

## Open Session Minutes

### IOWA LAW ENFORCEMENT ACADEMY COUNCIL MEETING

April 4, 2024 9:00am

ILEA Building, Room 201

7105 NW 70<sup>th</sup> Avenue

4640 Burma Road

Johnston, IA 50131

A meeting of the Iowa Law Enforcement Academy Council was held as a hybrid of in-person and online attendance.

Members Present: Ricardo Martinez II, Academy Council Chair  
Nathan Fulk, Colonel, Iowa State Patrol  
Elizabeth Quinn, Sergeant, Story County Sheriff's Office  
Vicky Long Hill, Citizen of Iowa  
Ryan Ridout, DOT Director, Bureau of Investigation and Identity Protection  
Aaron McClelland, Captain, Waterloo Police Department  
Jim Steinkuehler, Sheriff, Crawford County Sheriff's Office  
Kevin Schneider, Sheriff, Polk County Sheriff's Office  
Melissa Henderson, Officer, Cedar Rapids Police Department  
Daniel Jansen, Captain, West Des Moines Police Department  
Jana Abens, Citizen of Iowa

Members Absent: Diane Venenga, Vice Chair and Chief, North Liberty Police Department  
Sadie Weekley, Lieutenant, Marshalltown Police Department  
Eric Gjerde, State Representative  
Nate Boulton, Iowa Senator  
Chris Cournoyer, Iowa Senator  
Steven Holt, State Representative  
Matthew Roberts, Group Supervisor, United States Drug Enforcement Administration  
Robert M. DeWitt, Senior Supervisory Resident Agent, Federal Bureau of Investigation

Legal Counsel Present: Kristi Traynor, Assistant Iowa Attorney General

Staff Present: Brady Carney, Director, ILEA  
Jack Heuton, ILEA  
Donna Hallstrom, ILEA  
Nicole Stevens, ILEA  
Jennifer Rico, ILEA

Guests Present In-person: Devin Hogue                      Kelby Smith                      Jeremiah Comstock  
Brad Bollinger                      Angel Perez                      Francisco Padilla  
Ben Boeke                              Blake Henkle                      David Norcross  
Nathan Holland                      Ted Paxton

Guests Present Online:	Robert Millin	Taylor Koontz	Josh O'Dell
	Nathan Johnson	Dakota Drish	Chad McCluskey
	Rich Schmitz	Zeth Baum	Mark Rohloff
	Lisa DuFour	Stephen Scritchfield	Ben Parmater
	J. Phillips	Ben Scholl	

Ric Martinez called the meeting to order.

Ric Martinez stated the proceedings are being recorded and reminded Council members that they are to abstain from participating in and/or voting on any action items involving a potential conflict of interest.

Ric Martinez began with the welcome and introductions of the Academy Council, ILEA staff and guests.

Ric Martinez determined there was a quorum.

The first item (#1\*) on the agenda was the disclosure of potential conflicts of interest on the Open Session agenda.

\*Melissa Henderson advised that she had conflicts relating to curriculum/instructor applications on the Consent Agenda and on the Screening Committee Consent agenda, and she would have to recuse herself from those topics.

\*Dan Jansen advised that he had a conflict with Action Item #5 on the Open Session Agenda and would have to recuse himself from that item.

The second item (#2\*) on the agenda was the approval of the February 1, 2024 Open Session Council minutes.

**Ric Martinez entertained a motion.** Melissa Henderson made a motion to approve the February 1, 2024 Open Session Council minutes. Jim Steinkuehler seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

The third item (#3\*) on the agenda was the approval of the Consent Agenda as presented.

**Ric Martinez entertained a motion.** Elizabeth Quinn made a motion to approve the Consent Agenda as presented. Aaron McClelland seconded the motion. A group voice vote was taken. Melissa Henderson recused herself from Item# 1 and Item# 2. Kevin Schneider recused himself from Item# 5. 9-Aye, motion carried.

The fourth item (#4\*) on the agenda was public comment. There was none.

