

STATE OF ALASKA
ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
PETER P. SHEAIRS)
Respondent.)

NO. APSC 92-04

ORDER

The Alaska Police Standards Council (hereafter: Council) of the State of Alaska, having duly convened on the 09th day of September, 1993, and having reviewed and discussed the Accusation against the respondent which was served April 15, 1993 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.

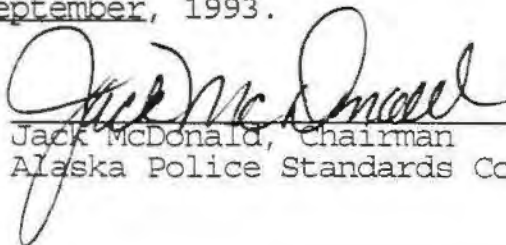
In accordance with the provisions of AS 44.62.530 the Council has considered the attached Affidavit of Laddie Shaw.

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

IT IS HEREBY ORDERED:

1. That the allegations made in the Accusation against the respondent dated April 15, 1993, 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 09th day of September, 1993.



Jack McDonald, Chairman
Alaska Police Standards Council

State of Alaska
Alaska Police Standards Council
Pouch A - January, Alaska 99511

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*State of Alaska
Alaska Police Standards Council
Pouch N - Juneau, Alaska 99801*

I hereby certify that 7 members out of 11 members were present at the time this order was considered and that 7 members voted Yes and 0 voted No.



Jack McDonald, Chairman
Alaska Police Standards Council

STATE OF ALASKA
ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
))
 PETER P. SHEAIRS) NO. APSC 92-04
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 Respondent))
_____)

AFFIDAVIT OF LADDIE SHAW

Laddie Shaw, being first duly sworn upon oath, here deposes and states that:

A: I am employed as Administrator for the Alaska Police Standards Council (hereafter: Council).

B: As Administrator, my duties include the investigation of allegations and, when appropriate, the filing of an accusation which may result in the revocation of police certificates.

C: I have conducted an investigation into the matter of Peter P. Sheairs. Based upon the results of that investigation, and upon documents and records contained in council files, it is my information and belief that:

1. On or about May 19, 1986, the respondent was hired as a police officer for the Anchorage Police Department.
2. On or about June 23, 1987, the respondent signed an application for certification, requesting the Alaska Police Standards Council to approve issuance of a basic police officer certificate.
3. On or about July 10, 1991, the respondent was certified as a police officer in the State of Alaska.
4. On or about April 12, 1991, the respondent was dispatched to investigate an accident in the Port Area. As a result of respondent's handling of the investigation and preparation of reports detailing the incident, a complaint was filed and an internal investigation was initiated by the Anchorage Police Department.
5. On or about November 15, 1991, a complaint summary was filed by Captain George Novaky, Anchorage Police Department

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2 alleging that respondent violated Anchorage Police Department
3 Regulations 1.02.000, 1.03.035, 1.03.065, 1.03.075 and 1.03.160.

4 6. On or about November 15, 1991, the respondent's
5 employment as a police officer for the Anchorage Police
6 Department was terminated for cause based on findings that
7 respondent violated the following Anchorage Police Department
8 Regulations: 1.03.160-Documents to be Accurate, 1.03.065-
9 Performance of Duty, 1.03.075-Equal Enforcement, 1.02.000-the
10 Law Enforcement Code of Ethics and 1.03.035-Obeying a Lawful
11 Order.

12 D: On April 15, 1993, Jack Wray, then Administrator of
13 the Council sent to the respondent by U.S. mail, return receipt
14 requested, documents consisting of an Accusation, Statutes of
15 the Alaska Police Standards Council, Regulations of the Alaska
16 Police Standards Council, the Administrative Procedures Act, and
17 a Notice of Defense. The Accusation contained the allegations
18 shown as numbered paragraphs 1-6.

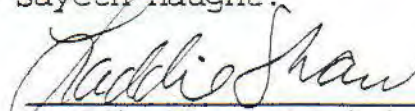
19 E: On April 21, 1993, a United States Postal Service
20 "Return Receipt," was received by the Council signed with the
21 name "Peter P. Sheairs," the date of delivery block was post-
22 marked April 19, 1993. A copy of the Return Receipt is attached
23 to this affidavit.

24 F: The Notice of Defense and the letter dated April 6,
25 1993 sent to the respondent contains instructions that the
26 Notice must be filed with the Council within 15 days of receipt.

