

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jul 28 2021

APPEAL FROM ADMINISTRATIVE LAW COURT
The Honorable Ralph King Anderson, III, Administrative Law Judge

SC Court of Appeals

Appellate Case No.: 2020-00849

Kristin Cosby,

Appellant

v.

South Carolina Criminal Justice Academy,

Respondent

**RECORD ON APPEAL
VOLUME II**

Courtney C. Atkinson
Metcalf & Atkinson, LLC
1395 S. Church Street
Greenville, SC 29605
(864) 214-2319
catkinson@malawfirm.com
Attorney for Appellant, Kristin Cosby

Other Counsel of record:
James M. Fennell
5400 Broad River Road
Columbia, SC 29212-3540
Attorney for Respondent South Carolina Criminal Justice Academy

INDEX

NOTICE OF APPEAL DATED JUNE 1, 2020.....1

ORDER OF ADMINISTRATIVE LAW JUDGE DATED MAY 6, 2020.....18

NOTICE OF ASSIGNMENT FILED NOVEMBER 14, 2019.....32

NOTICE OF APPEAL TO ADMINISTRATIVE LAW COURT AND PROOF OF SERVICE DATED NOVEMBER 8, 2019.....34

FINAL AGENCY DECISION DATED OCTOBER 3, 2019.....49

RESPONSE TO MOTION IN OPPOSITION TO HEARING OFFICER’S FINDINGS AND RECOMMENDATIONS DATED AUGUST 18, 2019.....61

MOTION IN OPPOSITION TO HEARING OFFICER’S RECOMMENDATION DATED AUGUST 8, 2019.....115

HEARING OFFICER RECOMMENDATION DATED JULY 25, 2019.....154

REQUEST FOR CONTESTED CASE HEARING DATED JANUARY 28, 2018.....169

TRANSCRIPT OF CONTESTED CASE HEARING DATED MAY 15, 2019.....170

CONTESTED CASE HEARING EXHIBITS.....404

TRANSCRIPT OF LAW ENFORCEMENT TRAINING COUNCIL MEETING, SEPTEMBER 16, 2019.....466

LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES, SEPTEMBER 16, 2019.....548

OTHER MATERIALS OR DOCUMENTS

 A. NOTICE OF CONTESTED CASE HEARING.....551

 B. NOTICE OF RESCHEDULED CONTESTED CASE HEARING.....556

 C. NOTICE OF SEPTEMBER 16, 2019 LETC MEETING FOR THE FINAL AGENCY DECISION.....557

D. LETTER SENDING FINAL AGENCY DECISION DATED
OCTOBER 11, 2019.....558

1 SHERRY:
2 Okay, Attorney General Allen Wilson: Jerry Bernstein,
3 Proxy.
4 Okay, Director Bryan Scully: Bryan Bolches for Bryan.
5 Director Jerry Adger: Mike Nichols, Proxy.
6 Director Robert Boyles: Present.
7 Director John Thomas: Here.
8 Sherriff Lee Foster: On the phone, here.
9 Sheriff Barry Faile: Here.
10 Chief Tony Taylor: On the telephone, here.
11 Captain Nick Gatlin: (No verbal response).
12 -----
13 CHIEF HILL:
14 I think Nick, I saw a message where Nick was not
15 going to be here and didn't have a Proxy, ---
16 MALE'S VOICE:
17 That's correct.
18 CHIEF HILL:
19 --- was not going to be able to be here either.
20 MALE VOICE:
21 That is correct.
22 CHIEF HILL:
23 Okay so, first thing we'll do is doc the minutes or
24 doc the agenda for this meeting.
25 MALE VOICE:

1 Right.

2 CHIEF HILL:

3 Hear a motion, everybody had opportunity to review
4 it?

5 MALE VOICE:

6 Motion's approved.

7 CHIEF HILL:

8 Got a motion to approve the agenda, hear a second?

9 MALE VOICE:

10 Second.

11 CHIEF HILL:

12 Got a second. Any discussion? All those in favor
13 signify by saying "I".

14 (ALL "I's")

15 CHIEF HILL:

16 Any oppose like sign?

17 (No verbal response)

18 CHIEF HILL:

19 All right, the next thing we have is approval of
20 minutes from the last meeting. I hope you've had a
21 opportunity again to review the minutes from the
22 last meeting, um, and I will entertain a motion for
23 approval of the minutes of the last, August 19th
24 meeting.

