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2 **BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON**  
3 **REFERRAL FROM THE ALASKA POLICE STANDARDS COUNCIL**  
4

5 In the Matter of

6 RYAN MATTINGLEY )

) OAH No. 15-1088-POC  
Agency No. APSC 2015-03  
7

8 **DECISION**

9 **I. Introduction**

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11 The Executive Director of the Alaska Police Standards Council (APSC) filed an accusation  
12 seeking to revoke Mr. Mattingley's Alaska Police Officer Certification. After a full hearing and based  
13 on the evidence in the record, Mr. Mattingley's Alaska Police Officer Certification is revoked.  
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15 **II. Factual Background**

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17 Mr. Mattingley joined the Alaska State Troopers (AST) as a recruit in August of 2008 and  
18 received his APSC Police Officer Certification in October 2009.<sup>1</sup> Mr. Mattingley was initially  
19 assigned to the AST "B" Detachment in Palmer, where he remained until the incidents giving rise to  
20 this case.<sup>2</sup> Prior to these incidents, Mr. Mattingley performed his job satisfactorily, if not better.<sup>3</sup>  
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23 In May of 2011, Mr. Mattingley requested assignment to the Klawock Trooper Post, on  
24 Prince of Wales Island in Southeast Alaska.<sup>4</sup> Mr. Mattingley was granted the transfer to the  
25 Klawock position and was originally assigned a "start date" of September 1, 2011.<sup>5</sup>  
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28 On August 17, 2011, Mr. Mattingley requested a 30-day extension of his Klawock start  
29 date. The stated basis for the request was Mr. Mattingley's wife, Laci, having an unspecified health  
30 problem requiring her to remain in close proximity to medical facilities in the Anchorage area through  
31 September 2011.<sup>6</sup> AST Deputy Director Major Matthew Leveque approved the requested extension of  
32 Mr. Mattingley's start date.<sup>7</sup>

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3 On September 2, 2011, Mr. Mattingley requested three weeks of personal leave for the purpose  
4 of purchasing a boat and sailing it from Seattle to Prince of Wales, with the intent of living on the boat  
5 while stationed on Prince of Wales.<sup>8</sup> Mr. Mattingley's supervisor, Captain Hans Brinke eventually  
6 granted Mr. Mattingley's request. During discussions of the request, however, Mr. Mattingley  
7 made representations to Captain Brinke (1) about the extent of his sailing experience,<sup>9</sup> and (2) that  
8 his wife -whose unstable health led to the 30-day extension during which this leave would now  
9 occur -would not accompany him on the sailing trip.<sup>10</sup>

12 Despite Captain Brinke's reservations, and having also been advised against the sailing trip  
13 by Klawock-based Troopers, Mr. Mattingley proceeded with his plan to sail to Prince of Wales.<sup>11</sup>  
14 Mr. Mattingley arranged for longtime friend and fellow Trooper Joel Miner to be his Alaska-based  
15 point of contact during the voyage.<sup>12</sup> Sometime before the boat voyage began, and unbeknownst to  
16 Mr. Mattingley's supervisors, Mr. Mattingley decided to have his wife accompany him on the trip.

19 The record does not indicate when the Mattingleys began their voyage, but on September  
20 20, 2011, their vessel collided with a freighter in open seas off of Vancouver Island, sustaining  
21 minor damage. This led to an unexpected detour into Canadian waters and onto Vancouver Island  
22 itself. After a brief stop in the coastal town of Ucluelet, the Mattingleys set sail again, only to soon  
23 run into additional difficulties in the waters near Ahousat, also on the western coast of Vancouver  
24 Island.<sup>13</sup> There followed an encounter with the Royal Canadian Mounted Police during which Mr.  
25 Mattingley identified himself to the officers as an off-duty law enforcement officer, and advised  
26 that his service weapon was on board the vessel. RMCP Constable Shane Shea took custody of Mr.  
27 Mattingley's weapon for safe keeping.<sup>14</sup> The confiscation of his service weapon led Mr. Mattingley  
28 to contact his incoming Klawock supervisor, Sergeant Grant Miller. When Sergeant Miller then  
29 contacted Constable Shea on September 25, 2011, about the confiscated gun, Constable Shea  
30 mentioned Laci Mattingley's presence on the boat.<sup>15</sup>