The fifth item (#5\*) on the agenda was the Petition for Waiver of Iowa Administrative Code Rule 501-2.1(5) for Angel Perez.

**Angel Perez advised the Academy Council that he wanted to withdraw his petition for waiver at this time.**

The sixth item (#6\*) on the agenda was the Petition for Waiver of Iowa Administrative Code Rule 501-2.1(5) for Kelby Smith on behalf of the Atlantic Police Department.

AAG Traynor summarized the criteria for granting the waiver.

**Reason for Waiver:** Smith was charged with Theft 5th and OWI in 2009 and Supplying Alcohol to a Minor in 2010. He pled guilty to the charges. He had a charge of Public Intox from Des Moines PD during that same time. Since the incidents, Smith served as a Fire Chief, EMT, and a Reserve Officer. He also helps coach his children's sport teams and participates in their activities, as well as community programs through the Atlantic PD. Smith has not had further incidents with law enforcement. Mr. Smith advised the hardship for him would be the amount of time and effort he has put into the process. He has lost more than forty pounds and has sacrificed his time away from his family to prepare for this.

**Ric Martinez entertained a motion.** Jim Steinkuehler made a motion that the Council grant the waiver for rule 501-2.1(5) as the rule imposes an undue hardship on Kelby Smith in that he has learned from his mistakes and matured. A waiver will not prejudice the substantial legal rights of any person; the rule is waivable; and the public health, safety, and welfare can be afforded by other means, specifically through the ILEA training program. The waiver should be granted indefinitely. Jim Steinkuehler further moved that the Council authorize the Chair to sign a waiver order consistent with the Council's discussion. Melissa Henderson seconded the motion. **A group voice vote was taken. 11-Aye, motion carried.**

The seventh item (#7\*) on the agenda was the Petition for Waiver of Iowa Administrative Code Rule 501-2.1(5) for Jeremiah Comstock on behalf of the Oskaloosa Police Department.

AAG Traynor summarized the criteria for granting the waiver.

**Reason for Waiver:** Comstock was charged with Willful Injury, a Class D felony, in 2008. He had been drinking alcohol at the time. A male approached him and his ex-girlfriend to make sure everything was ok. Petitioner struck him a couple of times and walked away. As the parties were leaving, the male allegedly yelled. Petitioner went back and struck him again in the face and kned him. Injuries included broken blood vessels in the right eye, swollen jaw, other injuries around the eyes, neck, cheeks, nose, mouth & chin. Police report noted the Petitioner was cooperative and admitted to the incident. Originally, Petitioner was going to be charged with assault against the ex-girlfriend as well, but she declined to press charges. Comstock was certified as a reserve on 5/26/22 and filed letters in support of his petition for waiver. Comstock stated to the Council that he regretted the way he acted during that incident and has changed. He has settled down, gotten married and bought a house. Comstock has not had any further negative

involvement with law enforcement. Mr. Comstock advised that the hardship for him would be the time spent away from his family and continuing in the Reserve program.

**Ric Martinez entertained a motion.** Melissa Henderson made a motion that the Council grant the waiver for rule 501-2.1(5) as the rule imposes an undue hardship on Jeremiah Comstock in that he has learned from his mistakes and matured. A waiver will not prejudice the substantial legal rights of any person; the rule is waivable; and the public health, safety, and welfare can be afforded by other means, specifically through the ILEA training program. The waiver should be granted indefinitely. Melissa Henderson further moved that an in person MMPI evaluation be required and that the Council authorize the Chair to sign a waiver order consistent with the Council's discussion. Aaron McClelland seconded the motion. **A group voice vote was taken. 10-Aye; 1-Nay (Hill). Motion carried.**

Council took a break at 10:10am.

Council resumed Open Session at 10:20am.

The eighth item (#8\*) on the agenda was the Petition for Waiver of Iowa Administrative Code Rule 501-2.1(5) for Francisco Padilla on behalf of the Sioux City Police Department.

AAG Traynor summarized the criteria for granting the waiver.

