

Meeting Minutes
IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS
MEDAL OF HONOR COMMISSION

Friday, February 8, 2019
10:00 A.M. MST

Office of the Idaho Attorney General
Statehouse, Room 210
700 West Jefferson Street
Boise, Idaho

Attorney General Lawrence Wasden, chairing the meeting, called the meeting to order at 10:02 a.m.

Chairman Wasden introduced and welcomed to the Commissioners, Kimi White, the new Commission Secretary.

The Chairman next welcomed two new members, Brad E. Johnson representing POST and Louis Hougaard representing the Governor's Office.

The Chair then stated that with the appointments of the new Commissioners and the transition in the Governor's Office, he would like all the Commissioners to take and/or renew their Oath of Office.

The Secretary issued the Oath of Office which was taken by all the members present.

Item 1a – The Commission Secretary called roll.

The following Commissioners were present:

Lawrence Wasden, Attorney General
Wayne Denny, Chief, Bureau of Emergency Medical Services & Preparedness
Dennis Doan, Chief, Boise Fire Department
Brad E. Johnson, POST Division Administrator
Louis Hougaard, Office of the Governor
Jeff Lavey, Chief, Meridian City Police
Bart May, Clark County Sheriff
Tim Miller, Twin Falls County Sheriff's Office

The following Commissioner was absent:

Bryan Taylor, Canyon County Prosecuting Attorney

Others present: Kimi White, Commission Secretary (OAG)
Scott Graff, Public Information Officer (OAG)
Kay Christensen, Division Chief of Contracts & Administrative Law
(OAG)
Suzie Markowski, Assistant to Chief Dennis Doan

The Chair announced a quorum was present.

The Chair then introduced Kay Christensen, the Division Chief of Contracts & Administrative Law Division for the Office of the Attorney General. He invited Ms. Christensen to attend the meeting to become familiar with the Medal of Honor Commission and to assist and advise the Commission in the preparation of its rules. He stated that this item will be discussed in greater detail later in the meeting.

The Chair then discussed the complaint and phone calls that were made by constituent Kellie Risso from Bonner County. He stated that Ms. Risso was unhappy with the Commission because no nominations from her County were submitted for the Award. Chairman Wasden informed the Commissioners that the Attorney General's Office responded to her complaint accordingly, by phone and email, and that she was provided with a copy of the Commission's Rules and Qualifications for Awarding.

Chief Lavey stated the he spoke in length with Ms. Risso and told her that he would commit to do more to spread the word to law enforcement agencies within the State about the Medal of Honor Award.

Item 1b – The agenda was reviewed; no amendments were made.

Item 2 – Chairman Wasden asked if there were any changes to the proposed February 15, 2018 and May 16, 2018 minutes. Hearing no comments, he called for a motion to approve. Chief Doan moved to approve the minutes. Mr. Denny seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 3 – Qualifications – Chairman Wasden reviewed the rules for awarding the Idaho Law Enforcement, Firefighter and EMS Medal of Honor.

Ms. Christensen informed the Commissioners she was considering whether the best approach for the Commission was to adopt rules or to revise the statutes to include the rules. The deadline to amend statutes for the current year has already passed. She stated that she was concerned because the Commission has no rules, employees, or funds to promulgate rules. She will discuss this matter in more detail later in the meeting.

Item 4 – Consideration of the Nominees.

Item 4A – Nomination of Kyle Mikowski, Patrol Officer for the Meridian Police Department. Chief Jeff Lavey was present and asked to give a brief summary of

the incident. He will abstain from the vote on this matter as he is presenting this nominee to the Commission for consideration. The Chair then opened up the floor for the Commission members to ask Chief Lavey questions. The Commission members discussed their understanding of the incident and the nomination at length.

Chairman Wasden asked if there was any further discussion. Hearing no comments, he called for a motion. Sheriff May moved to award the Idaho Medal of Honor to Kyle Mikowski. Captain Miller seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously, with Chief Lavey abstaining to avoid any potential conflict of interest.