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2 On September 25, 2011, Sergeant Miller told Captain Brinke about the boat collision, the  
3 confiscation of the handgun, and Laci Mattingley's presence on the boat. This information was  
4 concerning to Captain Brinke because Mr. Mattingley had previously assured him that Laci would  
5 not be on the trip - and indeed, it was Laci's supposed poor health and need to be close by medical  
6 facilities throughout September that had allowed Trooper Mattingley to extend his Klawock start  
7 date. Even more concerning to Captain Brinke was a subsequent conversation with Mr. Mattingley,  
8 during which Mr. Mattingley expressly and repeatedly denied that Laci was with him.  
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12 On September 27, 2011, after both Captain Brinke and Sergeant Miller had learned that Laci  
13 Mattingley was on the boat trip, each had separate conversations with Mr. Mattingley during which Mr.  
14 Mattingley repeatedly and falsely denied that his wife had accompanied him on the trip. In the  
15 conversation with Sergeant Miller, Miller asked Mr. Mattingley whether he and his wife now  
16 planned to return to Seattle and fly back to Alaska, or whether they intended to continue sailing  
17 north. In response, Mr. Mattingley denied that Laci was with him.<sup>16</sup> Even when Sergeant Miller  
18 directly and repeatedly confronted Mr. Mattingley with the information he had received from the  
19 RMCP officers, Mr. Mattingley continued to lie about Laci being with him.<sup>17</sup>  
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23 The same day, Mr. Mattingley separately called Captain Brinke, purportedly in response to  
24 a message left the previous week about moving the family's belongings to Prince of Wales. Captain  
25 Brinke told Mr. Mattingley he knew about the incident with the freighter and asked whether the  
26 woman he was traveling with was Laci. Mr. Mattingley denied he was traveling with his wife and  
27 told Captain Brinke he was traveling with a female friend.<sup>18</sup>  
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30 During both conversations, Mr. Mattingley separately and falsely told each supervisor Laci was  
31 not with him, variously indicating that he was with a female friend, or that he was with a male friend  
32 named "Jake Peterson."<sup>19</sup> Both Captain Brinke and Sergeant Miller separately arrived at the conclusion  
that Mr. Mattingley was lying to them about the events surrounding his trip and both were  
extremely concerned about this dishonesty.<sup>20</sup>

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2 In a subsequent phone call with his friend and fellow Trooper Joel Miner, Mr. Mattingley  
3 acknowledged to Trooper Miner that he had misled and lied to Captain Brinke about his wife being  
4 with him.<sup>21</sup> Trooper Miner concluded that his own professional obligations required him to divulge  
5 this information and on September 28, 2011 he spoke with Sergeant Miller and with Captain Brinke  
6 about the information he had received from Mr. Mattingley. Trooper Miner informed Sergeant Miller  
7 about his understanding that Laci Mattingley was on the boat and that Mr. Mattingley had  
8 indicated that "she wasn't supposed to be."<sup>22</sup> Trooper Miner also advised Captain Brinke that he  
9 had personally spoken by phone with Laci Mattingley, who confirmed to him that she was on the  
10 trip.<sup>23</sup>

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12 On September 28, 2011, having concluded that Mr. Mattingley had been untruthful about the  
13 entire series of events, Captain Brinke submitted a request for an Administrative Investigation by  
14 the Department of Public Safety's Office of Professional Standards.<sup>24</sup> Mr. Mattingley was notified  
15 of the investigation via a September 29, 2011 memorandum that summarized the complaint against  
16 him and attached a memorandum Captain Brinke had prepared.<sup>25</sup> Mr. Mattingley formally was  
17 placed on administrative leave on October 1, 2011.<sup>26</sup> That same day, Mr. Mattingley hand  
18 delivered a letter of resignation to the B-Detachment Post in Palmer.<sup>27</sup>

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20 Sometime in 2014, Mr. Mattingley applied for and was offered a correctional officer  
21 position within the Department of Corrections.<sup>28</sup> In May 2014, Mr. Mattingley submitted an  
22 Alaska Police Standards Council Personal History Statement in connection with his application for  
23 certification as a correctional officer.<sup>29</sup> In the employment history section of the application, Mr.  
24 Mattingley indicated that he had resigned from the Troopers for "family reasons."<sup>30</sup>