**Reason for Waiver:** Padilla had juvenile referrals for Possession of Graffiti implements and Criminal Mischief 5th when he was 16-years old, and for Possession of Marijuana and Drug Paraphernalia when he was 17-years old. None of the incidents resulted in delinquency adjudications and were effectively dismissed. Mr. Padilla has not had any further negative involvement with law enforcement. He spent nine years in the Navy and currently works for a trucking company. Mr. Padilla stated the hardship for him would be that he could not serve his community in a positive way.

**Ric Martinez entertained a motion.** Nathan Fulk made a motion that the Council grant the waiver for rule 501-2.1(5) as the rule imposes an undue hardship on Francisco Padilla in that he has learned from his mistakes and matured. A waiver will not prejudice the substantial legal rights of any person; the rule is waivable; and the public health, safety, and welfare can be afforded by other means, specifically through the ILEA training program. The waiver should be granted indefinitely. Nathan Fulk further moved that the Council authorize the Chair to sign a waiver order consistent with the Council's discussion. Melissa Henderson seconded the motion. **A group voice vote was taken. 11-Aye, motion carried.**

The ninth item (#9\*) on the agenda was the Petition for Waiver of Iowa Administrative Code Rule 501-10.1(5) for Nathan Holland on behalf of the Louisa County Sheriff's Office.

AAG Traynor summarized the criteria for granting the waiver.

**Reason for Waiver:** Holland was charged with possession of one gram of marijuana and OWI in 2018 when he was 19 years old. He pled guilty and was given a deferred judgment. Mr. Holland was questioned regarding the other substances that were in his system at the time of his arrest. Mr. Holland advised that he was not ingesting any other substances at the time and not sure why his toxicology report would show this. Since the convictions, Holland has worked as a correctional officer at the Muscatine County Jail for the past three years and served as an FTO. Holland also received a degree in Criminal Justice. Holland has not had any further negative contact with law enforcement. Holland stated that he was issued a ticket for passing a school bus on a four lane highway. He stated that he was not aware at the time that he was required to stop. He paid his fine and completed the class. He stated that he was cited for having a brake light out and having dark window tint on his car. Mr. Holland stated the hardship for him is that he would not be able to serve his community and fulfill his goal of becoming an officer in the future.

**Ric Martinez entertained a motion.** Nathan Fulk made a motion that the Council grant the waiver for rule 501-10.1(5) as the rule imposes an undue hardship on Nathan Holland in that he has learned from his mistakes and matured. A waiver will not prejudice the substantial legal rights of any person; the rule is waivable; and the public health, safety, and welfare can be afforded by other means, specifically through the ILEA Reserve training program. The waiver should be granted indefinitely. Nathan Fulk further moved that the Council authorize the Chair to sign a waiver order consistent with the Council's discussion. Jim Steinkuehler seconded the motion. **A group voice vote was taken. 11-Aye, motion carried.**

The tenth item (#10\*) on the agenda was the Receipt of the Level I Basic Academy Application for Hawkeye Community College.

The Curriculum Committee had consensus to conduct the Hawkeye Level I Site Visit on April 18, 2024 at 10:00am. The committee will submit their findings to the entire Academy Council. The Academy Council will hold a special, public council meeting on Tuesday, May 14, 2024 at 9:00 am at the Iowa Law Enforcement Academy.

The eleventh item (#11\*) on the agenda was the review of the Screening Committee Consent Agenda.

Ryan Lefever	Nicholas McDonald	Matthew Kernen
Jay Carstens	Stephen Scritchfield	Stephanie Tejada-Gasca
Nathan Heim	Brett Greenfield	

**Ric Martinez entertained a motion. Nathan Fulk made a motion to approve the Screening Committee Consent Agenda. Kevin Schneider seconded the motion. A group voice vote was taken. 10-Aye; 1-Recuse (Henderson). Motion carried.**

The twelfth item (#12\*) on the agenda was ILEA Reports.

