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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of )  
 )  
 David M. Atteberry ) APSC No. 2019-32  
 )  
 Respondent, )  
 \_\_\_\_\_ )

FINDING OF DISQUALIFICATION

Pursuant to AS 18.65.220(6) and 13 AAC 85.100 the Alaska Police Standards Council of the State of Alaska (APSC) may deny an application or find a police officer applicant ineligible for police officer certification or training, if the applicant does not satisfy the minimum standards set by the council for certification. An applicant aggrieved by the decision of the Executive Director may petition for review of that decision by the council. The council's review of that decision is controlled by the Administrative Procedure Act.

On or about June of 2015, David M Atteberry, "Respondent," was hired as a Village Public Safety Officer by the Tanana Chiefs Conference. As part of that hiring process, Respondent filled out an application and listed his previous employment with the Medford Police Department (MPD) as a police officer. He listed his reason for leaving was to start a new business. He marked that he had not been asked to resign in lieu of termination from any employer. On or about May 18, 2018, Respondent applied to be an Alaska State Troopers with the Department of Public Safety.

DPS conducted a basic background check by contacting previous employers. As DPS was the hiring entity for VPSO, they consulted Respondent's VPSO hiring paperwork and subsequently contacted MPD, who advised that Respondent had resigned while on suspension and he would have been terminated for dishonesty had he not resigned.

On February 24, 2020, the Council's Administrative Investigator, on behalf of the Executive Director, made a finding that, subject to the provisions of 13 AAC 85.100(a)(2) and (b)(4), the Respondent was disqualified from hire or certification as an Alaska police officer because he resigned in lieu of termination for conduct that was detrimental to the integrity, discipline, and reputation of MPD and would cause a reasonable person to have substantial doubt about Respondent's honest, fairness, and respect for the rights of other and for the laws of this state and the United States.

On February 20, 2020 and again on April 17, 2020, Respondent was formally notified by email of the finding, of his right to appeal the decision to the council under the Administrative Procedures Act, and that failure to respond to the findings within statutory deadlines would result in a default finding of Disqualification being entered into his record.

On April 21, 2020 Respondent was mailed certified United State Postal Service mail formal notice the finding, of his right to appeal the decision to the council under the Administrative Procedures

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Act, and that failure to respond to the findings within statutory deadlines would result in a default finding of Disqualification being entered into his record. The certified mail was returned unserved.

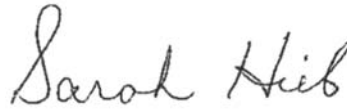
WHEREAS, the Executive Director of the Alaska Police Standards Council has found that Respondent is disqualified from certification as a police officer in Alaska; and,

WHEREAS, the Respondent was notified of this finding and of their rights to appeal the decision to the Council, pursuant to the Alaska Administrative Procedures Act; and,

WHEREAS the Respondent failed to respond to the notification within statutory timeframes to appeal the decision of the Executive Director;

NOW, THEREFORE, this formal Finding of Disqualification for Police Certification is entered into the Respondent's record, subject to the provisions for 13 AAC 8.070.

Dated this 10<sup>th</sup> day of August 2020, at Juneau, Alaska



Sarah Hieb  
Administrative Investigator  
Alaska Police Standards Council

Adopted by the Alaska Police Standards Council, this 26<sup>th</sup> day of August, 2020, at Anchorage, Alaska

  
Justin Doll (Aug 31, 2020 15:27 AKDT)

Justin Doll, Council Chair  
Alaska Police Standards Council