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26 On the same application, Mr. Mattingley answered "no" in response to the question "Have  
27 you ever been terminated, fired, asked to resign, furloughed, put on inactive status for cause, or  
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1  
2 subjected to disciplinary action while in any position?"<sup>31</sup> Mr. Mattingley also answered "no" to the  
3 question: "Are there any incidents in your life not mentioned herein which may reflect upon your  
4 suitability to perform the duties which you may be assigned or which might require further  
5 explanation?"<sup>32</sup>  
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8 In a section titled "Supplement to Personal History Statement," on which applicants provide  
9 additional information or clarification, Mr. Mattingley added only two entries about his employment  
10 as an Alaska State Trooper, writing: "Approximately four years ago while employed as an Alaska  
11 State Trooper I received a letter of reprimand for failing to appear,"<sup>33</sup> and "Reason for leaving State  
12 Troopers: resigned to spend more time with family."<sup>34</sup>  
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15 Mr. Mattingley's quest for correctional officer certification triggered a routine inquiry of the  
16 Department of Public Safety (DPS) about Mr. Mattingley's prior employment.<sup>35</sup> In a February 2015  
17 response, DPS advised the APSC that Mr. Mattingley had resigned under threat of termination  
18 while under investigation for wrongdoing.<sup>36</sup> DPS advised it would not rehire Mr. Mattingley and  
19 recommended decertification.<sup>37</sup> A review by the APSC Executive Director followed, culminating in  
20 this proceeding.<sup>38</sup>  
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### 24 III. Procedural History

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26 On July 13, 2015, the APSC Executive Director submitted an accusation seeking revocation  
27 of Mr. Mattingley's police officer certification on three grounds.<sup>39</sup> On July 30, 2015, the Council  
28 received a Notice of Defense, requesting a hearing in this matter.<sup>40</sup>  
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31 The Notice of Defense appears to have been signed by Laci Mattingley, purportedly on Mr.  
32 Mattingley's behalf. Attempts to contact Mr. Mattingley during the course of this matter at the phone  
number, the email address, and the mailing address provided on that Notice were consistently  
unsuccessful. Mr. Mattingley did not participate in any of the three prehearing conferences in this

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2 matter, did not otherwise respond to any written orders, and did not appear for the evidentiary  
3 hearing.  
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5 The evidentiary hearing was held on November 3, 2015. Because Mr. Mattingley did not  
6 appear, a default hearing was held pursuant to AS 44.62.530. Testimony was taken from AST  
7 Capt. Hans Brinke, AST Sgt. Grant Miller, AST Trooper Joel Miner, RCMP Constable Shayne  
8 Shea, Anchorage District Attorney Clint Campion, and APSC acting Executive Director Sarah  
9 Hieb.  
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12 After the close of evidence, but before the matter was submitted, the Executive Director  
13 elected to amend the accusation to add an additional (fourth) ground for revocation, in  
14 conformity with the evidence presented. A written order notified Mr. Mattingley that the record  
15 was being held open to allow him the opportunity to respond to the amendment. Mr. Mattingley  
16 submitted no response, and the record closed without further participation by any party.  
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#### 18 **IV. Discussion**

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20 Revocation of Mr. Mattingley's certificate is appropriate on multiple  
21 grounds:  
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23 (1) Discretionary Revocation is Warranted Pursuant to 13 AAC 85.110(a)(2).

24 (Count I)

25  
26 13 AAC 85.110(a)(2) permits the council to revoke a basic, intermediate, or advanced  
27 certificate upon a finding that the certificate holder has resigned from employment as a police  
28 officer "under threat of discharge . . . for cause" for conduct that is "detrimental to the reputation,  
29 integrity or discipline of the police department where the officer worked." The Executive Director  
30 met the burden of proving by a preponderance of the evidence that revocation is justified under this  
31 section.  
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Turning to the first element in the regulation, whether Mr. Mattingley "resigned under threat of discharge ... for cause," Mr. Mattingley's acts of dishonesty violated the Department of Public Safety's Operations and Procedural Manual (OPM).<sup>41</sup> The OPM describes "honesty[,] honor and trustworthiness" as "the cornerstone of this department's relationship with the public," as well as "the cornerstone of the employee/employer relationship."<sup>42</sup> The OPM also warns employees that "the Department of Public Safety has zero tolerance for acts of dishonesty any form or manner."<sup>43</sup>