Director Carney advised that the Basic Academy is in week 14 of 16 and has 89 recruits on board and slated to graduate on April 19th. Sheriff Schneider will attend the 313th graduation at 11:00am on behalf of the Council. Captain Aaron McClelland will attend the 314th graduation at 2:00pm on behalf of the Council. ILEA has the following instructor positions open: Human Trafficking (1) and Firearms (2). Director Carney is requesting the Department of Administrative Services to update the minimum hiring requirements to be in line with law enforcement specifically. The legislative session has been busy and they are working on the budget. Acadis has been pushed out and is up and running.

Donna Hallstrom stated that Hawkeye is the only regional academy that is currently in session. They have nine recruits.

The thirteenth item (#13\*) on the agenda was the Reinstatement Discussion for Taylor Koontz.

This is a reinstatement request from Taylor Koontz. Koontz resigned from the Sac County Sheriff's Office after being charged with assault causing bodily injury. Koontz pled guilty to a reduced charge of assault, received a deferred judgment and probation for one year. He was rehired by the Sac County Sheriff's Office after his conviction. Koontz completed a mental health evaluation prior to being offered a settlement. That evaluation did not indicate a need for any treatment. He also completed a substance abuse evaluation as a part of the criminal case, which did not recommend any treatment needs.

Kristi advised that Mr. Koontz bears the burden of proving that the basis for his suspension no longer exists and that it would be in the public interest to reinstate his certification.

Taylor was online and addressed the Council. Taylor Koontz advised that he has completed his three month suspension per the Council's Settlement agreement that was issued back on 2/3/2022. Taylor stated that he completed an independent mental health evaluation which was provided to the Council back in 2022. Taylor stated that he moved to Colorado after being suspended to pursue a different career path in aviation. He began aviation training school in 2022 and will graduate with his aviation management degree in August 2024. Taylor advised that he has no plans to return to law enforcement in the state of Iowa. However, he is seeking reinstatement in order to be in good standing in case he applies to be in law enforcement in other locations. He served 10-years in the Iowa National Guard and separated in 2019.

**Ric Martinez entertained a motion.** Ryan Ridout made a motion that the Council grant the request to reinstate the law enforcement certification as the reason for the suspension no longer exists and it is in the public interest to reinstate the certification. Ryan Ridout further moved that the Council authorize the Chair to sign the reinstatement order consistent with the Council's discussion. Aaron McClelland seconded the motion. **A group voice vote was taken. 10-Aye; 1-Nay (Hill). Motion carried.**

The fourteenth item (#14\*) on the agenda was the Reinstatement Discussion for Blake Henkle.

Kristi reviewed for the Council the legal standards that Blake Henkle has the burden of providing sufficient evidence that the reason for his suspension no longer exists and that it is in the public interest to reinstate his certification.

Blake Henkle addressed the Council and requested that this discussion be conducted in Closed Session.

**Ric Martinez entertained a motion.** Kevin Schneider made a motion to go into Closed Session for the purpose of discussing records that are required or authorized by state law to be kept confidential pursuant to Iowa Code Section 21.5(1)(a). Melissa Henderson seconded the motion. An individual voice vote was taken. **Elizabeth Quinn-Aye; Ric Martinez-Aye; Melissa Henderson-Aye; Nathan Fulk-Aye; Jim Steinkuehler-Aye; Kevin Schneider-Aye; Ryan Ridout-Aye; Vicky Long-Hill-Aye; Jana Abens-Aye; Dan Jansen-Aye and Aaron McClelland-Aye. 11-Aye, motion carried.**

Council went into Closed Session at: 11:30am

Council resumed Open Session at 12:40pm

**Ric Martinez entertained a motion.** Aaron McClelland made a motion that the Council grant the request to reinstate the law enforcement certification as the reason for the suspension no longer exists and it is in the public interest to reinstate the certification. Aaron McClelland further moved that the Council authorize the Chair to sign the reinstatement order consistent with the Council's discussion. Jana Abens seconded the motion. **An individual voice vote was taken. Jim Steinkuehler-Aye; Kevin Schneider-Nay; Ryan Ridout-Aye; Vicky Long-Hill-Aye; Jana Abens-Aye; Dan Jansen-Aye; Aaron McClelland-Aye; Elizabeth Quinn-Aye; Ric Martinez-Aye; Melissa Henderson-Aye and Nathan Fulk-Aye. 10-Aye; 1-Nay (Schneider). Motion carried.**

Council took a break at 12:45pm.