Chairman Wasden then moved to combine the discussion of agenda Items 4B – 4F, as these nominees were all involved in the same incident. Mr. Hougaard seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 4B – Item 4F – Nominations of Carlos De Leon, Jr., Patrol Sergeant for the Ada County Sheriff's Office; David Anderson, Patrol Deputy for the Ada County Sheriff's Office; Derek Beardall, Patrol Deputy for the Ada County Sheriff's Office; Michael Geisel, Patrol Deputy for the Ada County Sheriff's Office; and Vishal Sahni, Patrol Deputy for the Ada County Sheriff's Office. Lieutenant Ron Santucci of the Ada County Sheriff's Office was contacted via phone and asked to give a brief summary of the incident. Sergeant De Leon was also on the call with Lt. Santucci to provide an eye witness account of the other nominees involved in the incident. The Chair then opened up the floor for the Commission members to ask Lt. Santucci and Sgt. De Leon questions. The Commission members discussed their understanding of the incident and the nominations at length.

The Commission members then discussed the individual accounts of the incident for each nominee at length to determine if they meet the qualifications.

Chairman Wasden asked if there was any further discussion. Hearing no comments, he called for a motion. Chief Doan moved to award the Idaho Medal of Honor to all five nominees involved in the incident: Carlos De Leon, Jr., David Anderson, Derek Beardall, Michael Geisel, and Vishal Sahni. Chief Lavey seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Chief Lavey stated that he appreciated Lt. Santucci and Sgt. De Leon's insight and details of the incident that they provided to the Commission. He stated that without their input, and based on the nomination applications alone, he would have been less inclined to vote in favor of awarding the Medal of Honor to those nominees. Sheriff May and Mr. Hougaard also echoed this sentiment.

Chairman Wasden thanked the law enforcement officers for their participation.

Item 5 – Per statute, the Idaho Medal of Honor Ceremony for law enforcement officers must be held during *National Law Enforcement Recognition Week*, which is May 13-17, 2019. It was moved by Chief Lavey and seconded by Mr. Johnson that the Commission hold the Idaho Medal of Honor Law Enforcement Ceremony on a date during that week, in the Capitol Building (exact location to be decided by the Chair) with flexibility given to the Chair to adjust the date based on availability. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

As no firefighters or EMS workers were nominated or elected to receive the Idaho Medal of Honor for 2019, there will be no firefighter Medal of Honor Ceremony. However, there will still be an Idaho Fallen Firefighter Memorial Ceremony. Chief Doan informed the Commission that Ceremony is scheduled for Friday, Sept 6, 2019 at 2:00 p.m. at the Idaho Fallen Firefighter Memorial in Riverside Park.

Item 6 – The Commissioners discussed the possibility of changing the statute to combine the law enforcement and firefighter and EMS ceremonies to a single date. Curtis Smith, the Secretary/Treasurer for the Professional Fire Fighters of Idaho (PFFI) Association participated in the discussion via phone. Chairman Wasden invited discussion on the topic.

Chief Lavey stated that he felt the ceremony could be combined if it was not scheduled during *National Law Enforcement Recognition Week*, as required by statute.

Chief Doan informed the Commission that the consensus among fire fighters he has consulted with on this issue is they all want to keep the ceremonies separate. They do not want it combined with law enforcement's ceremony during *National Law Enforcement Recognition Week* as it is currently required.

Captain Miller stated that he would like to see the ceremonies combined if the statute could be changed so it was not required to be held during law enforcement recognition week.

Wayne Denny stated that he would like the statute to be changed so that it could be combined and held on a different date, making it a stand alone ceremony during the legislative session.

Curtis Smith stated that the PFFI opposes combining the ceremonies because they do not want it to be held during *National Law Enforcement Recognition Week*. He stated that the PFFI would likely be more supportive if the ceremony could be held during a more unified time during the legislative session.

Chairman Wasden called for a new sub-committee to work with Kay Christensen to address the issues of rulemaking and/or revising the statute. Mr. Denny moved for the creation of a new sub-committee, which was seconded by Sheriff May. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

The issue of combining the ceremonies will also be reviewed in detail by the sub-committee, as Idaho Code § 67-8803 would need to be revised to reflect the same. Chairman Wasden requested Mr. Denny chair this sub-committee and Chiefs Doan and Lavey be members. Mr. Denny, Chief Doan, and Chief Lavey all accepted the sub-committee positions.

Ms. Christensen stated that she will put together a draft revision of the statutes for the sub-committees review and consideration, to be discussed at a meeting to be scheduled.

Item 7 – Chairman Wasden called for a motion to adjourn. Sheriff May moved to adjourn. Chief Lavey seconded the motion. Chairman Wasden called for the vote. The motion passed unanimously.

The Commission meeting adjourned at 12:15 p.m.