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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of )  
 )  
 Nicholas Hunnicutt, ) **APSC No. 2016-11**  
 )  
 Respondent, )  
 \_\_\_\_\_ )

ORDER OF DISQUALIFICATION

The Alaska Police Standards Council of the State of Alaska, having duly convened on the 30th day of April, 2024, and having reviewed and discussed the Accusation against the Respondent, which was served February 22, 2024, 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 without notice to the Respondent.

Accordingly, the Council has considered the Accusation dated February 16, 2024.

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 February 16, 2024, 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 is hereby disqualified for police officer certification by Alaska Police Standards Council; and
3. That this Order of Disqualification shall take effect in accordance with AS 44.62.520(a).

DATED this 30th day of April, 2024.

signed

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Rebecca Hamon, Chairman  
Alaska Police Standards Council

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of, )  
 )  
 Nicholas Hunnicutt, ) APSC No. 2016-11  
 )  
 Respondent )  
 \_\_\_\_\_ )

**ACCUSATION**

Sarah Hieb, Administrative Investigator, on behalf of Joseph Gamache, 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, Nicholas Hunnicutt, is disqualified for certification as a Police Officer under the legal authority of AS 18.65.240(a) and (c); the Council’s regulations in 13 AAC 85.010 and 13 AAC 85.100; 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 November 19, 2014, Respondent was hired by the St Paul Police Department as a police officer.
2. On or about July 13, 2015, Respondent was promoted to Chief of Police at the St Paul Police Department.
3. On or about March 2, 2016, APSC received a Personnel Action Form (F-4) from St Paul Police Department showing Respondent resigned from the St Paul Police Department on January 4, 2016. On the APSC Personnel Action Form, St Paul checked that Respondent was under investigation for wrongdoing at the time of his resignation. In answer to the question, “Do you recommend de-certification (if officer was certified)? St Paul marked No. On the narrative on the second page of the form,

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St Paul’s city manager wrote, “Nick was accused of sexual molestation of a minor,” and “(With regard to de-cert, that would depend upon any ongoing case, if there is one. At this time I would not recommend de-cert, if he returned to Alaska in the future. I leave that up to AST and the courts.)”

4. On or about June 28, 2017, Respondent was indicted on a count of Sexual Abuse of a Minor in the 2<sup>nd</sup> degree in Alaska.

5. On or about February 12, 2021, the Executive Director found that Respondent was disqualified for Alaska Police Officer Certification and notified him via postal mail with an attached packet that contained the letter of determination; a draft consent agreement, a Notice of Appeal consistent with 13 AAC 85.100 (c).

6. On or about March 5, 2021, APSC received Respondent’s notice of appeal of the Executive Director’s decision to the Council.

7. On or about June 22, 2021, 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, previously advising he was unable to attend due to an illness. After evaluating the documentation, discussion and deliberation, the Council voted to uphold the Executive Director’s decision that the Respondent was ineligible for certification.

8. On or about September 26, 2023, Respondent was convicted of Sexual Abuse of a Minor in the second degree, a class B felony crime in Alaska.

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9. 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.

10. 13 AAC 85.100(b)(1) provides that the council will deny a basic certificate upon a finding that the applicant, after hire as a police officer, has been convicted of any felony.

11. 13 AAC 85.100 (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 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 1-11 are incorporated by reference. Based upon the facts described above, the Alaska Police Standards Council finds that Respondent has been convicted of a felony crime which is grounds for mandatory denial of certification under 13 AAC 85.100(b)(1).

DATED this 16th day of January, 2024, at Juneau, Alaska.

signed

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Sarah Hieb, Administrative Investigator  
Alaska Police Standards Council