

**RILEY COUNTY LAW ENFORCEMENT AGENCY
SPECIAL LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
September 29, 2011 3:00 p.m.
Minutes**

Members Present: Karen McCulloh Barry Wilkerson
John Matta Loren Pepperd
Dave Lewis Jim Sherow (arrived at 3:09 p.m.)
Wynn Butler

Staff Present: Director Schoen Assistant Director Doehling

Absent: Captain Hooper Captain Hegarty
Captain Grubbs Captain Moldrup
Captain Nelson

Also Present: Ernest Samuel Hamilton Attorney Morgan Roach
Attorney Michael Gillespie

I. Establish Quorum: By Chairman McCulloh at 3:00 p.m.

II. Pledge of Allegiance: Led by Director Schoen.

III. Executive Session:

A. Attorney Client Privilege: At 3:03 p.m. Lewis moved to go into executive session for the purpose of discussing attorney client privilege not to exceed 5 minutes. Matta seconded the motion. The motion passed 6-0.

At 3:08 p.m. the open meeting reconvened. Matta moved to resume the open meeting. Pepperd seconded the motion. The motion passed 6-0.

IV. Hamilton Termination Appeal Hearing:

B. Open Hearing: The hearing was opened by Chairman McCulloh at 3:09 p.m.

C. Selection of Hearing Officer: It was moved by Butler and seconded by Lewis that Wilkerson be appointed to serve as the hearing officer for the termination appeal hearing requested by Mr. Ernest Samuel Hamilton. The motion passed 7-0.

Hearing Officer Wilkerson met with opposing counsel to discuss procedures for submission of evidence, the burden of proof, and the Board's standard for resolving the issue.

At 3:10 p.m. Lewis made a motion to recess. Sherow seconded the motion. The motion passed 7-0.

The hearing reconvened at 3:40 p.m.

D. Hearing: The matter of the termination of Ernest Samuel Hamilton by the Riley County Police Department was heard. A court reporter was present. Opening comments were made by opposing counsel and witness testimony was taken from Riley County Police Department Director Brad Schoen and Internal Affairs Lieutenant Steven Boyda. The hearing will be reduced to a transcript by the court reporter.

E. Close Hearing: Due to time constraints agenda items G and H were postponed and an executive session was not needed. The meeting was recessed to be continued at a date yet to be determined.

F. Executive Session

G. Possible Reopen Hearing

H. Possible Action

I. Adjournment: Lewis moved to adjourn the meeting. Wilkerson seconded the motion. The motion passed 7-0. The September 29, 2011 Special Law Board Meeting adjourned at 10:15 p.m.