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Mr. Mattingley's dishonesty was not minor or trivial - it consisted of repeated dishonest statements directly to his chain of command. Although no one expressly told Mr. Mattingley that he was likely to be discharged, multiple witnesses testified that Mr. Mattingley faced a significant threat of discharge as a result of his dishonesty. Captain Brinke characterized Mr. Mattingley's conduct as "very serious," identified termination as a possible outcome of the investigation, and testified that, had it been up to him, Mr. Mattingley would have been terminated for his dishonesty. Sergeant Miller likewise testified that he believed the offense justified termination. Finally, Trooper Miner testified both that Mattingley's dishonesty with his supervisors was "a big deal" for a Trooper and that he and Mr. Mattingley discussed the strong likelihood that a disciplinary investigation would ensue. The preponderance of the evidence supports the conclusion that Mr. Mattingley faced the threat of termination for his conduct and also that he was aware of this threat. The Executive Director has met her burden of proving that Mr. Mattingley resigned under threat of discharge for cause.

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The Executive Director has likewise met the burden of proving that the allegations against Mr. Mattingley implicated conduct "detrimental to" the "integrity or discipline" of the Alaska State Troopers. As the APSC previously has found, detriment to an agency's integrity occurs where a certificated officer engages in conduct that "conflicts with the organization's core values." *See, In Re Bowen*, OAH No. 10-0327-POC and *In Re EX*, OAH No. 13-0473-POC. In this case,

1  
2 multiple witnesses testified about the paramount significance of honesty and integrity in AST.<sup>46</sup>  
3  
4 Indeed, the Alaska Supreme Court has previously observed that lying even temporarily, to cover up  
5 one's misbehavior, should be recognized as conduct unworthy of an Alaska State Trooper. *See,*  
6 *State v. Public Safety Employees Association*, 257 P3d 151, 166 (Alaska 2011).  
7

8 Mr. Mattingley lied, repeatedly, to both Captain Brinke and Sergeant Miller, both of whom  
9 testified that these lies wholly undermined their trust in him as a subordinate. Although the  
10 identity of the woman with whom Mr. Mattingley was sailing might be considered a private matter,  
11 the conversations in which he made the deceptive statements were work related. Mr. Mattingley  
12 had been allowed to extend his start date at the Klawock Post specifically because his wife's health  
13 purportedly required immediate access to doctors in the Anchorage area. When queried by his  
14 supervisors about whether his wife was, instead, on an extended sailing trip with him, Mr.  
15 Mattingley had a duty to be truthful.  
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19 Sergeant Miller testified that Mr. Mattingley's untruthful conduct raised concerns about  
20 whether Mr. Mattingley would be honest with supervisors, fellow Troopers, or coordinating law  
21 enforcement agencies.<sup>44</sup> As Trooper Miner explained, in characterizing this incident as "a big deal:  
22 within the context of working for the Troopers, that a Trooper cannot do his or her job if the command  
23 staff believes you are dishonest."<sup>45</sup> The testimony of Captain Brinke, Sergeant Miller and Trooper Miner  
24 supports the conclusion that, in light of honesty's predominate importance within AST, conduct such  
25 as that in which Mr. Mattingley engaged - repeated and intentional deceptive statements - are  
26 detrimental to the integrity of AST.  
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30 Further, Sergeant Miller testified persuasively about the need, given the remoteness of  
31 much of Alaska and the extent to which Troopers must often work without direct supervision, for  
32 supervising Troopers to be able to trust their subordinates.<sup>46</sup> Here, not only were Mr. Mattingley's  
lies told to his chain of command during direct questioning, they were told in a context where Mr.



1  
2 Mattingley's supervisors were relying on him to be truthful about a situation unfolding across long  
3  
4 distances – a scenario particularly disruptive to the orderly conduct of AST's work.

