

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

STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
)
 Nicholas J. L. Gray,) **APSC No. 2015-04**
)
 Respondent,)
 _____)

ORDER OF REVOCATION

The Alaska Police Standards Council of the State of Alaska, having duly convened on the 10th day of March, 2016, and having reviewed and discussed the Accusation against the Respondent, which was sent via certified, registered mail, on December 23, 2015, 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 with notice to the Respondent.

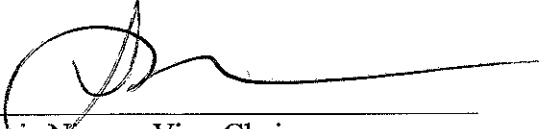
Accordingly, the Council has considered the Accusation dated December 23, 2015.

Based on the Council's consideration of the facts recited in the referenced Accusation,

IT IS HEREBY ORDERED

1. That the allegations made in the Accusation against the Respondent dated December 23, 2015, 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 correctional 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 10th day of March, 2016.



Luis Nieves, Vice-Chairman
Alaska Police Standards Council

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of:)
)
 Nicholas J. Gray,) No. APSC 2015-04
)
Respondent)
_____)

ACCUSATION

Sarah Hieb, Administrative Investigator of the Alaska Police Standards Council (APSC), Department of Public Safety of the State of Alaska, is seeking to revoke the correctional officer certificate of Respondent Nicholas J. Gray under the legal authority of AS 18.65.245(2), the Council's regulations in 13 AAC 85.270, and under the procedures governed by the Administrative Procedure Act in AS 44.62.330, *et. seq.* The Administrative Investigator alleges as follows:

1. On November 8, 2010, the Respondent was hired by the Alaska Department of Corrections as a correctional officer.
2. On December 19, 2011, the Respondent was certified by APSC as a correctional officer in the State of Alaska.
3. On November 10, 2013, Nome Police Department officers responded to a report of a fight outside a bar and found Nicholas Gray was intoxicated and fighting with another male, and had assaulted his ex-wife, causing swelling and bruising to her hand.
4. On December 21, 2014, Nome Police Department officers responded to the ex-wife, K.G.'s residence for a report of a disturbance. The Respondent was intoxicated and had assaulted his ex-wife, causing a bloody nose and lip and swelling

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on her forehead. The Respondent was arrested for Assault in the Fourth Degree, a crime of Domestic Violence, and lodged at Anvil Mountain Correctional Center.

5. On December 21, 2014 while held at Anvil Mountain Correction Center, the Respondent was crying and very emotional, yelling at the guards and other inmates and pounding and kicking on his cell door for about 20 minutes until he fell asleep on the cell mattress.

6. On or about December 26, 2014, The Respondent was placed on administrative leave with pay and notified of an investigative meeting scheduled for December 29, 2014, regarding the information in Paragraphs 3 and 4. On December 30, 2014 the Respondent was placed on administrative leave without pay pending the resolution of the investigation.

7. On February 16, 2015, the Respondent resigned from his position as a correctional officer with the Alaska Department of Corrections.

8. On June 22, 2015, the Respondent pled guilty to Assault in the Fourth Degree - Recklessly Injure. This is a crime of Domestic Violence.

9. AS 18.65.245(2) provides that the APSC may revoke the certificate of a correctional officer who fails to meet the standards adopted under AS 18.65.242(a).

10. 13 AAC 85.270(a)(2) provides that the council will, in its discretion revoke a basic certificate upon a finding that the holder of the certificate has resigned under threat of discharge from employment as a correctional officer for cause for conduct that is detrimental to the reputation, integrity, or discipline of the correctional agency where the officer worked.

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11. 13 AAC 85.270(a)(3) provides that the council will, in its discretion, revoke a basic certificate upon a finding that the holder of the certificate does not meet the standards in 13 AAC 85.210(a) or (b).

12. 13 AAC 85.270(b)(1) provides that the council will revoke a basic certificate upon a finding that the holder of the certificate has been convicted of a misdemeanor crime of domestic violence.

13. 13 AAC 85.270(b)(3) provides that the council will revoke a basic certificate upon a finding that that holder of the certificate resigned under threat of discharge from employment as a correctional officer in this state for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of other and for the laws of this state and the United States or that is detrimental to the integrity of the correctional agency where the officer worked.

COUNT I

Paragraphs 1-13 are incorporated by reference. Based upon the facts described above, the Respondent resigned in lieu of discharge from his employment as a correctional officer with the State of Alaska Department of Corrections, for cause for conduct that is detrimental to the reputation, integrity, or discipline of the State of Alaska Department of Corrections, which is grounds for discretionary revocation under 13 AAC 85.270(a)(2).

COUNT II

Paragraphs 1-10 are incorporated by reference. Based upon the facts described above, the Respondent does not meet the minimum standards for certified

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correctional officer established under 13 AAC 85.210(a) or (b), which is grounds for discretionary revocation under 13 AAC 85.270(a)(3).

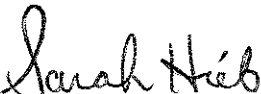
COUNT III

Paragraphs 1-10 are incorporated by reference. Based upon the facts described above, the Respondent has been convicted of a misdemeanor crime of domestic violence, which is grounds for mandatory revocation under 13 AAC 85.270(b)(1).

COUNT IV

Paragraphs 1-10 are incorporated by reference. Based upon the facts described above, the Respondent resigned under threat of discharge from employment as a correctional officer from the State of Alaska Department of Corrections for cause for conduct that would cause a reasonable person to have substantial doubt about the Respondent's honesty, fairness, and respect for the rights of other and for the laws of this state and the United States and that is detrimental to the integrity of the State of Alaska Department of Corrections, which is grounds for mandatory revocation under 13 AAC 85.270(b)(3).

DATED this 23rd day of December, 2015, at Juneau, Alaska.



Sarah Hieb
Alaska Police Standards Council