
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
April 11, 2018
Lansing, Michigan

COMMISSION MEMBERS PRESENT

Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Chief David Molloy, representing the Michigan Association of Chiefs of Police
Col. Kriste Kibbey Etue, representing the Michigan State Police
Ms. Anica Letica, representing Attorney General Bill Schuette
Mr. Ken Grabowski, representing the Police Officers Association of Michigan
Sheriff Timothy Donnellon, representing the Michigan Sheriff's Association
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police
Mr. Duane Smith, representing the Police Officers Labor Council
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Mr. Richard Heins, representing the Michigan Association of Police
Sheriff Scott Stephenson, representing the Michigan Sheriffs' Association
Mr. Mark Diaz, representing the Detroit Police Officers Association
Mr. Thomas Adams, representing the Public
Cpl. Brian Earle, representing the Deputy Sheriff's Association of Michigan

COMMISSION MEMBERS EXCUSED

Asst. Chief James White, representing the Detroit Police Department
Mr. David Hiller, representing the Michigan Fraternal Order of Police
Sheriff Doug Wright, representing the Michigan Sheriffs' Association

STAFF PRESENT

Mr. Timothy Bourgeois, MCOLES Executive Director
Mr. John Szczubelek, Assistant Attorney General and Commission Counsel
Ms. Jacquelyn Beeson, MCOLES Staff
Mr. Danny Rosa, MCOLES Staff

GUESTS (SIGNING-IN)

Sgt. Paul Workman, Oakland County SO
Sgt. Mike Ritchie, Oakland County SO

CALL TO ORDER

The Commission meeting was called to order by Chair Michael Wendling on April 11, 2018 at 10:35 AM. The meeting was held at Lansing Community College – West Campus in Lansing, Michigan.

INTRODUCTIONS

Chair Wendling introduced himself and then asked the Commissioners, staff and audience members to do the same.

ACCEPTANCE OF THE FEBRUARY 14, 2018 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Etue to approve the February 14, 2018 Commission Meeting Minutes as written.

A **VOTE** was taken. The **MOTION** carried.

ADDITIONS/CHANGES TO THE AGENDA - None

CHAIR'S REPORT

LEO Population Report – Chair Wendling advised that the LEO Population Report for the month of March was provided for the commissioners' review. The number of officers and positions remained stable from the month before.

Special Use Request - The Special Use Request report was also provided for the Commissioners review prior to the meeting. There were no questions or comments.

Grant Adjustments – The Commissioners had an opportunity to review this report also. There were no questions or comments.

DIRECTOR'S REPORT

2016 Annual Report – Director Bourgeois advised the Commissioners that each of them had been provided with a copy of the MCOLES 2016 Annual Report.

MCOLES Move Status Update – Executive Director Bourgeois stated that on April 16, 2018 DBI will begin breaking down all of the cubicles. By the end of that week all of the cubicles and furniture will be removed. DBI will begin setting up at the new location.

The Executive Director added that between April 16 and April 30, 2018 MCOLES will be working in a limited capacity and return e-mails and voicemails may be delayed. He said that a message will be posted on the website, voicemails and all employee e-mails.

Director Bourgeois went on to say that each employee and the main line for MCOLES will be getting new numbers. Each Commissioner was provided of list of the new numbers.

HB 5499 – The Director reminded the Commissioners that this Bill was introduced by Representative Lucido. The basis of the Bill is that it does away with the waiver program. At the April commission meeting Resolution 2018-02 was approved opposing HB 5499 as written. Director Bourgeois added that there was nothing new to report.

HB 5461 – This Bill would require all law enforcement officers to have the same level of training as EMTs and paramedics to possess and administer an opioid antagonist.

HB 5703 – This Bill would amend 1965 PA 203 and require MCOLES to develop training regarding forfeiture. The training would be at the academy and in-service levels. It also states that all law enforcement officers would have to be trained by January 1, 2020.