25 MALE VOICE:

1 Motion to approve is presented.

2 CHIEF HILL:

3 All right, we got a motion to approve is presented.

4 Do I hear a second?

5 MALE VOICE:

6 Second.

7 CHIEF HILL:

8 Got a second. Do, uh, - - is there any discussion,

9 any amendments, changes to the minutes from the

10 August 19th, 2019, 10:00 am meeting?

11 (No verbal response)

12 CHIEF HILL:

13 Any amendment, suggestions, recommendation? If none

14 I call for question all those in favor approving the

15 minutes for the August 19th meeting signify by saying

16 "I".

17 (All "I's")

18 CHIEF HILL:

19 Any oppose, like sign?

20 (No verbal response)

21 CHIEF HILL:

22 The "I's" have it. Uh, next General Counsel Service

23 (inaudible) Issues; any?

24 MALE VOICE:

25 Thank you Chief. If it please the Council, first

1 case is Kristen Cosby, 2019-CJ8-0101. Allegation
2 was that Ms. Cosby had committed misconduct as
3 defined in South Carolina Code Section 23-23150-A3G
4 by willfully making false, misleading, incomplete,
5 (inaudible), incorrect statements to a Law
6 Enforcement Officer, Law Enforcement Agency or
7 representative of the Agency, definitely required by
8 Departmental Policy or the Laws of the State. The
9 Hearing Officer made a recommendation of finding of
10 misconduct and, uh, and to grant the certification
11 with probation or other, any other additional
12 requirements deemed just and proper. My
13 understanding at, is that Counsel for Ms. Crosby and
14 the Agency are present.

15 CHIEF HILL:

16 Okay, I'd be happy to hear from Counsel for Ms.
17 Cosby.

18 BY MS. ATKINSON:

19 Yes, good morning would you, would you prefer we
20 stay over here?

21 CHIEF HILL:

22 Yeah, that's fine.

23 BY MS. ATKINSON:

24 Okay, good morning, I'm Courtney Atkinson, I'm
25 Counsel for Christine Cosby. Christine is here with

1 me this morning, um, I will be very brief. We
2 submitted a Motion in Opposition to the Hearing
3 Officer's recommendations and findings, so I'm not
4 going to go through that. There's just three points
5 that I think we wanted to make this morning in
6 regards to, um, the decision that the Agency will
7 make in regard to the allegations of certification
8 that again has two parts. Number (1) That Ms. Cosby
9 provided false or incorrect information to the
10 Agency and that she did so willfully. I think it's
11 also important to understand that underlying that
12 these statements alleged to have been falsely are
13 incorrectly made were in regards to an incident that
14 happened in May of 2015. And in regard to that
15 incident shortly thereafter, um, Ms. Cosby reported
16 to her then Agent-in-Charge that her subordinate, at
17 an off-duty party, had attempted to engage in sexual
18 activity with Ms. Cosby. No further questions were
19 asked of Ms. Cosby at that time. The Agent-in-
20 Charge didn't ask for details of it and they moved
21 forward. Ms. Cosby moved forward with her life;
22 three and a half years later, the Agency brought up
23 the incident, I think days after Ms. Cosby had filed
24 a complaint against her Agent-in-Charge. The Agent-
25 in-Charge (inaudible) investigation into that

