

---

**Michigan Commission on Law Enforcement Standards**  
**Commission Meeting Minutes**  
**August 31, 2009**  
**MCOLES Offices - Lansing, Michigan**

---

---

**MCOLES MEMBERS PRESENT:**

Mr. John Buczek, representing the Fraternal Order of Police  
Sheriff James Bosscher, representing the Michigan Sheriffs' Association  
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan  
Mr. James DeVries, representing the Police Officers Association of Michigan  
Mr. Thomas C. Cameron, representing Attorney General Mike Cox  
Trooper Michael Moorman, representing the Michigan State Police Troopers Association  
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police  
Captain Jack Shepherd, representing Colonel Peter C. Munoz, Michigan State Police  
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association  
Mr. John Szczubelek, Commission Counsel

**MCOLES MEMBERS PRESENT BY PHONE:**

Director Kurt Jones, representing the Michigan Association of Chiefs of Police  
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police  
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan  
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association  
Mr. Fred Timpner, representing the Michigan Association of Police  
Commander James White, representing Chief Warren Evans, Detroit Police Department

**COMMISSION MEMBERS EXCUSED:**

Mr. Marty Bandemer, representing the Detroit Police Officers Association  
Mr. Rich Weiler, representing the Police Officers Labor Council

**COMMISSION STAFF PRESENT:**

Mr. David King  
Mr. John Steele

Ms. Hermina Kramp

**GUESTS (signing in):**

There were no guests signing in.

**CALL TO ORDER:**

The Commission meeting was called to order at 12:07 p.m. by Chairman John Buczek, at the MCOLES Offices, in Lansing, Michigan.

**INTRODUCTIONS:**

There were no introductions as there were no guests present.

**ACCEPTANCE OF THE JUNE 3, 2009, COMMISSION MEETING MINUTES:**

Chairman Buczek stated that copies of the June 3, 2009, draft meeting minutes were provided to each Commissioner. He stated that before he would entertain a motion for approval of the minutes, he would like Mr. John Szczubelek to explain the problem with draft minutes as written.

Mr. Szczubelek stated that he had previously addressed this matter in a memo that was sent to all Commissioners. The memo explained that the Commission had gone into closed session at the end of the regular Commission meeting on June 3, 2009. Under the Open Meetings Act, while in closed session the Commission is not at liberty to adopt motions or resolutions or have a concluding vote on its business. The Commission may poll one another to see what the support for a matter may be, but any final vote on a motion must be completed in open session. Therefore, erroneously, there was a matter that was discussed and voted on in closed session of that meeting that should have been addressed in the open session of that meeting.

Mr. Szczubelek stated that unfortunately, due to a technical or human error, the Commission does not have a taped recording of what transpired in that closed session. He stated that the Commission has a couple of options that would bring the actions of the Commission during the June closed session into compliance with the Open Meetings Act. One option would be to go back and amend the minutes of the June 3, 2009, open session to reflect the Commission's best recollection and agreement on what was decided in the closed session. That would be to make public the Commission's decision and meet all the requirements under the Open Meetings Act for the action that was taken in closed session. The law does

allow this to be done. He further explained that the matter at hand was a recommendation that an opinion of the Attorney General be requested relating to the matters concerning the departure of the former Executive Director. Mr. Szczubelek stated that his recollection of the activities in the closed session, when he assisted in the drafting of the letter to the Attorney General's Office, was that there was a unanimous adoption of a motion, which authorized the request for an Opinion of the Attorney General. A letter was drafted, signed by the Commission's Chairperson, and has been submitted to the Attorney General's Office.

