

Open Session Minutes

IOWA LAW ENFORCEMENT ACADEMY COUNCIL MEETING

**August 1, 2024 9:00am
ILEA Building, Room 201
7105 NW 70th 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
Diane Venenga, Vice Chair and Chief, North Liberty Police Department
Vicky Long Hill, Citizen of Iowa
Nathan Fulk, Colonel, Iowa State Patrol
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
Sadie Weekley, Lieutenant, Marshalltown Police Department
Aaron McClelland, Captain, Waterloo Police Department
Nate Boulton, Iowa Senator (online)

Members Absent: Ryan Ridout, DOT Director, Bureau of Investigation and Identity Protection
Elizabeth Quinn, Sergeant, Story County Sheriff's Office
Jana Abens, Citizen of Iowa
Eric Gjerde, State Representative
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
Eric Dirth, Assistant Iowa Attorney General

Staff Present: Brady Carney, Director, ILEA
Sherry Poole, Assistant Director, ILEA
Jack Heuton, ILEA
Donna Hallstrom, ILEA
Nicole Stevens, ILEA
Jennifer Rico, ILEA
Katy Fukuda, ILEA

Guests Present: Zach Simons

Dalton Mosley

Tom Demry

Guests Online: Chad McCluskey

Josh Houser

Jeff Brinkley

Dakota Drish

Darius Potts

Greg Hall

Shelli Tedrow

Keith Brothers

Joe Kennedy

Jean Garaventa

Nicolas Briseno

Joshua Nelson

Zeth Baum

Zachary Engstrom

Rob Duncan

Robert Millin

Joel Phillips

Jim Lester

Paul Fitzgerald

Adam Infante

Nathaniel Dunlavy

Sean O'Neill

Pete Roth

Andrew Batcheller

Brady Hayes

Anthony Trejo

Josh O'Dell

Chris Brandes

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 a conflict with an application on the Consent Agenda that she would be recusing herself on. Nathan Fulk stated that he would recuse himself on two residency ordinances on the Consent Agenda. Kevin Schneider advised that he would recuse himself from the Polk County Jail Instructor applications on the Consent Agenda. Kristi Traynor advised that she would recuse herself from Action Item# 10 on the Open Session agenda.

The second item (#2*) on the agenda was public comment.

ILEA Basic Recruit Nicholas McDonald of the 316th, wanted to thank the Academy Council for approving his petition for waiver back in April, allowing him to attend the Academy. He stated that he would not let the Council down.

The third item (#3*) on the agenda was the approval of the May 14, 2024 Open Session Council Meeting minutes.

Ric Martinez entertained a motion. Jim Steinkuehler made a motion to approve the May 14, 2024 Council minutes. Aaron McClelland seconded the motion. A group voice vote was taken. 9-Aye; 1-Recuse (Venenga) Motion carried.

The fourth item (#4*) on the agenda was the approval of the June 6, 2024 Open Session Council Meeting minutes.

Ric Martinez entertained a motion. Jim Steinkuehler made a motion to approve the June 6, 2024 Council minutes. Dan Jansen seconded the motion. A group voice vote was taken. 9-Aye; 1-Recuse (Venenga) Motion carried.

The fifth item (#5*) on the agenda was the approval of the Consent Agenda as presented on the attachment.

Ric Martinez entertained a motion. Sadie Weekley made a motion to approve the Consent Agenda as presented. Jim Steinkuehler seconded the motion. A group voice vote was taken. 7-Aye; 3-Recuse (Henderson/Fulk/Schneider) Motion carried.

The sixth item (#6*) on the agenda was the review of the CTE application for Zach Simons.

