

STATE OF ALASKA
ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
SCOTT R. GAGNE)
Respondent.)

NO. APSC 96-03

ORDER

The Alaska Police Standards Council (hereafter: Council) of the State of Alaska, having duly convened on the 3rd day of December, 1996, and having reviewed and discussed the Accusation against the respondent which was served February 15, 1997 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 February 3, 1997, 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 5th day of May, 1997.


Daniel Morris, Chairman
Alaska Police Standards Council

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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


Daniel Morris, Chairman
Alaska Police Standards Council

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

STATE OF ALASKA
ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
))
 SCOTT R. GAGNE) NO. APSC 96-03
))
 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 Scott R. Gagne. 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 June 1, 1993, the respondent was hired as a police officer for the Bethel Police Department.

2. On or about June 13, 1994, the respondent submitted an application to the Alaska Police Standards Council (APSC) for a police officer certificate.

3. On or about July 15, 1994, the respondent was certified as a police officer in the State of Alaska.

4. On or about August 13, 1996, the respondent was terminated from his employment as a police officer for the Bethel Police Department.

5. On or about August 13, 1996, the Bethel Police Department recommended decertification based on immoral conduct and sexual harassment in the work place.

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

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

1 D: On February 3, 1997, Laddie Shaw, Administrator of the
2 Council sent to the respondent by U.S. mail, return receipt
3 requested, documents consisting of an Accusation, Statutes of
4 the Alaska Police Standards Council, Regulations of the Alaska
5 Police Standards Council, the Administrative Procedures Act, and
6 a Notice of Defense. The Accusation contained the allegations
7 shown as numbered paragraphs 1-5.

8 E: A United States Postal Service "Return Receipt," was
9 received by the Council signed with the name "Scott R. Gagne,"
10 the date of delivery block was post-marked February 15, 1997.
11 A copy of the Return Receipt is attached to this affidavit.

12 F: The Notice of Defense and the letter dated February 3,
13 1997 sent to the respondent contains instructions that the
14 Notice must be filed with the Council within 15 days of receipt.

15 G: The 15 day period during which respondent could have
16 filed a Notice of Defense expired on February 20, 1997. As of
17 the date of this Affidavit, no Notice of Defense has ever been
18 received from the respondent.

19 H: I conclude that the conduct described in paragraph 5
20 demonstrates that the respondent lacks good moral character, and
21 that respondent resigned from his employment as a police officer
22 in lieu of being discharged. Respondent therefore does not meet
23 the minimum standards for a certified police officer established
24 under AS 18.65.240(a) (2), and 13 AAC 85.110(a) (2).

25 Further your affiant sayeth naught.

26 Laddie Shaw
27 Laddie Shaw, Administrator
28 Alaska Police Standards Council

29 Subscribed and sworn to before me this 29th day of April,
30 1997.

31 Victoria L. Hesse
32 Notary Public in State of Alaska
3-14-98
Commission Expires

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

STATE OF ALASKA
ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
SCOTT R. GAGNE) No. APSC 96-03
Respondent.)

ACCUSATION

Laddie Shaw Administrator of the Police Standards Council, Department of Public Safety of the State of Alaska, moves to revoke the certificate of Scott R. Gagne, 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 85.110(a)(2).

The Administrator alleges as follows:

1. On or about June 1, 1993, the respondent was hired as a police officer for the Bethel Police Department.
2. On or about June 13, 1994, the respondent submitted an application to the Alaska Police Standards Council (APSC) for a police officer certificate.
3. On or about July 15, 1994 the respondent was certified as a police officer in the State of Alaska.
4. On or about August 13, 1996 the respondent was terminated from his employment as a police officer for the Bethel Police Department.
5. On or about August 13, 1996 the Bethel Police Department recommended decertification based on immoral conduct and sexual harassment in the work place.

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

COUNT I

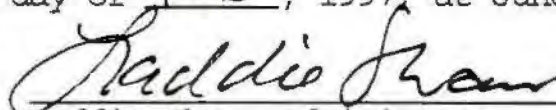
6. Paragraphs 1-5 are incorporated by reference as though set forth in detail. On or about August 13, 1996, the respondent was terminated for cause relating to dishonesty or misconduct from employment as a police officer in Alaska; and therefore, his police officer certificate should be revoked under AS 18.65.240 (a) (2) and (c) and 13 AAC 85.110(b) (3).

COUNT II

7. Paragraphs 1-6 are incorporated by reference as though set forth in detail. Accordingly, respondent is not of good moral character. Respondent's police officer certificate should therefore be revoked under AS 18.65.240(a) (2) and (c) and 13 AAC 85.110(a) (3).

WHEREFORE, the Administrator prays that Scott R. Gagne's certificate as a police officer in the State of Alaska be revoked.

DATED this 3rd day of Feb, 1997, at Juneau, Alaska.



Laddie Shaw, Administrator
Alaska Police Standards Council