A second option for the Commission would be for the Commission to simply accept Mr. Buczek's authority, as Chairperson of the Commission, to submit the request for the Attorney General Opinion without a formal recommendation or approval of the Commission in open session. Mr. Szczubelek stated that he had also researched this matter and in the memorandum pointed out to the membership that the Attorney General is at liberty to consider and honor a request for an opinion from individuals such as Chairpersons of Boards and Commissions. Therefore with this option, it would not be legally necessary for the Commission to approve Mr. Buczek's submission of that letter. The Commission could amend the minutes for the June 3<sup>rd</sup> meeting, by inserting, in the open session minutes, a motion to reflect granting that authority to Mr. Buczek as Chairperson of the Commission or do a separate motion in this meeting. Mr. Szczubelek explained that if the Commission does not have an amendment to the June 3<sup>rd</sup> minutes, reflecting that there was a motion that was approved, then it would be as if it never happened. That action would remain part of the closed session records, which are normally maintained in a sealed envelope for one year and one day. With this option, the Commission wouldn't be required to bring that motion into the open session and amend the minutes to read as such. If the Commission chooses to accept Mr. Buczek's authority to request the opinion and the minutes are not amended, then a follow-up letter should be sent to the Attorney General's Office to reflect that the request comes from the Chairperson and not the full Commission as stated in the original letter.

A **MOTION** was made by Sheriff Wriggelsworth and supported by Mr. Morse to amend the June 3, 2009, meeting minutes to reflect the authorization of the Commission's Chairperson to write a letter to the Attorney General on behalf of the Commission.

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

Captain Shepherd representing the Michigan State Police opposed the motion.

A **MOTION** was made by Sheriff Bosscher and supported by Mr. Bretz to approve the June 3, 2009 meeting minutes as amended along with the spelling change of Judge Kaczmarek's name.

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

Captain Shepherd representing the Michigan State Police opposed the motion.

## **ADDITIONS/CHANGES TO THE AGENDA:**

There were no additions or changes to the agenda.

## **PUBLIC FORUM/COMMENTS:**

There was no public comment.

## **NEW BUSINESS:**

Establishment of a process to proceed with hiring a new Executive Director – Mr. Buczek stated that he has had contact with legal counsel in the Governor's office. He advised legal counsel of the Commission's intent to move forward with filling the position of the Executive Director. There was no disagreement from the Governor's Office on filling the position, but Mr. Buczek requested input from the Governor's office on how they want the position to be classified (state classified service/unclassified) and the salary range.

Mr. Buczek appointed the following members to a committee that would begin the pre-planning process of filling the Executive Director position. The committee will need to take the position description and complete any research necessary to develop a more current position description that can be presented to the Commission. In addition, he asked the committee to begin some of the preliminary work to develop an advertising strategy. Mr. Buczek expects confirmation from the Governor's Office in the next week to ten days to move this process forward. Mr. Buczek appointed Chief Doreen Olko as chair of the committee and appointed Sheriff Jim Bosscher, Mr. Ron Bretz, and Trooper Mike Moorman to serve as committee members. Mr. Buczek stated that he will also participate as an ad hoc member to the committee, but does not intend to participate in any of the voting unless there is a tie. Mr. Buczek tasked the committee with being prepared to present a new position description, advertising strategy, and a proposed hiring process that will enable the Commission to move forward in filling the Executive Director's position to the full Commission at the September 16, 2009 meeting. Mr. Buczek stated that Mr. David King will be the staff resource person to the committee and Mr. John Szczubelek will be handling any legal questions that arise.

## **OLD BUSINESS:**

Mr. Buczek stated that in order to discuss the matters listed under Old Business on the agenda, the Commission will need to go into closed sessions as these matters relate to complaints concerning the previous Executive Director.

A **MOTION** was made by Mr. Bretz and supported by Mr. DeVries for the Commission to go into closed session for the purpose to discuss complaints concerning an MCOLES staff member.

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

The Commission went into closed session at 12:24 p.m.

The Commission went back into open session at 12:48 p.m.

**NEXT MEETING:**

Date: Wednesday, September 16, 2009 – Commission Meeting

Location: MCOLES Offices, Lansing, Michigan

**ADJOURNMENT:**

A **MOTION** was made by Sheriff Wriggelsworth and supported by Sheriff Bosscher to adjourn the meeting.

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

The meeting was adjourned at 12:50 p.m.

APPROVED BY \_\_\_\_\_ ON \_\_\_\_\_

WITNESSED BY \_\_\_\_\_ ON \_\_\_\_\_