Kristi Traynor summarized the application and waiver for Zach Simons. Simons is a certified officer in South Dakota. He was hired by Rapid City Police Department on July 11, 2022 and was certified on November 18, 2022. He was deployed on June 19, 2023 until recently, thus he only has about 7 months of certified work experience. He would like to acquire Iowa certification through the CTE program. Zach stated the following: His academy training was 520 hours; his military service during deployment was in security forces-military police. He served in Kuwait and served as an E6. He had an additional 15-week military police/law enforcement based training. He just started phase two of the field training program with Woodbury County Sheriff's Office. Ric Martinez voiced that he did not believe that Mr. Simons had enough time in law enforcement to gain Iowa certification through the CTE program. Nathan Fulk stated that Mr. Simons has far more experience than most CTE's due to his military experience and he has attended two different law enforcement/military academies.

Ric Martinez entertained a motion. Melissa Henderson made a motion to approve the petition for waiver and the CTE application for Zach Simons. Diane Venenga seconded the motion. An individual voice vote was taken. Kevin Schneider-Aye; Aaron McClelland-Aye; Vicky Long-Hill-Aye; Nathan Fulk-Aye; Ric Martinez-Nay; Melissa Henderson-Aye; Diane Venenga-Aye; Dan Jansen-Aye; Sadie Weekley-Aye and Jim Steinkuehler-Aye. 9-Aye; 1-Nay. Motion carried.

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

Reason for Waiver: Mosley was arrested for excessive speed, Criminal Mischief 4th, Interference with Official Acts, Eluding, Reckless driving, and Possession of Alcohol Underage in 2013 when he was 18. He pled guilty to interference of official acts, possession of alcohol underage and speeding. The remaining charges were dismissed. After the incident, Mosley enlisted in the Navy and served for 6 years, being deployed twice to the Middle East. Since his discharge from the military, Mosley has a family and has been gainfully employed in the community. Chief Demry,

one of the arresting officers from the 2013 incident, wrote a letter of support for the waiver. Mosley has not had further interactions with law enforcement since the arrest.

Ric Martinez entertained a motion. Jim Steinkuehler made a motion to approve the Petition for Waiver of Iowa Administrative Code Rule 501-2.1(5). Aaron McClelland seconded the motion. A group voice vote was taken. 10-Aye, motion carried.

The eighth item (#8*) on the agenda was the review of the Screening Committee Consent Agenda.

Waivers:	Wade Flinn	Stephen Martinson	Kelsey Hammarstadt
	Daniel Jeckell	Brett Kramer	Jason Alexander

CTE Applications: Andrew Gray

Ric Martinez entertained a motion. Nathan Fulk made a motion that the Council approve the Screening Committee Consent Agenda. Diane Venenga seconded the motion. A group voice vote was taken. 9-Aye; 1-Recuse (Schneider) Motion carried.

The ninth item (#9*) on the agenda was ILEA Reports.

Director's Report:

Basic Academy Update: Director Carney advised the Council members that ILEA is currently in week 14 and has a total of 66 recruits. PT test-in is on Monday, August 5th in Ames with 95 applicants testing.

Legislative Update: ILEA is gearing up for budget requests for FY2026. There have been some initial conversations about ILEA being fully funded. There have been a lot of discussions regarding additional training facilities for ILEA.

POST Discussion: ILEA has uncovered several POST test scandals across the state. There have been several test takers/proctors/supervisors with integrity issues. There has been some discussion about making it mandatory that all POST tests be administered at ILEA to ensure the integrity of the testing process. Several agencies and agency leaders voiced their concerns about having to send their applicants all the way to ILEA to test. They stated that as long as their agency did not have any issues, they should not be penalized for the actions of other agencies. They commented that the agencies who are known to have integrity issues, should be held accountable for their actions. Director Carney advised that there have not been any decisions made, but merely wanted to have the discussion about how to handle these procedures moving forward.

Council Reps for the August 16, 2024 Graduation will be:

315 (Ryan Ridout & Vicki Long-Hill)

316 (Dan Jansen)

Council took a break at 10:15am.

Council resumed Open Session at 10:30am.

The eleventh item (#11*) on the agenda was to move into Closed Session.