5 As multiple witnesses testified, Mr. Mattingley's demonstrated willingness to lie directly  
6 and repeatedly to his supervisors wholly undermined his working relationships with those  
7 supervisors and ran afoul of AST's bedrock requirements of honesty and candor. This behavior, for  
8 which Mr. Mattingley was under investigation at the time of his resignation, threatened the  
9 integrity and discipline of the organization. Because the Executive Director proved by a  
10 preponderance of the evidence that Mr. Mattingley resigned under threat of discharge for cause for  
11 conduct detrimental to the integrity or discipline of the Alaska State Troopers, revocation is  
12 appropriate pursuant to 13 AAC 85.110(a)(2).

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16 (2) Discretionary Revocation is Warranted Pursuant to 13 AAC 85.110(a)(3).  
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18 (Count II)

19 13 AAC 85.110(a)(3) permits the Council to revoke a basic, intermediate, or advanced  
20 certificate upon a finding that the certificate holder lacks good moral character. The Executive  
21 Director met the burden of proving by a preponderance of the evidence that revocation is justified  
22 under this section.  
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25 As the Council repeatedly previously has found, lack of good moral character is established when  
26 an individual engages in acts or conduct that would cause a reasonable person to have a substantial  
27 doubt about the individual's honesty. *See, e.g., In Re Whisler*, OAH No. 13-0473-POC.  
28

29 For the same the reasons discussed above in connection with revocation pursuant to 13 AAC  
30 85.110(a)(2), the Executive Director carried the burden of proving revocation under 13 AAC 85.110(a)(3).  
31 Mr. Mattingley directly and repeatedly lying to his to his supervisors would cause a reasonable person  
32 to have a substantial about his honesty.

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(3) Mandatory Revocation is Warranted Pursuant to 13 AAC 85.110(b)(3).(Count III)

13 AAC 85.110(b)(3) mandates the revocation of a basic, intermediate, or advanced certificate upon a finding that the certificate holder resigned under threat of discharge from employment as a police officer for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty or that is detrimental to the integrity of the police department where the officer worked.

Although the grounds for revocation pursuant to 13 AAC 85.110(a)(2) and 13 AAC 85.110(b)(3) are substantially identical, the Executive Director properly may seek, in his or her discretion, revocation under either or both theories. *See, In Re Gutierrez*, OAH No. 14-1718-POC and *In Re E.X.*, 13-0473-POC.

For the same the reasons discussed above in connection with revocation pursuant to 13 AAC 85.110(a)(2), the APSC Executive Director carried the burden of proving mandatorily required revocation pursuant to 13 AAC 85.110(b)(3). Mr. Mattingley directly and repeatedly lying to his to his supervisors would cause a reasonable person to have a substantial about his honesty and is detrimental to the integrity of AST.

(4) Discretionary Revocation is Warranted Pursuant to 13 AAC 85.110(a)(1).  
(Count IV)

13 AAC 85.110(a)(1) permits the APSC to "revoke a basic, intermediate or advanced certificate upon a finding that the holder of the certificate falsified or omitted information required to be provided on an application for certification at any level, or in supporting documents." This provision is not limited to revocation of the particular certificate for which the application or supporting documents contain the false statements or omissions. Rather, the provision broadly allows revocation of any certificate upon a finding of material falsifications or omissions "on an

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application for certification at any level." Thus, the Council may revoke Mr. Mattingley's police officer certification if it finds that he falsified or omitted information required to be provided on the application or supporting documents relating to the correctional officer certification.

As described above, Mr. Mattingley answered "no" in his application for correctional officer certification in response to the question "Have you ever been terminated, fired, asked to resign, furloughed, put on inactive status for cause, or subjected to disciplinary action while in any position?"<sup>47</sup> Mr. Mattingley also answered "no" to the question: "Are there any incidents in your life not mentioned herein which may reflect upon your suitability to perform the duties which you may be assigned or which might require further explanation?"<sup>48</sup> In the section titled "Supplement to Personal History Statement," on which applicants provide additional information or clarification, Mr. Mattingley added only two entries about his employment as an Alaska State Trooper, writing: "Approximately four years ago while employed as an Alaska State Trooper I received a letter of reprimand for failing to appear,"<sup>49</sup> and "Reason for leaving State Troopers: resigned to spend more time with family."<sup>50</sup>

These are significant and material misrepresentations and omissions. Mr. Mattingley had been put on administrative leave. He resigned while under investigation for lying to his superiors and under circumstances that were likely to result in his eventual termination. Mr. Mattingley was obliged to disclose that he was the subject of administrative investigation at the time of his resignation. Mr. Mattingley's failure to disclose these events was a significant misrepresentation. He compounded the misrepresentation both by characterizing his departure as being for "family reasons," and by disclosing a minor disciplinary incident (being written up for failure to appear in court), while omitting entirely this much more significant event.

