

DECISION ON ADMINISTRATIVE ACCUSATION

This Decision is entered to determine the controversy raised in the Accusation filed by the Alaska Police Standards Council against Respondent Fred W. Hanks, APSC #83-1.

In the Accusation, the Alaska Police Standards Council moved to revoke the certificate of Fred W. Hanks as a police officer, pursuant to AS 18.65.240, AS 18.65.270, AS 44.62.330 et seq, and 13 AAC 85.100.

The Accusation was filed on or about February 7, 1983, and specified certain acts and conduct on the part of Fred W. Hanks and alleges that the said conduct is such that the certificate of Fred W. Hanks as a Police Officer in the State of Alaska should be revoked.

A Notice of Defense was served by Respondent Fred W. Hanks on or about March 2, 1983.

The Office of the Governor appointed the undersigned Hearing Officer in this matter on or about March 31, 1983.

A telephonic Pre-Hearing Conference was held in this matter and at that time certain procedures were established to facilitate the holding of an evidentiary hearing and to insure that the parties to the controversy would be fully prepared for the hearing. It was determined that a hearing would be held in Cordova, Alaska, on September 7, 1983.

After Pre-Hearing Discovery Procedures were initiated and partially complied with by the attorney for the Alaska Police Standards Council, Ms. Gayle Hor-etski, the undersigned was advised by telephone by the Respondent Fred W. Hanks on August 19, 1983, that he did not desire to contest the Accusation further.

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Police Standards

By letter dated August 22, 1983, the undersigned advised the Respondent Hanks that his telephonic communication of August 19 would be considered a withdrawal of his Notice of Defense unless he made contact with the undersigned on or before August 30, 1983. The undersigned advised the Respondent Hanks that the undersigned would recommend revocation of the Respondent's license as a police officer in this State on or after August 30, 1983, if the Respondent did not communicate his desire to continue with the contested proceeding.

No response to the letter of August 22, 1983, has been received by the undersigned, and accordingly, it is the conclusion of the undersigned that the Respondent's Notice of Defense has been effectively withdrawn, and accordingly, that the Agency is entitled to the relief requested in its Accusation.

It is the conclusion of the undersigned, therefore, that the Respondent Fred W. Hanks should have his certificate of license as a police officer in the State of Alaska revoked.

Any party desiring to request a reconsideration of this Decision has 30 days after the mailing of the Decision to the parties to make such a request in writing to the Agency.

Judicial review by the Superior Court of this final Administrative Order may be had by filing a Notice of Appeal in accordance with the applicable rules of court governing appeals in Civil matters. A Notice of Appeal shall be filed within 30 days after the last date on which reconsideration could be ordered, and shall be served on each party to the proceeding. The right to appeal is not affected by the failure of the party to seek reconsideration before the Agency or Hearing Officer.

DATED in Anchorage, Alaska this 8 day of September, 1983.

  
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David Shimek

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Police Standards  
Council

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this 8th day of September, 1983, before me, a qualified notary public, personally appeared DAVID SHIMEK, to me known and known to me to be the same David Shimek named in the foregoing document, and he acknowledged to me that he executed the same as his own free act, for the intents and purposes therein stated.

WITNESS my hand and notarial seal the day and year first above written.

*Jordan J. Hattell*  
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Notary Public in and for Alaska  
My commission expires: May 15, 1984

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Police Standards  
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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of

FRED W. HANKS,

Respondent.

No. APSC 83-1

ACCUSATION

James F. Mayer, Administrator of the Alaska Police Standards Council, Department of Public Safety of the State of Alaska, moves to revoke the certificate of Fred W. Hanks as a police officer, pursuant to AS 18.65.240(c), AS 18.65.270, AS 44.62.330 et. seq., and 13 AAC-85.100. The Administrator alleges as follows:

1. On or about July 1, 1981, respondent became employed as a police officer for the Cordova Police Department, Cordova, Alaska.

2. On or about July 1, 1982, respondent was certified as a police officer in the State of Alaska.

3. On or about October 30, 1982, respondent removed the axel from a trailer at the city camp ground at Cordova without the owner's permission.

4. On or about November 4, 1982 when contacted by Cordova Police Department Lt. Lynn Lamm about the missing axel respondent denied removing it, although he had earlier told Cordova Police Department Officers Bierman and Taylor that he had removed it. On November 10, 1982 respondent told Lt. Lamm that the axel had been removed by a private citizen acting on behalf of the respondent.

5. During the summer and fall of 1982 respondent took gasoline, the property of the City of Cordova, for use in his private vehicle.

6. On or about November 10, 1982, respondent was suspended from the Cordova Police Department.

7. On or about November 15, 1982, respondent was terminated for cause from the Cordova Police Department.

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COUNT I

8. Paragraphs 1 through 7 are incorporated by reference as though set forth in detail. In addition, the Administrator alleges that:

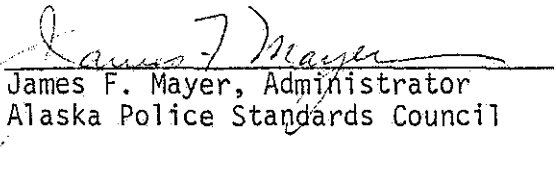
9. Respondent's certificate as a police officer should be revoked because his conduct as set out in paragraphs 3, 4, and 5 does not meet the minimum standards for certified police officers under AS 18.65.240(a)(2) and 13 AAC 85.010(a)(4).

COUNT II

10. Respondent's certificate as a police officer may be revoked since his dismissal for cause as set out in paragraph 7 meets the standards for revocation under AS 18.65.240(a)(2) and 13 AAC 85.100(a)(2).

Wherefore, the Administrator, prays that the certificate of Fred W. Hanks as a police officer in the State of Alaska be revoked.

DATED this 7<sup>th</sup> day of February, 1983.

  
James F. Mayer, Administrator  
Alaska Police Standards Council

STATE OF ALASKA  
DEPARTMENT OF PUBLIC SAFETY  
ALASKA POLICE STANDARDS COUNCIL

In the Matter of  
FRED W. HANKS  
Respondent

No. APSC 83-1

ORDER

The Alaska Police Standards Council of the State of Alaska, having been duly convened on the 26th day of October, 1983, and having reviewed the accusation against respondent Fred W. Hanks and the Recommendation proposed by Hearing Officer David Shimek dated September 19, 1983,

HEREBY ORDERS:

1. The recommendation proposed by Hearing Officer David Shimek dated September 19, 1983 is hereby adopted by this Council and made by reference a part of this Order as though set forth fully herein.
2. That respondent's certification as a police officer in the State of Alaska is revoked.
3. That this decision and Order of Revocation shall be effective immediately.

DATED this 26th day of October, 1983, at Juneau, Alaska.

Alaska Police Standards Council

*Joseph R. Ciraulo*  
Perry Lovett, Chairman (ACTING)

*JOSEPH R. CIRAULO*

I hereby certify that 5 members out of 7 members were present at the time this Order was considered and that 5 members voted yes and 0 members voted no.

*Joseph R. Ciraulo*  
Perry Lovett, Chairman (ACTING)

*JOSEPH R. CIRAULO*