Ric Martinez entertained a motion. Diane Venenga 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). Melissa Henderson seconded the motion. An individual voice vote was taken: Vicky Long-Hill-Aye; Aaron McClelland-Aye; Dan Jansen-Aye; Ric Martinez-Aye; Diane Venenga-Aye; Melissa Henderson-Aye; Jim Steinkuehler-Aye; Kevin Schneider-Aye; Nathan Fulk-Aye and Sadie Weekley-Aye. 10-Aye, motion carried.

The Council went into Closed Session at 10:30am.

The Council came back into Open Session at 11:25am.

The tenth item (#10*) on the agenda was the Review of the Proposed Decision and Officer Appeal (oral arguments) for ILEA Case# 23-012.

AAG Eric Dirth reviewed Case# 23-012 for the council members. Oral arguments were previously approved by the council and they will hear from Isaiah Strong and AAG Kristi Traynor. Both parties were given ten minutes to present their oral argument.

Mr. Strong proceeded first with his oral argument. He summarized the specific incident that took place the night he was arrested for Domestic Assault. On February 25, 2023, he and his wife got into a verbal argument. He stated that his wife became more agitated during the argument which resulted in her taking a beer can out of his hand. He stated that he believed that she was going to get physically aggressive so he grabbed her wrist and pushed her away. He told her repeatedly to leave him alone. She called the police and when they arrived, they noticed that she had marks on her wrist and the front/back of her neck. When asked what happened, Mr. Strong stated that he grabbed her wrist in order to get his beer back and pushed her away so she wouldn't hit him. He did not mention that he actually grabbed her by the neck and pushed her away. He told police that she has been violent with him in the past but that he has never reported any violence to the authorities. He stated that he has only told his closest friends about the past history of violence. He asked the Council to take into consideration that the initial charge of domestic assault was pled down to a simple assault and he has no prior criminal history. Mr. Strong advised Council that he has sought therapy and has turned to his faith for healing. He stated that he has a strong passion to serve others and would like the opportunity to serve his community. He has not had any issues with use of force while working in a law enforcement capacity and has done a good job while working for Albia Police Department.

Aaron McClelland asked, "On the night of the incident, how important were those beers? Was that an escalation or de-escalation technique? Did you have a chance to just leave the residence? Do you have an issue with alcohol? Are you still with your wife?"

Mr. Strong replied with the following, "I was downstairs in my own space playing video games and drinking a beer. She came into my space and started yelling at me. It was the principal of the matter and after prior violent incidents, the circumstances were heightened. I have tried to leave the residence before, and she has blocked the entrance in the past, not letting me leave. After losing my job at Indianola Police Department, I was very distraught and found my escape in playing video games and drinking a few beers. I don't believe that I have an issue with alcohol. My spouse and I are no longer together."

Dan Jansen asked, "So you did grab your wife by the throat, correct? What did you tell the police the night of the incident? Why didn't you tell them about grabbing her neck? Did you ever report the abuse from her?"

Mr. Strong replied with the following, "Yes, to create space. I told the police that I grabbed her wrist and pushed her away. I was afraid to tell them about her neck because I wasn't sure if she had any marks on her neck and did not want to incriminate himself. I never reported the prior abuse from her because I was in fear of losing my security clearance with the Air Force. I only confided in my close friends. I just tried to deal with it on my own."

Aaron McClelland asked, "If it was a self defense move, how would that be incriminating?"

Mr. Strong advised that she had marks on her wrist so that was going to be enough for the police to arrest him and he was scared.

Melissa Henderson asked the following, "Why did you continue to live with her if she was abusive? None of this would have happened that night if you had chosen to leave prior."

Mr. Strong stated, "I didn't leave her because I was afraid of losing my daughter. I was afraid of missing out on time with my daughter."

Nathan Fulk asked, "Do you think that it is justified force to go hands on just for a beer? Do you believe it to be reasonable and necessary force?"

Mr. Strong replied, "I told her to stop several times and she continued to escalate the situation. I think it is reasonable because of the history behind it. Any action that I did resulted in some sort of backlash from my wife."

Sadie Weekley asked, "Did you receive domestic abuse training while at the Academy? I believe you were the primary aggressor in this specific incident."