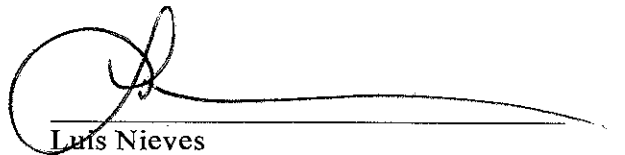
The circumstances of Mr. Mattingley's departure from the Alaska State Troopers constitutes "information required to be provided" on the Personal History Statement form.<sup>51</sup> In failing to

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2 disclose this critical information as part of his application for certification as a correctional officer,  
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4 Mr. Mattingley "omitted information required to be provided." The significance of the omitted  
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6 information to the employment and certification decisions being sought, and the unavoidable inference  
7  
8 that Mr. Mattingley intentionally omitted this information to mislead the relevant decision makers,  
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10 justifies the Council exercising its discretion to revoke Mr. Mattingley's certification. In other words,  
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12 Mr. Mattingley's failure to disclose on his application that he resigned from the Troopers while under  
13  
14 administrative investigation warrants revocation of his police officer certification pursuant to 13  
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16 AAC 85.110(a)(1).

#### 14 V. Conclusion

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16 For the reasons discussed above, Mr. Mattingley's Alaska Police Officer  
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18 Certificate is revoked pursuant to 13 AAC 85.110(a)(2), 13 AAC 85.110(a)(3), 13 AAC  
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20 85.110(b)(3), and 13AAC 85.110(a)(1).

21  
22 Dated this \_\_\_ day of March, 2016

23  
24   
25 Luis Nieves  
26 Alaska Police Standards Council Vice-Chair

- 27  
28 1 Accusation; Testimony of Sarah Hieb; Ex. 1, p. 8.  
29 2 Ex. 1, pp. 56-70.  
30 3 Ex. 1, pp. 23-28, 33-39, 48-53, 56-67; Testimony of Hans Brinke.  
31 4 Ex. 1, p. 12; Testimony of Hans Brinke; Testimony of Joel Miner.  
32 5 Ex. 1, p. 12; Testimony of Hans Brinke; Testimony of Grant Miller  
6 Ex. 1, p. 12; Testimony of Hans Brinke; Mr. Mattingley also submitted medical documentation to support  
this request. *Id.* The documentation is not in the record.  
7 Ex. 1, p. 12.  
8 Ex. 1, p. 12; Testimony of Hans Brinke.  
9 The trip from Seattle to Prince of Wales involves open water crossings and can be dangerous and challenging  
trip for small vessels. Testimony of Hans Brinke; Testimony of Constable Shane Shea.