27 G: The 15 day period during which respondent could have
28 filed a Notice of Defense expired on May 7, 1993. As of the
29 date of this Affidavit, no Notice of Defense has ever been
30 received from the respondent.

31 H: I conclude that the conduct described in numbered
32 paragraphs 4-6 demonstrates that the respondent lacks good moral
33 character, and that respondent resigned from his employment as
34 a police officer in lieu of being discharged. Respondent
35 therefore does not meet the minimum standards for a certified
36 police officer established under AS 18.65.240(a)(2), and under
37 AS 18.65.240(c), 13 AAC 85.110(a)(2), and 13 AAC 85.110(a)(3),
38 his police officer certificate must be revoked.

39 Further your affiant sayeth naught.

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41 Laddie Shaw, Administrator
42 Alaska Police Standards Council

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*State of Alaska
Alaska Police Standards Council
March 21 - June 30, Alaska 99501*

Subscribed and sworn to before me this 26th day of August, 1993.

Vicary L. Hesse
Notary Public in State of Alaska
3-14-94
Commission Expires

STATE OF ALASKA
ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
PETER P. SHEAIRS) No. APSC 92-04
Respondent.)
_____)

ACCUSATION

Jack W. Wray, Administrator of the Police Standards Council, Department of Public Safety of the State of Alaska, moves to revoke the certification of Peter P. Sheairs, 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), 13 AAC 85.110(a)(2), and 13 AAC 85.110(a)(3).

The Administrator alleges as follows:

1. On or about May 19, 1986, the respondent was hired as a police officer for the Anchorage Police Department.
2. On or about June 23, 1987, the respondent signed an application for certification, requesting the Alaska Police Standards Council to approve issuance of a basic police officer certificate.
3. On or about July 10, 1987, the respondent was certified as a police officer in the State of Alaska.
4. On or about April 12, 1991, respondent was dispatched to investigate an accident in the Port Area. As a result of respondent's handling of the investigation and preparation of reports detailing the incident, a complaint was filed and an

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Alaska Police Standards Council
Douch v. Jovan, Alaska 00571*

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2 internal investigation was initiated by the Anchorage Police
3 Department.

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5 5. On or about November 15, 1991, a complaint summary was
6 filed by Captain George Novaky, Anchorage Police Department
7 alleging that respondent violated Anchorage Police Department
8 Regulations 1.02.000, 1.03.035, 1.03.065, 1.03.075 and 1.03.160.

9
10 6. On or about November 15, 1991, respondent's employment
11 as a police officer for the Anchorage Police Department was
12 terminated for cause based on findings that respondent violated
13 the following Anchorage Police Department Regulations:
14 1.03.160-Documents to be Accurate, 1.03.065-Performance of Duty,
15 1.03.075-Equal Enforcement, 1.02.000-the Law Enforcement Code
16 of Ethics and 1.03.035-Obeying a Lawful Order.

17
18 Count I

19 7. Paragraphs 1 through 6 are incorporated by reference
20 as though set forth in detail. In addition, the Administrator
21 alleges that the conduct described in paragraphs 4-6
22 demonstrates that respondent lacks good moral character. The
23 respondent therefore does not meet the minimum standards for a
24 certified police officer established under AS 18.65.240(a)(2),
25 13 AAC 85.010(a)(3), and 13 AAC 85.110(a)(3), and his police
26 officer certificate should be revoked.

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28 Count II

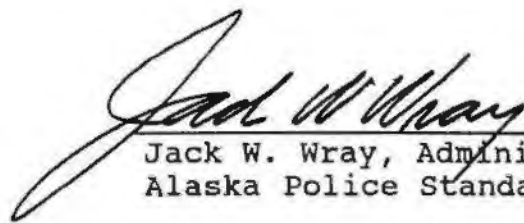
29 8. Paragraphs 1 through 6 are incorporated by reference
30 as though set forth in detail. In addition, the Administrator
31 alleges that the respondent was discharged, for cause, from his
32 employment as a police officer for the Anchorage Police

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Department, and therefore his police officer certificate should be revoked under AS 18.65.240(a)(2) and 13 AA 85.110(a)(2).

WHEREFORE, the Administrator prays that Peter P. Sheairs' certificate as a police officer in the State of Alaska be revoked.

DATED this 15th day of April, 1993, at Juneau, Alaska.



Jack W. Wray, Administrator
Alaska Police Standards Council

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March 11 - Juneau, Alaska 99801*