

BEFORE THE  
ALASKA POLICE STANDARDS COUNCIL

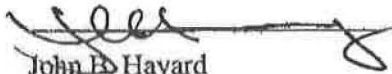
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In the Matter of:	)		
	)	CONSENT	
AGREEMENT,	)		DECISION
and ORDER	)		
	)		
John B. Havard,	)		
Respondent	)		
	)		
APSC Case No. 2012-16	)		
	)		

CONSENT AGREEMENT

In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Alaska Police Standards Council, and pursuant to AS 18.65.220, AS 18.65.240 and 13 AAC 85.110, the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

1. Respondent, without admitting any allegations that may have been made against him, hereby permanently relinquishes his Alaska police officer certification.
2. Respondent waives his right to a hearing and waives the requirement of Findings of Fact and Conclusions of Law for the Decision and Order below to be effective and final;
3. Respondent waives any appeal or judicial review of the action agreed to herein;
4. Respondent and the Alaska Police Standards Council agree that this voluntary relinquishment of certification shall permanently bar Respondent from working as a police officer in Alaska.
5. Notwithstanding Paragraph 4, Respondent and the Alaska Police Standards Council agree that Respondent shall retain his right to petition the Alaska Police Standards Council for discretionary rescission of the revocation, as provided in 13 AAC 85.110.
6. Respondent understands that he has the right to consult with and be represented by an attorney concerning this Agreement and any potential Alaska Police Standards Council proceedings. Respondent agrees that this Agreement was not signed under duress and that he has had adequate time to consult with counsel or other persons of his choosing;
7. Respondent understands that the public records law and the open meetings law apply to the Alaska Police Standards Council. Nothing in this Agreement shall be

interpreted to accord secrecy to the records of the Alaska Police Standards Council above and beyond that already required by law.

  
John B. Havard  
Respondent

9/30/2013  
Date

\_\_\_\_\_  
Kelly Alzaharna, Executive Director  
Alaska Police Standards Council

\_\_\_\_\_  
Date

**DECISION AND ORDER**

The Alaska Police Standards Council hereby accepts Respondent Havard's voluntary relinquishment of his police officer certification.

IT IS ORDERED, that such relinquishment shall be permanent and shall bar Respondent Havard from working as a police officer in Alaska.

ADOPTED at Open Meeting this 3rd day of December, 2013.

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Sheldon Schmitt, Chairman  
Alaska Police Standards Council

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Date



STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of,	)	
	)	
John B. Havard	)	No. APSC 2012-16
	)	
Respondent.	)	
_____	)	

**ACCUSATION**

Kelly Alzaharna, Executive Director of the Alaska Police Standards Council (APSC), Department of Public Safety of the State of Alaska, is seeking to revoke the police certificate of Respondent John B. Havard under the legal authority of AS 18.65.240(a) and (c), the Council’s regulations in 13 AAC 85.110, 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 June 15, 2007, the Respondent was hired by the Saint Paul Department of Public Safety as a police officer.
2. On or about March 31, 2008, the Respondent resigned in lieu of termination from the Saint Paul DPS, regarding an investigation surrounding his truthfulness in providing information to the council on his F-3 form.
3. On or about June 1, 2009, the council voted not to take any action since Mr. Havard was not a certified police officer.
4. On or about June 23, 2009, the Respondent was hired by the Whittier Police Department as a police officer.
5. On or about August 17, 2010, the Respondent was certified by APSC as a police officer in the State of Alaska.

6. On or about September 30, 2010, Kenai and Whittier Police Departments received a written complaint against the Respondent, alleging he was drinking alcohol to the point of intoxication, while carrying a firearm at a Kenai restaurant while there on department business. The complainant, the waitress serving the Respondent at the restaurant, also alleged the Respondent made inappropriate comments regarding her marriage, husband, her getting a hotel room that night, and a tag sticking out of her underwear.

7. On or about October 3, 2010, the Respondent wrote a police report for Whittier PD, listing himself as the complainant. In the report he admitted that he did consume alcohol at the restaurant while he was armed, and made several of the alleged comments, but the context of the comments was different than what the complainant alleged. The original complainant did not follow through with a verbal statement when contacted by Kenai PD. The case was closed with no department or legal action taken.

8. On or about January 4, 2011, the Respondent registered himself for a three-week (January 24-February 11, 2011) forensic crime scene academy. Whittier Police Chief Schofield gave the Respondent permission to attend the course, but would not pay for any of the costs.

9. On the same day, the Respondent sent an email to APSC requesting funding assistance for this course. The request was denied, recommending the Respondent re-contact APSC towards the end of the fiscal year (May 2011) for possible available funds.

10. On the same day, the Respondent acknowledged the course cancellation (within 14 days of class start receive no refund) and payment (due prior to or at the first day of class) requirements by completing and submitting the course registration form. He also wrote *Alaska Police Standards Council* on the form, inferring that the council would be paying for the course.

11. On or about January 10, 2011, the Respondent notified the course vendor, Four Eight Companies, Inc. via email that payment for the course would be in their office that week.

12. On or about January 23, 2011, the Respondent notified Four Eight Companies, Inc. via email that APSC had promised payment in May, but that was too late, so he would not be able to attend the course.