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- 10 Ex. 1, p. 12; Testimony of Hans Brinke
- 11 Apparently unbeknownst to Captain Brinke, Mr. Mattingley had also discussed the sailboat plan with Troopers in Klawock during his unsuccessful house hunting trip there, and had been cautioned against attempting the trip. Sgt. Grant Miller, the post supervisor on Prince of Wales, warned Mr. Mattingley about the potential dangers and difficulties of such a voyage, and was particularly concerned when Mr. Mattingley advised him that he had very little sailing experience. Testimony of Grant Miller.
- 13 Testimony of Joel Miner
- 14 Testimony of Shane Shea.
- 15 Testimony of Grant Miller; Testimony of Shane Shae.
- 16 Testimony of Grant Miller.
- 17 Testimony of Grant Miller.
- 18 Testimony of Hans Brinke; Ex. 1, p. 13.
- 19 Testimony of Grant Miller; Testimony of Hans Brinke; Ex 1, p. 13.
- 20 Testimony of Grant Miller; Testimony of Hans Brinke; Ex. 1, p. 13.
- 21 Testimony of Joel Miner.
- 22 Testimony of Joel Miner; Ex. 1, p. 13.
- 23 Trooper Miner also told Captain Brinke that Trooper Mattingly had no prior sailing experience. This latter revelation was concerning to Captain Brinke both in terms of Trooper Mattingly's personal safety on what he knew to be a dangerous sailing voyage, and about Trooper Mattingley having previously made apparently untrue statements to him about his sailing experience.
- 24 Ex. 1, pp. 12-14.
- 25 Ex. 1, p. 15.
- 26 Ex. 1, p. 18.
- 27 Ex. 1, p. 19.
- 28 Testimony of Sarah Hieb.
- 29 Ex. 2.
- 30 Ex. 2, p.3.
- 31 Ex. 2, p. 5.
- 32 Ex. 2, p. 6.
- 33 Ex. 2, p. 8.
- 34 Ex. 2, p. 9.
- 35 Testimony of Sarah Hieb.
- 36 Ex. 1, p. 9-10.
- 37 Ex. 1, p. 9.
- 38 Testimony of Sarah Hieb.
- 39 Ex. 1, pp. 3-7
- 40 Ex. 1, p. 2.
- 41 Testimony of Hanse Brinke; Ex. 1, p. 13.
- 42 Ex. 1, p. 13.
- 43 Ex. 1, p. 13
- 44 Testimony of Grant Miller.
- 45 Testimony of Joel Miner.
- 46 Testimony of Grant Miller.
- 47 Ex. 2, p. 5.
- 48 Ex. 2, p 6.
- 49 Ex. 2, p.8.
- 50 Ex.2, p. 9.
- 51 Ex. 2 pp. 3, 6-7; Testimony of Sarah Hieb.

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of, )  
 )  
 Ryan L. Mattingley, ) No. APSC 2015-03  
 )  
 Respondent )  
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ACCUSATION

Kelly Alzaharna, Executive Director of the Alaska Police Standards Council (APSC), Department of Public Safety of the State of Alaska, is seeking to revoke the police certificate of Respondent Ryan L. Mattingley under the legal authority of AS 18.65.240(a) and (c), the Council's regulations in 13 AAC 85.110, and under the procedures governed by the Administrative Procedure Act in AS 44.62.330, *et. seq.* The Executive Director alleges as follows:

1. On or about August 3, 2008, the Respondent was hired by the Alaska State Troopers as a police officer.
2. On or about October 22, 2009, the Respondent was certified by APSC as a police officer in the State of Alaska.
3. On or about May 27, 2011, the Respondent was the successful bidder for the Klawock Post assignment, with an expected report date of September 1, 2011.
4. On or about August 17, 2011, the Respondent requested to extend his expected report date to Klawock for 30-days, due to his wife's current health. He provided a medical document verifying the medical reasons and his request was approved, setting a new report date of October 1, 2011.

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2           5.     On or about September 2, 2011, the Respondent requested three  
3 weeks of personal leave to purchase a boat to sail from Seattle to Ketchikan, and to  
4 live on when he arrived in Klawock.  
5

6           6.     On or about September 6, 2011, the Respondent told AST Captain  
7 Hans Brinke that due to her doctor's recommendation, his wife would not be sailing  
8 with him on the trip. The Respondent also told Captain Brinke that he (Respondent)  
9 had been sailing since he was 12-years old and was capable of completing the trip  
10 and the he would be accompanied by a friend who had a larger level of sailing  
11 experience than he (Respondent) has. The Respondent's leave was approved.  
12

13           7.     On or about September 25, 2011, Captain Hans Brinke was notified  
14 that on September 20, 2011, the Respondent and his wife were involved in a minor  
15 collision with a freight liner and were in Ucleuelet, British Columbia.  
16

17           8.     On or about September 27, 2011, the Respondent called Captain Hans  
18 Brinke and told him that the female traveling with him was not his wife, but a friend.  
19 The Respondent also called Sergeant Grant Miller and denied several times that the  
20 female traveling with him (Respondent) was his wife, and said that the only person  
21 traveling with him was Jake Peterson.  
22