Mr. Strong advised that he did receive domestic abuse training while at the Academy.

The Academy Council did not have any further questions for Mr. Strong.

AAG Traynor gave her oral argument. AAG Traynor advised that Mr. Strong is just now saying it was self defense. He did not make those arguments in his appeal documents or in the contested case hearing. His statements are inconsistent with those when he was under oath. There is no evidence that there was any prior abuse from his wife. When Mr. Strong appeared for the contested case hearing, he did not bring any notes, witnesses, reports, or any objective evidence of prior violence. Mr. Strong minimally testified about prior violence. Mr. Strong stated that he chose to grab his spouse by the throat, which isn't how you create space. You normally would go for the bigger part of the body, like the core area. This was a more dangerous way to create space. There were injuries to both the front and back of her neck, and that says something about the amount of force used. Mr. Strong did not allege self defense in his criminal case when he pled guilty to a lesser included crime of Domestic Assault. Mr. Strong's defense has long since passed when it comes to claiming "self defense".

Both parties left the room.

Council took a break at 12:10pm.

Council resumed Open Session at 12:20pm.

Ric Martinez entertained a motion. **Diane Venenga 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: Aaron McClelland-Aye; Vicky Long-Hill-Aye; Dan Jansen-Aye; Ric Martinez-Aye; Diane Venenga-Aye; Melissa Henderson-Aye; Jim Steinkuehler-Aye; Kevin Schneider-Aye; Nathan Fulk-Aye and Sadie Weekley-Aye.
10-Aye, motion carried.

Council went into Closed Session at 12:21pm.

Council resumed Open Session at 12:40pm.

The twelfth item (#12*) on the agenda was to Vote on Items Discussed in Closed Session

Review of Proposed Decision/Officer Appeal (23-012)

Ric Martinez entertained a motion. Sadie Weekley made a motion that the Council approve the ALJ's decision in its entirety to permanently revoke the Respondent's Iowa Peace Officer certification. Diane Venenga seconded the motion. An individual voice vote was taken: Aaron McClelland-Aye; Vicky Long-Hill-Aye; Dan Jansen-Aye; Ric Martinez-Aye; Diane Venenga-Aye; Melissa Henderson-Aye; Jim Steinkuehler-Aye; Kevin Schneider-Aye; Nathan Fulk-Aye and Sadie Weekley-Aye.

10-Aye, motion carried.

Review of Case Discussion (24-001)

Ric Martinez entertained a motion. Jim Steinkuehler made a motion that the Council deny the Respondent's requests as filed Friday, July 26, 2024, in their entirety. The requests may still be raised through the contested case process as appropriate. Melissa Henderson seconded the motion. An individual voice vote was taken: Aaron McClelland-Aye; Vicky Long-Hill-Aye; Dan Jansen-Aye; Ric Martinez-Aye; Diane Venenga-Aye; Melissa Henderson-Aye; Jim Steinkuehler-Aye; Kevin Schneider-Aye; Nathan Fulk-Aye and Sadie Weekley-Aye.

10-Aye, motion carried.

Review of the June 6, 2024 Closed Session Council Minutes

Ric Martinez entertained a motion. Aaron McClelland made a motion to approve the June 6, 2024 Closed Session Council Minutes. Kevin Schneider seconded the motion. A group voice vote was taken. **9-Aye; 1-Recuse-Venenga. Motion carried.**

Review of the Administratively Closed Files

24-020: Ric Martinez entertained a motion. Melissa Henderson made a motion that the Council administratively close Case# 24-020. Sadie Weekley seconded the motion. A group voice vote was taken. **9-Aye; 1-Recuse (Fulk). Motion carried.**

24-021: Ric Martinez entertained a motion. Dan Jansen made a motion that the Council administratively close Case# 24-021. Diane Venenga seconded the motion. A group voice vote was taken. **9-Aye; 1-Recuse (Steinkuehler). Motion carried.**