Council resumed Open Session at 12:55pm.

The fifteenth item (#15\*) on the agenda was to move into Closed Session.

**Ric Martinez entertained a motion.** Melissa Henderson made a motion that the Council go into Closed Session for the purpose of discussing closed session minutes, whether to initiate licensee disciplinary investigations or proceedings, to discuss the decisions to be rendered in a contested case conducted according to the provisions of chapter 17A, pursuant to Iowa Code sections 21.5(1)(a), (d), and (f). Jim Steinkuehler seconded the motion. **An individual voice vote was taken. Elizabeth Quinn-Aye; Ric Martinez-Aye; Melissa Henderson-Aye; Nathan Fulk-Aye; Jim Steinkuehler-Aye; Kevin Schneider-Aye; Ryan Ridout-Aye; Vicky Long-Hill-Aye; Jana Abens-Aye; Dan Jansen-Aye and Aaron McClelland-Aye. 11-Aye, motion carried.**

Council went into Closed Session at 1:00pm.

Council resumed Open Session at 2:15pm

The sixteenth item (#16\*) on the agenda was to vote on items discussed in the Closed Session.

Approval of February 1, 2024 Closed Session Council Minutes

**Ric Martinez entertained a motion. Melissa Henderson made a motion to approve the February 1, 2024 Closed Session Council Minutes. Elizabeth Quinn seconded the motion. A group voice vote was taken. 11-Aye, Motion carried.**

Settlement Agreement Files

**22-023**

Ric Martinez entertained a motion. Nathan Fulk made a motion that the Council accept the agreement submitted by the parties, and issue an order permanently revoking the certification with no possibility of reinstatement. Ryan Ridout seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**23-001**

Ric Martinez entertained a motion. Aaron McClelland made a motion that the Council accept the agreement submitted by the parties and issue an order incorporating the agreement and imposing the agreed upon sanction. Melissa Henderson seconded the motion. A group voice vote was taken. 10-Aye; 1-Nay (Hill). Motion carried.

Agreement Stipulations

\*18-month suspension from 6/1/2023 (date of PC)

\*Treatment with Amy Lapham until maximum benefits are reached. Lapham must review the investigative report to ensure concerns are addressed; provide documentation of successful completion and cooperation with treatment to Council.

\*FBI-LEEDA Professional Standards & Ethics course

\*Must apply to be reinstated

**23-016**

Ric Martinez entertained a motion. Elizabeth Quinn made a motion that the Council accept the agreement submitted by the parties, and issue an order permanently revoking the certification with no possibility of reinstatement. Jana Abens seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**23-018**

Ric Martinez entertained a motion. Dan Jansen made a motion that the Council accept the agreement submitted by the parties, and issue an order permanently revoking the certification with no possibility of reinstatement. Kevin Schneider seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**23-028**

Ric Martinez entertained a motion. Ryan Ridout made a motion that the Council accept the agreement submitted by the parties, and issue an order permanently revoking the certification with no possibility of reinstatement. Jim Steinkuehler seconded the motion. A group voice vote was taken. 11-Aye, motion carried.



**23-043**

Ric Martinez entertained a motion. Melissa Henderson made a motion that the Council accept the agreement submitted by the parties, and issue an order permanently revoking the certification with no possibility of reinstatement. Jim Steinkuehler seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**22-025**

Ric Martinez entertained a motion. Aaron McClelland made a motion that the Council accept the agreement submitted by the parties and issue an order incorporating the agreement and imposing the agreed upon sanction. Ryan Ridout seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**Agreement Stipulations**

\*2-year suspension from 7/10/2022 (date of resignation)

\*Treatment with Amy Lapham to address boundaries and perception and decision making as it relates to law enforcement until maximum benefits are reached. Lapham must review the investigative report to ensure concerns are addressed; provide documentation of successful completion and cooperation with treatment to Council.