23           9.     On or about September 28, 2011, Royal Canadian Mounted Police  
24 Constable Banks told Sgt. Grant Miller that the Respondent's wife, Laci Mattingley  
25 was traveling with him (Respondent).  
26

27           10.    On or about September 28, 2011, Trooper Joel Miner, the  
28 Respondent's personal friend, told Sgt. Grant Miller that the Respondent's wife  
29 called him and told him she was sailing with the Respondent and that the Respondent  
30 had no prior sailing experience.  
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11. On or about September 29, 2011, the Alaska State Troopers initiated Administrative Investigation C2011-0164 regarding the information provided in Paragraphs 3-10.

12. On or about October 1, 2011, the Respondent received notification of the Administrative Investigation and resigned from his position as a police officer with the Alaska State Troopers.

13. On or about May 7, 2014, the Respondent submitted a signed, sworn F-3C Personal History Statement as part of his application packet for a position as a correctional officer with the Alaska Department of Corrections. The Respondent omitted the AST Administrative Investigation C2011-0164, and listed his reason for separation from the Alaska State Troopers as "family reasons".

14. AS 18.65.240(c) provides that the APSC may deny or revoke the certificate of a police officer who does not meet the standards adopted under (a) (2) of this section.

15. 13 AAC 85.110(a) (2) provides that the council will, in its discretion, revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate has been discharged or resigned under threat of discharge, from employment as a police officer for cause for conduct that is detrimental to the reputation, integrity, or discipline of the police department where he works.

16. 13 AAC 85.110(a)(3) provides that the council will, in its discretion revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate does not meet the standards in 13 AAC 85.010(a) or (b).



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17. 13 AAC 85.110(b)(3) provides that the council shall revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate has been discharged, or resigned under threat of discharge, from employment as a police officer for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the police department where the police officer worked.

**COUNT I**

Paragraphs 1-17 are incorporated by reference. Based upon the facts described above, the Respondent resigned under threat of discharge from employment as a police officer for cause for conduct that is detrimental to the reputation, integrity, or discipline of the Alaska State Troopers, which is grounds for discretionary revocation under 13 AAC 85.110(a)(2).

**COUNT II**

Paragraphs 1-17 are incorporated by reference. Based upon the facts described above, the Respondent does not meet the minimum standards for a certified police officer established under 13 AAC 85.010(a) (3). The Respondent lacks good moral character and is dishonest, which is grounds for discretionary revocation under 13 AAC 85.110(a) (3).

State of Alaska  
Alaska Police Standards Council  
Box 111200  
Juneau, Alaska 99811-1200

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COUNT III

Paragraphs 1-17 are incorporated by reference. Based upon the facts described above, the Respondent resigned under threat of discharge from employment as a police officer for cause for conduct that is detrimental to the integrity of the Alaska State Troopers, which is grounds for mandatory revocation under 13 AAC 85.110(b) (3).

DATED this 13th day of July, 2015 at Juneau, Alaska.

Kelly C. Alzaharna  
Kelly Alzaharna, Executive Director  
Alaska Police Standards Council

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS  
ON REFERRAL FROM THE ALASKA POLICE STANDARDS  
COUNCIL**

In the matter of:                    )  
RYAN L. MATTINGLEY,            )  
  )  
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  )

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OAH # 15-1088-POC  
APSC # 2015-03

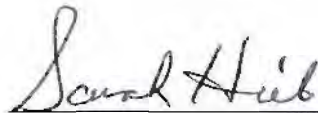
**Amended Accusation Adding Count IV**

Comes now the Acting Executive Director of the Alaska Police Standards Council, Sarah Hieb, and hereby files this amended accusation to add Count IV. The Acting Executive Director incorporates by reference the entirety of the July 13, 2015 accusation and hereby adds the following:

Count IV

Paragraphs 1-17 are incorporated by reference. Based upon the facts described above, the Respondent falsified or omitted information required to be provided on an application for certification any level, or in supporting documents, which is grounds for discretionary revocation under 13 AAC 85.110(a)(1).

DATED this 3rd day of November, 2015 at Anchorage, Alaska.

  
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Sarah Hieb  
Acting Executive Director  
Alaska Police Standards Council