

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

1 STATE OF ALASKA

2 ALASKA POLICE STANDARDS COUNCIL

3
4 In the Matter of)
5)
6 Dakota Ashburn,) **APSC No. 2020-19**
7)
8 Respondent,)
9)

10 ORDER OF DISQUALIFICATION

11 The Alaska Police Standards Council of the State of Alaska, having duly
12 convened on the 22nd day of June, 2021, and having reviewed and discussed the
13 Statement of Issues against the Respondent, which was served April 30, 2021, in
14 accordance with AS 44.62.380, takes official notice that a Notice of Defense or a
15 Request for Hearing has not been received from Respondent as required by AS
16 44.62.390. The Council also takes official notice that under AS 44.62.530, if the
17 Respondent does not file a Notice of Defense, the Council may take action based upon
18 other evidence and an Accusation may be used without notice to the Respondent.

19 Accordingly, the Council has considered the Statement of Issues dated February
20 16, 2021.

21 Based on the Council's consideration of the facts recited in the referenced
22 Statement of Issues,

23 **IT IS HEREBY ORDERED**

- 24 1. That the allegations made in the Statement of Issues against the
25 Respondent dated February 16, 2021, are hereby adopted and the
26 Statement of Issues is made, by reference, a part of this Order as though
27 set forth fully herein.
- 28 2. That the Respondent is hereby disqualified from certification as a State of
29 Alaska Correctional Officer; and
- 30 3. That this Order of Disqualification shall take effect in accordance with AS
31 44.62.520(a).

32 DATED this 22nd day of June, 2021.


Rebecca Hamon, Chairman
Alaska Police Standards Council

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of,)
)
Dakota Ashburn,) APSC No. 2020-19
)
Respondent)
_____)

STATEMENT OF ISSUES

Sarah Hieb, Administrative Investigator, on behalf of Robert Griffiths, Executive Director of the Alaska Police Standards Council (APSC), State of Alaska, is stating the issues which led to the determination by the Council that Respondent, Dakota Ashburn, is disqualified for certification as a Correctional Officer under the legal authority of AS 18.65.240(a) and (c); the Council’s regulations in 13 AAC 85.210 and 13 AAC 85.260; and under the procedures governed by the Administrative Procedure Act in AS 44.62.330, *et. seq.* The Administrative Investigator states as follows:

1. On or about January 18, 2020, Respondent submitted his application for Correctional Officer I at Goose Creek Correctional Center (GCCC) answering “No” to question 24: Do you now communicate with, or have you ever communicated with, a person in the custody of the Department of Corrections (including people at the halfway houses and/or on furlough) or in the custody of a federal institution? If so, provide their name(s), date(s) of communication, relationship(s) to you, and the facility or halfway house where the person resides.

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2. On or about March 23, 2020, Respondent submitted the APSC Personal History Statement (F3) to Department of Corrections Human Resources which listed his father, J.A., mother, D.D.

3. On or about May 14, 2020, Respondent was hired as a correctional officer by the Department of Corrections (DOC).

4. After hire, DOC determined that Respondent was related to two offenders, J.A. and D.D., his father and mother.

5. On or about July 1, 2020 a pre-determination meeting was held by DOC. Respondent said he had read the first part of the question, but had missed the part of the question where it stated, *“have you ever communicated with..”* a person in the custody of DOC. Respondent said this was his error and he did not intentionally omit these relationships. Respondent said he thought that he was supposed to write a memo upon hire about his relationship to the offenders, but that he was unable to because he did not have computer access. He said he thought he could write a memo based on what a former correction officer told him at a prior job. He discussed with DOC six persons who he was friends/acquaintances with that he knew had been incarcerated and had worked with at his family’s restaurant.

6. On or about July 2, 2020, Respondent was non-retained by DOC as they found he failed to disclose the relationships on his pre-employment paperwork. DOC recommended Respondent be disqualified for certification as a correctional officer on the Personnel Action Form submitted to APSC.

7. On or about July 22, 2020, the Executive Director found that Respondent was disqualified for Alaska Correctional Officer Certification and notified him via email

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with an attached packet that contained the letter of determination; a draft consent agreement, a Notice of Appeal consistent with 13 AAC 85.260 (c); and, copies of the APSC Statutes and Administrative Procedures Act.

8. On or about July 29, 2020, APSC received Respondent’s notice of appeal of the Executive Director’s decision to the full Council.

9. On or about August 26, 2020, the Executive Director presented Respondent’s case and documentation to the Council for their consideration of his eligibility for hire and certification. The Respondent was afforded the opportunity to appear telephonically before the Council and present his argument that the Executive Director’s finding should be overturned. Respondent did not appear. After evaluating the documentation, discussion and deliberation, the Council voted to uphold the Executive Director’s decision that the Respondent was ineligible for certification.

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

11. 13 AAC 85.260 (a) (1) provides that the council may deny a basic certificate upon a finding that the applicant for a certificate falsified or omitted information required to be provided on the application for certification or on supporting documents.

12. 13 AAC 85.260 (c) provides that the Executive Director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The Executive Director may deny an application, if the applicant does not satisfy those requirements. An applicant

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aggrieved by the decision of the executive director may petition for review of that decision by the council. The council's review of that decision is controlled by the Administrative Procedure Act.

ISSUE I

Paragraphs 1-12 are incorporated by reference. Based upon the facts described above, the Alaska Police Standards Council finds that Respondent omitted information required to be provided on the application for certification or on supporting documents, which is grounds for discretionary denial of certification under 13 AAC 85.260 (a) (1).

DATED this 16th day of February 2020, at Juneau, Alaska.

Sarah Hieb, Administrative Investigator
Alaska Police Standards Council