1 incident that happened three and a half years prior.
2 As part of that, she was initially asked whether or
3 not she had a sexual relationship with the
4 subordinate; she denied that because she'd never had
5 a sexual relationship with the subordinate. She was
6 also, given the opportunity to come back with any
7 information. She did subsequently advise Agent
8 Harmon about the incident that occurred three and a
9 half years prior when the subordinate had attempted
10 to engage in sexual conduct with her. She then was
11 given a polygraph, told that she had not passed that
12 polygraph and again repeated what, what she had told
13 Agent Harmon previously that the subordinate had
14 attempted to perform oral sex on her at an off-duty
15 party. But in any event, again we would contend
16 that the comments and the statement she made back
17 from May of 2015 to 2018 were what happened, that
18 the statement she made in 2018, three and a half
19 years later, were what she recalled about the
20 incident, that she was (inaudible) intending to not
21 provide information. In fact, the Hearing Officer
22 specifically noted in his findings that there was no
23 evidence of intentional misconduct or intent,
24 conscious act to provide false or incorrect
25 statements. Instead, the Hearing Officer notes that

1 the circumstances surrounding the comments
2 specifically regarded the fact that it had been
3 three and a half years later after the incident that
4 Ms. Cosby was questioned, the fact that she was
5 diagnosed with PTSD, that she was under medication
6 even on the date of the polygraph that she was
7 given, were mitigating factors and based on that the
8 Hearing Officer found that Ms. Cosby more likely
9 than not had recklessly, or I'm sorry, unconsciously
10 recklessly provided the statement. But again, I
11 would submit that that is not the law of South
12 Carolina, the law provides that for something, an
13 act to be considered willful under our law, that it
14 requires an intentional conscious wrongdoing. The
15 Hearing Officer even found and noted recommendations
16 and findings that there was no conscious intentional
17 act in this case and based on that we would ask that
18 again, since the misconduct alleged does require
19 finding of willfully taking those actions, that Ms.
20 Cosby found not responsible for the misconduct
21 alleged and that she be granted eligibility for
22 certification without conditions, but in the
23 alternative, that she be granted eligibility for
24 certification by any, with any appropriate
25 recommendations or conditions required. Thank you.

1 CHIEF HILL:

2 Does anybody on the Counsel have any questions?

3 (No verbal response)

4 CHIEF HILL:

5 My understanding the Hearing Officer did find
6 misconduct for making false statements though; is
7 that correct?

8 BY MS. ATKINSON:

9 He found the first part. He found that it was, that
10 the parties could conclude that she made false or
11 incorrect statements, but he didn't, he did not say
12 that she did so intentionally or consciously, he
13 said that the evidence submitted he found that she
14 was found to have done so recklessly. And again, I
15 think that's where we differ under the law; that
16 that is not the legal standard. The legal standard
17 does require a conscious and intentional action, and
18 he even noted in his recommendations and findings
19 that he found no intentional actions to provide that
20 false or misleading information.

21 CHIEF HILL:

22 Any other questions?

23 (No verbal response).

24 CHIEF HILL:

25 Ms. Cosby, if you'd like to - - you've got the

1 opportunity if you'd like to say anything, you'd
2 like a turn, that's up to you, totally up to you.
3 You don't have to; I just give you that opportunity.

4 BY MS. COSBY:

5 No, sir.

6 CHIEF HILL:

7 Okay. All right, (inaudible) entertain a motion?

8 MALE VOICE:

9 Well, could I ask a question of Counsel?

10 CHIEF HILL:

11 Sure, sure.

12 MALE VOICE:

13 I'm had a difficulty with the two explanations. The
14 Hearing Officer found that some, is it true, the
15 Hearing Officer found somebody could interpret that,
16 which is basically not finding fault with the
17 Agency but corroborating - - I'm, I'm having
18 difficulty between the two statements made here as
19 to what the status is.