\*FBI-LEEDA Professional Standards & Ethics course

\*Must apply to be reinstated

**Decertification Files****22-045**

Ric Martinez entertained a motion. Melissa Henderson made a motion that the Council find probable cause to establish a violation of 501 IAC rules 6.2(1)(a) and 6.2(2)(e)(4), and order this case set for hearing. Nathan Fulk seconded the motion. A group voice vote was taken. 9-Aye; 2-Recuse (Steinkuehler/McClelland), motion carried.

**23-022**

Ric Martinez entertained a motion. Elizabeth Quinn made a motion that the Council find probable cause to establish a violation of 501 IAC rules 6.2(1)(f), (2)(b), (2)(c), and (2)(e)(4) and order this case set for hearing. Jim Steinkuehler seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**23-025**

Ric Martinez entertained a motion. Ryan Ridout made a motion that the Council find probable cause to establish a violation of 501 IAC rules 6.2(1)(a) and (1)(b); 6.2(2)(e)(4) and (2)(e)(5) and order this case set for hearing. Kevin Schneider seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**23-046**

Ric Martinez entertained a motion. Nathan Fulk made a motion that the Council find probable cause to establish a violation of 501 IAC rules 6.2(1)(c), 6.2(2)(b), (2)(c), and (2)(e)(4), and order this case set for hearing. Melissa Henderson seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**23-049**

Ric Martinez entertained a motion. Jana Abens made a motion that the Council find probable cause to establish a violation of 501 IAC rules 6.2(1)(f), (2)(b) and (2)(e)(4) and order this case set for hearing. Dan Jansen seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**23-051**

Ric Martinez entertained a motion. Aaron McClelland made a motion that the Council find probable cause to establish a violation of 501 IAC rules 6.2(2)(b) and (2)(e)(4) and order this case set for hearing. Nathan Fulk seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**24-001**

Ric Martinez entertained a motion. Melissa Henderson made a motion that the Council find probable cause to establish a violation of 501 IAC rules 6.2(2)(e)(6) and order this case set for hearing. Jana Abens seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**24-008**

Ric Martinez entertained a motion. Jana Abens made a motion that the Council find probable cause to establish a violation of 501 IAC rules 6.2(2)(b) and (2)(e)(4) and order this case set for hearing. Aaron McClelland seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**Proposed Decision Files****23-011**

Ric Martinez entertained a motion. Dan Jansen made a motion that the Council allow the proposed decision to become the final decision unless an appeal is filed by one of the parties within the time allowed by rule. Melissa Henderson seconded the motion. A group voice vote was taken. 10-Aye; 1-Recuse (Schneider). Motion carried.

**23-012**

Ric Martinez entertained a motion. Melissa Henderson made a motion that the Council allow the proposed decision to become the final decision unless an appeal is filed by one of the parties within the time allowed by rule. Aaron McClelland seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

**Request to Change Council Order****22-018**

Ric Martinez entertained a motion. Dan Jansen made a motion that the Council amend its final order to allow the Respondent to process his ethics violations with Mark Cowan instead of Amy Lapham and for all other terms of the order to remain in effect, with Mark Cowan being the final therapist option. Kevin Schneider seconded the motion. A group voice vote was taken. 11-Aye, motion carried.

The seventeenth item (#17\*) on the agenda was future agenda items. There were none.

The eighteenth item (#18\*) on the agenda was future Council Meetings:

May 14, 2024 at 9:00am

Iowa Law Enforcement Academy-Camp Dodge

June 6, 2024 at 9:00am

Iowa Law Enforcement Academy-Camp Dodge

The nineteenth item (#19\*) on the agenda was to adjourn the meeting.

Ric Martinez entertained a motion. Jim Steinkuehler made a motion to adjourn the meeting at 2:32pm. Motion carried.



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Ricardo Martinez II, Chair  
Iowa Law Enforcement Academy Council

Date