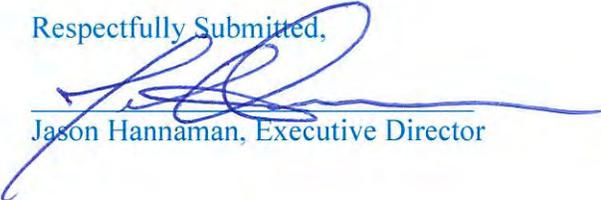
Opposed: None

On motion duly made by Mr. Riecke, seconded, and unanimously passed; the Commission voted to defer consideration until the next meeting on the request for an investigation in the matter alleging a political contribution by the LSTA.

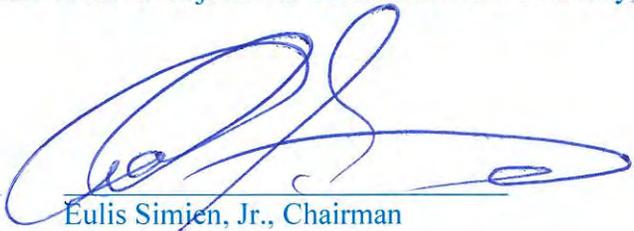
IX. Adjourn

There being no further business, on a motion duly made by Mr. Riecke, seconded, and unanimously passed; the Commission voted to adjourn at 11:13 A.M. on Thursday, January 10, 2019.

Respectfully Submitted,



Jason Hannaman, Executive Director



Eulis Simien, Jr., Chairman



ACTION/MINUTES - ADDENDUM

John Bel Edwards
Governor

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THURSDAY, JANUARY 10, 2019
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Upon review of the record and the wording of the actual complaint filed by Mr. Millet, it has been determined that the term "LSTA" was improperly and generically used in the minutes to describe the focus of the complaint. The minutes should have properly reflected that the allegations were made against classified members of the Office of State Police. Classified members of the Office of State Police are subject to the jurisdiction of the State Police Commission; the incorporated entity "LSTA" is not.

The following items are submitted as an addendum to the minutes of the January 10, 2019 meeting to provide clarification as outlined above:

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- VIII. Opportunity to Address the Commission by employees or others on matters not on the agenda. (Please submit a speaker request form prior to the meeting being called to order.)

An additional request was received from Mr. Leon Millet to address the Commission. He is requesting that the Commission investigate what he believes to be violations of State Police Commission Rules and the Louisiana Constitution. Mr. Millet alleges that classified members of the Office of State Police, acting in their capacity as elected officers of the Louisiana State Troopers Association (LSTA), the LSTA through Louisiana Trooper Charities made a contribution of \$800 to Acadiana Strong Pack on December 12, 2018.

On motion duly made by Mr. Riecke, seconded, and unanimously passed; the Commission voted to defer consideration until the next meeting on the request for an investigation in the matter alleging a political contribution by classified members of the Office of State Police, acting in their capacity as elected officers of the Louisiana State Troopers Association (LSTA) the LSTA.

Respectfully Submitted,


Jason Hannaman, Executive Director


Eulis Simien, Jr., Chairman