

**RILEY COUNTY LAW ENFORCEMENT AGENCY
SPECIAL LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
November 16, 2011 4:30 p.m.
Minutes**

Members Present: Karen McCulloh Barry Wilkerson
John Matta Loren Pepperd
Dave Lewis Jim Sherow
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 all Board Members are Present: By Chairman McCulloh at 4:30 p.m.

II. Pledge of Allegiance: Led by Assistant Director Doehling.

III. Hamilton Termination Appeal Hearing:

A. Open Hearing: The hearing was opened by Hearing Officer Wilkerson at 4:31 p.m.

B. Executive Session: At 4:31 p.m. Lewis made a motion to go into executive session for the purpose of discussing non-elected personnel matters not to exceed 30 minutes. Sherow seconded the motion. The motion passed 7-0.

At 5:00 p.m. McCulloh moved to return from executive session. Lewis seconded the motion. The motion passed 7-0.

McCulloh moved to return to executive session for the same purpose mentioned above not to exceed 30 minutes. Matta seconded the motion. The motion passed 7-0.

At 5:29 p.m. Lewis moved to return from executive session. McCulloh seconded the motion. The motion passed 7-0.

C. Hearing: The matter of the termination of Ernest Samuel Hamilton by the Riley County Police Department was heard on September 29, 2011 and November 3, 2011 and November 16, 2011. The hearings will be reduced to a transcript by the court reporter.

D. Possible Action: Hearing Officer Wilkerson stated that the Law Board carefully considered the evidence submitted by opposing counsel. The Board appreciated the presence of all parties and those who testified. The Board has reviewed legal standards and briefs submitted by counsel. They have weighed the facts, and considered the evidence that was presented on September 29, 2011 and again on November 3, 2011. It is the decision of the Board, after considering the legal standards as they apply to the State of Kansas, that Director Schoen had the statutory authority and policy authority to terminate the employment of Officer Sam Hamilton. In determining the issue of cause, the Board found that Director Schoen's decision to terminate Officer Sam Hamilton for cause was supported by substantial evidence and it met the burden of proof of preponderance of the evidence.

A roll call vote was taken and the results are as follows:

Lewis	Yes
Matta	Yes
McCulloh	Yes
Sherow	Yes
Pepperd	Yes
Butler	Yes
Wilkerson	Yes

The motion passed 7-0.

Wilkerson announced that he would prepare a written order of the Board's decision. It will be presented to members of the Law Board for review. Once the Board is in agreement with the written order it will be submitted to both parties.

E. Close Hearing: The hearing was closed.

F. Adjournment: Lewis moved to adjourn the meeting. Matta seconded the motion. The motion passed 7-0. The November 16, 2011 Special Law Board Meeting adjourned at 5:32 p.m.