24-029: Ric Martinez entertained a motion. Aaron McClelland made a motion that the Council administratively close Case# 24-029. Sadie Weekley seconded the motion. A group voice vote was taken. **10-Aye. Motion carried.**

Review of the Settlement Agreement Files

23-019: Ric Martinez entertained a motion. Diane Venenga 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. Melissa Henderson seconded the motion. A group voice vote was taken. **10-Aye. Motion carried.**

24-008: Ric Martinez entertained a motion. Diane Venenga made a motion that the Council accept the agreement submitted by the parties and issue an order. Dan Jansen seconded the motion. A group voice vote was taken. **9-Aye; 1-Recuse (Weekley). Motion carried.**

24-018: Ric Martinez entertained a motion. Dan Jansen made a motion that the Council accept the agreement submitted by the parties and issue an order. Sadie Weekley seconded the motion. A group voice vote was taken. **8-Aye; 2-Recuse (Steinkuehler & McClelland). Motion carried.**

Review of the Decertification Files

22-008: Ric Martinez entertained a motion. Melissa Henderson made a motion that the Council find probable cause to establish a violation of 501 IAC rule 6.2(2)(e)(4), and order this case set for hearing. Aaron McClelland seconded the motion. An individual voice vote was taken.

10-Aye. Motion carried.

23-014: Ric Martinez entertained a motion. Aaron McClelland made a motion that the Council find probable cause to establish a violation of 501 IAC rule 6.2(2)(a) and (2)(e)(4), and order this case set for hearing. Kevin Schneider seconded the motion. An individual voice vote was taken.

10-Aye. Motion carried.

24-015: Ric Martinez entertained a motion. Dan Jansen made a motion that the Council find probable cause to establish a violation of 501 IAC rule 6.2(2)(a), (2)(c), and (2)(e)(4), and order this case set for hearing. Nathan Fulk seconded the motion. An individual voice vote was taken.

9-Aye; 1-Recuse (Henderson) Motion carried.

24-026: Ric Martinez entertained a motion. Nathan Fulk made a motion that the Council find probable cause to establish a violation of 501 IAC rule 6.2(2)(b) and (2)(e)(4), and order this case set for hearing. Diane Venenga seconded the motion. An individual voice vote was taken.

10-Aye. Motion carried.

24-027: Ric Martinez entertained a motion. Nathan Fulk made a motion that the Council find probable cause to establish a violation of 501 IAC rule 6.2(2)(b), (2)(c), and (2)(e)(4), and order this case set for hearing. Dan Jansen seconded the motion. An individual voice vote was taken.

10-Aye. Motion carried.

24-028: Ric Martinez entertained a motion. Diane Venenga made a motion that the Council find probable cause to establish a violation of 501 IAC rule 6.2(2)(a) and (2)(e)(4), and order this case set for hearing. Sadie Weekley seconded the motion. An individual voice vote was taken.

10-Aye. Motion carried.

24-030: Ric Martinez entertained a motion. Aaron McClelland made a motion that the Council find probable cause to establish a violation of 501 IAC rule 6.2(2)(a), (2)(c), and (2)(e)(4), and order this case set for hearing. Diane Venenga seconded the motion. An individual voice vote was taken. **9-Aye; 1-Recuse (Schneider) Motion carried.**

The thirteenth item (#13*) was the Petition for Waiver of Iowa Administrative Code Rule 501-2.1(5) for Bret Lappin. This item was not discussed by the Council at this time.

The fourteenth item (#14*) on the agenda was future agenda items. There were none.

The fifteenth item (#15*) on the agenda was future Council Meetings.
Thursday, October 3, 2024.

The sixteenth item (#16*) on the agenda was to adjourn the meeting.

Ric Martinez entertained a motion to adjourn the meeting. Kevin Schneider made a motion to adjourn the meeting. Jim Steinkuehler seconded the motion. Meeting adjourned at 1:15pm.



Ricardo Martinez II, Chair
Iowa Law Enforcement Academy Council

Date

10/3/2024