13. On or about January 24 – early March 2011, Four Eight Companies, Inc. contacted the Respondent and Whittier Mayor Lester Lunceford several times, requesting payment of the course tuition. The Respondent told Mayor Lunceford and Chief Schofield on several occasions, that he would personally pay the debt. He did not.

14. On or about June 26, 2011, the Respondent resigned from employment as a police officer from Whittier PD, while under investigation for the incidents described in Paragraphs 6-7 and Paragraphs 8-13.

15. On or about October 11, 2011, the District Court of Maryland entered a default judgment against Whittier Police Department for \$3,033 non-payment of the course tuition. Whittier Mayor Lester Lunceford and the Respondent were named as defendants. The City of Whittier paid the judgment.

16. On or about July 2, 2011, the Respondent was hired by Haines Police Department as a police officer.

17. On or about October 27, 2011, the Respondent submitted the required F-3 Personal History Statement form. The Respondent failed to disclose (by putting an “X” in the “No” box on the form, when asked if he had ever resigned after being informed an employer intended to fire him) that he had resigned from his police officer position in lieu of termination from Saint Paul DPS in March 2008. The Respondent also failed to disclose that he had been previously married.

18. On or about January 9, 2012, the Respondent resigned as a police officer from Haines PD.

19. On or about March 19, 2012, the Respondent was hired by the Galena Police Department as a police officer.

20. On or about June 1, 2012, the Respondent was asked by the Galena City Manager to submit the required APSC F-3, F-2A and F-2B forms. It was explained to the Respondent that the information had to be current and he could not send in the same forms he submitted for his previous department over a year earlier.

21. On or about June 4, 2012, the Respondent submitted an F-3 that he completed in January 2012. The Respondent again failed to disclose (by putting an “X” in the “No” box on the form, when asked if he had ever resigned after being informed an employer intended to fire him) that he had resigned from his police officer position in lieu of termination from Saint Paul DPS in March 2008. The Respondent again failed to disclose that he had been previously married.



22. On or about June 5, 2012, after being told again by the Galena City Manager that he needed to submit current forms, the Respondent submitted the required F-3 Personal History Statement form. The Respondent again failed to disclose (by putting an “X” in the “No” box on the form, when asked if he had ever resigned after being informed an employer intended to fire him) that he had resigned from his police officer position in lieu of termination from Saint Paul DPS in March 2008. The Respondent again failed to disclose that he had been previously married.

23. AS 18.65.240(c) provides that the APSC “may deny or revoke the certificate of a police officer who does not meet the standards adopted under (a) (2) of this section.

24. 13 AAC 85.110(a)(3) provides that “the council will, in its discretion revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate...does not meet the standards in 13 AAC 85.010(a) or (b).”

### **COUNT I**

Paragraphs 1-24 are incorporated by reference. Based upon the facts described above, the Respondent does not meet the minimum standards for a certified police officer established under 13 AAC 85.010(a) (3). The Respondent lacks good moral character and is dishonest, which is grounds for discretionary revocation under 13 AAC 85.110(a) (3).

**COUNT II**

Paragraphs 1-24 are incorporated by reference. Based upon the facts described above, the Respondent resigned under threat of discharge, from employment as a police officer in Alaska for cause for conduct that would cause a reasonable person to have substantial doubt about his honesty, which is grounds for mandatory revocation under 13 AAC 85.110(b)(3).

DATED this 20th day of March, 2013, at Juneau, Alaska.

\_\_\_\_\_  
Kelly Alzaharna, Executive Director  
Alaska Police Standards Council

**BEFORE THE ALASKA OFFICE OF ADMINSTRATIVE HEARINGS  
ON REFERRAL FROM THE ALASKA POLICE STANDARDS  
COUNCIL**

In the matter of:                    )  
JOHN B. HAVARD,                    )  
  )  
  )  
  )

\_\_\_\_\_  
OAH # 13-0508-POC  
APSC # 2012-16

**SECOND AMENDED ACCUSATION**

Comes now the Executive Director of the Alaska Police Standards Council, by and through Assistant Attorney General John J. Novak, and hereby files this second amended accusation to correct a typographical error in the amended accusation so as to set forth the full citation to the regulation in count II.

**Count I**

Havard's police certificate must be mandatorily revoked pursuant to 13 AAC 85.110(b)(3) since he resigned under threat of discharge from employment as a police officer for conduct that would cause a reasonable person to have substantial doubt about his honesty, fairness, and respect of the rights of others and the law; or for conduct detrimental to the integrity of the police department where he worked.

**Count II**

Havard's police certificate must be discretionarily revoked pursuant to 13 AAC 85.110(a)(1), (a)(2), and/or (a)(3) since he falsified or omitted information required to be provided on an application or supporting documents for police certification; resigned under

threat of discharge from employment as a police officer for cause for a reason that adversely affects his ability and fitness to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where he worked; or is not of good moral and trustworthy character.

DATED this 19th day of June, 2013 at Anchorage, Alaska.

MICHAEL GERAGHTY  
ATTORNEY GENERAL

By: 

John J. Novak  
Assistant Attorney General  
Alaska Bar No. 8511184

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