SB 924 – This Bill deals with PA 330 which allows for the licensing of private police for educational institutions and hospitals. This bill would add associations, corporations, proprietorships, trusts, foundations, schools, non-profits, Indian tribes, and partnerships. This bill is problematic and appears to be an effort to revive SB 594. This bill just dropped in March and Director Bourgeois stated that would be watching what happens with it.

A **MOTION** was made by Commissioner Earle and supported by Commissioner Molloy to approve the Director's Report.

A **VOTE** was taken. The **MOTION** carried.

COMMITTEE REPORTS

Executive Committee – Chair Wendling advised that an Executive Committee meeting was held that morning prior to the commission meeting. He stated that the committee discussed the MCOLES move, current legislation that the Director presented in his report and the necessity for law enforcement agencies to work together.

A **MOTION** was made by Commissioner Heins and supported by Commissioner Donnellon to approve the Executive Committee report.

A **VOTE** was taken. The **MOTION** carried.

CONSENT AGENDA

Executive Director Bourgeois advised that the commission was sent the information on the revocation of license for Robert Morningstar. The Director stated Mr. Morningstar had a

felony conviction for Accosting a Child for Immoral Purposes and Criminal Sexual Conduct in the 4th Degree. He added that MCOLES followed the process established for revocations and that the Commission would be voting on accepting the Administrative Law Judge's Proposal for Decision.

Mr. Szczubelek, legal counsel for the MCOLES, stated that the Commission can reject, amend, or accept the Proposal for Decision.

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Donnellon to accept the Proposal for Decision and revoke the license of Robert Morningstar.

A **VOTE** was taken. The **MOTION** carried.

NEW BUSINESS

Commission Resolution 2018-03 – Honor Fallen Deputy Eric Overall – Chair Wendling asked Sgt. Paul Workman and Sgt. Mike Ritchie of the Oakland County Sheriff's Office to join him. Chair Wendling read into the record Commission Resolution 2018-03 honoring fallen Deputy Eric Overall of the Oakland County Sheriff's Office. Mr. Wendling presented the sergeants with the plaque.

A **MOTION** was made by Commissioner Heins and supported by Commissioner Donnellon to approve Resolution 2018-03 honoring Fallen Deputy Eric Overall and extend Public Safety Officer Benefits.

A **VOTE** was taken. The **MOTION** carried.

Commission Resolution 2018-04 – Delegation of Authority to the Executive Director

Mr. John Szczubelek, MCOLES legal counsel, stated that all public entities can only do what the statute allows. Executive Order 2001-5 authorizes the MCOLES Executive Director to administer the functions in the Michigan Commission on Law Enforcement Standards Act and the Michigan Justice Training Fund Act. Since the time that Order was issued, subsequently enacted statutes have vested MCOLES with additional statutory responsibilities.

He added that the Michigan Commission on Law Enforcement Standard Act contemplates that the Commission will expressly delegate the performance of statutory functions to the MCOLES Executive Director and MCOLES Staff. The "Resolution Delegating Authority to the Executive Director and Authorizing Delegation of Tasks to MCOLES Staff" effectuates this authority by delegating performance of specific statutory functions to the Executive Director and authorizing the Executive Director to delegate to MCOLES Staff the performance of tasks from among these statutory functions.

Mr. Szczubelek said that this resolution does not prevent the Commission from overseeing the Executive Director.

A **MOTION** was made by Commissioner Earle and supported by Commissioner Donnellon to approve Commission Resolution 2018-04 delegating authority to the Executive Director and authorizing delegation of tasks to MCOLES staff.

A **VOTE** was taken. The **MOTION** carried.

OLD BUSINESS - None

MISCELLANEOUS - None


PUBLIC COMMENT - None
MCOLES Office, 927 Centennial Way, Lansing

NEXT MEETING

Date: June 13, 2018 @ 10:30 AM
Location: MCOLES Office, 927 Centennial Way, Lansing

ADJOURNMENT

A **MOTION** was made by Commissioner Adams and supported by Commissioner Donnellson to adjourn the meeting.

APPROVED BY  ON 6-13-2018

WITNESSED BY  ON 6-13-18