

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)
)
Neil P. Schmitz) No. APSC 2001 - 01
)
Respondent,)
_____)

ORDER

The Alaska Police Standards Council of the State of Alaska, having duly convened on the 21st. day of May 2001, and having reviewed and discussed the Accusation against the respondent which was served April 19, 2001 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 affidavit may be used without notice to the respondent.

Accordingly, the Council has considered the attached Affidavit of Irl T. Stambaugh.

Based upon the Council's consideration of the facts recited in Mr. Stambaugh's affidavit,

IT IS HEREBY ORDERED

1. That the allegations made in the Accusation against the respondent dated 12th of April 2001, 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 21st. day of May 2001. Ronald Rice
Ronald Rice, Chairman
Alaska Police Standards Council

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I hereby certify that 8 members out of 8 members were present at the time this order was considered and that _____ members voted yes and _____ voted no.

Dated this 21st. day of May 2001.

Ronald Rice
Ronald Rice, Chairman
Alaska Police Standards Council

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
Neil P. Schmitz) No. APSC 2001 - 01
Respondent,)
_____)

ACCUSATION

Irl T. Stambaugh, Administrator of the Police Standards Council, Department of Public Safety of the State of Alaska, moves to revoke the certificate of Neil P. Schmitz, as a police officer pursuant to AS 18.65.240 (a) (2), AS 18.65.240 (c), AS 18.65.270, AS 44.62.330 et. Seq., 13 AAC 85.010 (a) (3), and 13 AAC 85.110 (a)(2), and 13 AAC 85.110 (b) (3).

The Administrator Alleges as Follows:

1. On or about October 16, 1995, the respondent was hired as a police officer for the Anchorage Police Department.
2. On or about October 1, 1996, the respondent submitted an application to the Alaska Police Standards Council (APSC) for a police officer certificate.
3. On or about October 11, 1996 the respondent was certified as a police officer in the State of Alaska.
4. On or about November 15, 2000, the Anchorage Police Department conducted a criminal and internal investigation into the allegation that the respondent falsified a hit and run police report

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where damage had occurred to the respondent's take home police vehicle on at least two occasions.

5. As a result of the internal investigation it was determined that on numerous occasions the respondent provided false and misleading information during the investigation.

6. On or about December 4, 2000, a department internal investigation was concluded when the respondent resigned from the Anchorage Police Department.

COUNT I

7. Paragraphs 1 through 6 are incorporated by reference as though set forth in detail. In addition, the administrator alleges that respondent resigned under threat of discharge for cause relating to misconduct, from employment as a police officer in Alaska, and therefore, his police officer certificate should be revoked under AS 18.65.240 (a) (2) and 13 AAC 85.110 (b) (3).

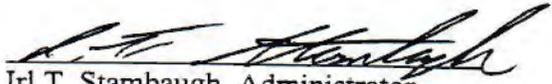
COUNT II

8. Paragraphs 1 through 6 are incorporated by reference as though set forth in detail. In addition, the administrator alleges that the conduct described in paragraphs 4-6 demonstrates that the respondent lacks good moral character. The respondent therefore does not meet the minimum standards for a certified police officer established under AS 18.65.240 (a) (2), 13 AAC 85.010 (a) (3), and 13 AAC 85.110 (a) (3), and his police officer certificate should be revoked.

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WHEREFORE, the administrator prays that Neil P. Schmitz's
certificate as a police officer in the State of Alaska be revoked.

DATED this 12th . day of April, 2001, at Juneau, Alaska


Irl T. Stambaugh, Administrator
Alaska Police Standards Council

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