

STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of	)	
	)	
James Mercurief	)	No. APSC 2005-2
	)	
Respondent,	)	
_____	)	

ORDER

The Alaska Police Standards Council of the State of Alaska, having duly convened on the 5<sup>th</sup> day of December 2005, and having reviewed and discussed the Accusation against the respondent which was served October 12, 2005, in accordance with AS 44.62.380, takes official notice that a Notice of Defense or a request for hearing has not been received from respondent as required by AS 44.62.390. The Council also takes official notice that under AS 44.62.530, if the respondent does not file a Notice of Defense, the Council may take action based upon other evidence, and an accusation may be used without notice to the respondent.

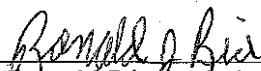
Accordingly, the Council has considered the accusation dated October 12, 2005.

Based upon the Council's consideration of the facts recited in the accusation,

IT IS HEREBY ORDERED

1. That the allegations made in the Accusation against the respondent dated on the 12<sup>th</sup> day of October, 2005, are hereby adopted and the Accusation is made by reference a part of this order as though set forth fully herein.
2. That the respondent's police officer certificate in the State of Alaska is hereby revoked; and
3. That this order of Revocation shall take effect in accordance with AS 44.62.520 (a).

Dated this 14<sup>th</sup> day of December, 2005.

  
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 Ronald Rice, Chairman  
 Alaska Police Standards Council

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

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of )  
 )  
JAMES MERCULIEF ) No. APSC 2005-5  
 )  
Respondent, )  
 )

ACCUSATION

Terry Vrabec, Administrator of the Police Standards Council, Department of Public Safety of the State of Alaska, is seeking to revoke the police certificate of James Mercurief (hereafter the respondent) under the legal authority of AS 18.65.240(a)(2) and (c) and the Council's regulations in 13 AAC 85.110(a) and (b), and under the procedures governed by the Administrative Procedure Act in AS 44.62.330, et. seq. The administrator alleges as follows:

1. On or about February 23, 1987, the respondent was hired as a police officer for the State of Alaska/Airport Safety.
2. On or about March 20, 1990, the respondent submitted an application to the Alaska Police Standards Council (APSC) for a police officer certificate.
3. That on or about March 20, 1990, the respondent was certified as a police officer in the State of Alaska.
4. On April 13<sup>th</sup>, 2005, the respondent was indicted by a grand jury in Anchorage, Alaska, for (6) counts of Sexual Abuse of a Minor in the First Degree,

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2 (4) counts of Sexual Abuse of a Minor in the Second Degree, and (1) count of  
3 Attempted sexual Abuse of a Minor in the Second Degree.  
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5 5. Based on the conduct described in paragraphs 4, the respondent  
6 was discharged by the State of Alaska/Airport Safety on December 21, 2004, for  
7 cause relating to dishonesty or misconduct.  
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9  
10 6. The respondent through a plea agreement, pled guilty or no contest  
11 to the consolidated counts of (2) Attempted Sexual Abuse of a Minor in the First  
12 Degree and (1) count of Sexual Abuse of a Minor in the Second Degree.  
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14 **COUNT I:**

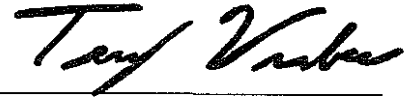
15 Paragraphs 1 through 6 are incorporated by reference. Based on these facts, the  
16 administrator alleges that the respondent was discharged for cause relating to  
17 misconduct, which is grounds for a mandatory revocation under 13 AAC  
18 85.110(b)(3).  
19

20  
21 **COUNT II:**

22 Paragraphs 1 through 6 are incorporated by reference as though set forth in  
23 detail. Based upon these facts, the administrator alleges that the respondent lacks  
24 good moral character and violated the Law Enforcement Code of Ethics set out in  
25 13 AAC 85.040. The respondent therefore does not meet the minimum standards  
26 for a certified police officer under 13 AAC 85.010(a). This is ground for  
27 discretionary revocation of respondent's police certificate under 13 AAC  
28 85.110(a).  
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1  
2 WHEREFORE, the administrator prays that James Mercurief certificate as a  
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4 police officer in the State of Alaska be revoked.  
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6 DATED this 12<sup>th</sup> day of October, 2005 at Juneau, Alaska  
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12 Terry Vrabec, Administrator  
13 Alaska Police Standards Council  
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