20 MALE VOICE:

21 I may ask that Triple T's representation go first to
22 clarify some issues.

23 MALE VOICE:

24 Okay, I'm sorry.

25 MALE VOICE:

1 And then if not - - no, ---

2 MALE VOICE:

3 No, I'm sorry.

4 MALE VOICE:

5 And then if not, ---

6 MALE VOICE:

7 Okay.

8 BY MS. WRIGHT:

9 Good morning, my name's Octavia Wright, I'm legal
10 counsel for the Department of Probation, Parole and
11 Pardon Services, and just a response to what Ms.
12 Atkinson stated insofar as her opening, she did file
13 Motion in Opposition against the, uh, the Hearing
14 Officer's recommendation. In response to her
15 Motion, the Agency, we did file a response to that
16 Motion in Opposition, and within the contents of
17 that response we, we basically substantiated the,
18 the real truth of what happened, because that's,
19 that's really what this case is about is getting at
20 the truth of actual incidents that occurred. We
21 heard earlier Ms. Atkinson mention events that did
22 occur in 2015 under a previous AIC who was there in
23 Greenville County at the time these incidents
24 happened. When a new AIC entered the scene, there
25 were rumors going on about that incident still, so

1 he did begin to look into it, and so from that there
2 was an investigation, there were statements and
3 admissions made to him from the subordinate employee
4 of Ms. Cosby admitting that there was an act that
5 did occur, a sexual act that did occur between her
6 and Ms. At - - and Ms. Cosby. So, the Director then
7 launched an internal investigation through our OPR
8 Office. Mr. Jeff Harmon, who is the Director of
9 that OPR Office, he is here if Counsel has any
10 further question for him to, to get at how we, the
11 Agency reached the ultimate misconduct through his
12 investigation. But ultimately, I'm going to give
13 you a brief rundown of what happened. Since the
14 subordinate did admit that the act occurred, he
15 verified that from the subordinate, the subordinate
16 continued to say yes, we did. He asked Ms. Cosby,
17 he let Ms. Cosby know at the beginning of the
18 investigation that, you know, Director said if, if
19 you're truthful about this there's no-harm-no-foul,
20 you will not get terminated, but if you lie, then
21 you will get terminated, and that is what happened
22 here. She lied at the beginning of the
23 investigation, even though Mr. Harmon put that forth
24 in front of her that she wouldn't be in trouble if
25 she told us the truth, so based upon those

1 inconsistent statements early on, the Director did
2 chose to have Ms. Cosby go in front of a polygraph
3 examiner. That polygraph examiner did testify at
4 her hearing as well, the subordinate testified at
5 the hearing as well as the current AIC who did
6 launch the investigation into the rumors that he had
7 heard upon entering the Greenville County Office,
8 and those testimonies were all consistent
9 testimonies, there was no change the story
10 throughout. Unfortunately for Ms. Cosby, her story
11 did change. After having the polygraph exam, she
12 then changed her story with the polygraph examiner.
13 The polygraph examiner asked her prior to the exam
14 "Did you encounter in this act?" There's, there was
15 a lot argument during the hearing about
16 relationship, as you heard her mention, versus act
17 and which the Hearing Officer didn't really want to
18 take that in account because he was getting at, back
19 at, it was making us think back to the Clinton era,
20 you know, as far what, what really happened, what,
21 what is a real sexual relationship versus a sexual
22 act. We didn't want to get into the particulars of
23 that, so ultimately, in this decision, Ms. Cosby did
24 show, there was proof to show that she was dishonest
25 to her employer. And I've noted in the Elkin

1 Decision, the court did uphold the Academy's
2 decision in that case to just consider the
3 dishonesty and untruthfulness that the employee
4 presented to the employer. So, we fell that the
5 fact that four witnesses who were - - who, who told
6 the truth through the hearing and they corroborated
7 each other's statements to show that Ms. Cosby did,
8 in fact, lie when, throughout the OPR investigation
9 and that is ultimately why the Agency found
10 misconduct because she was found to be (inaudible)
11 with her employer.

12 CHIEF HILL:

13 Counsel have any questions? Counsel for Ms. Cosby,
14 I'll give you the opportunity to say anything else
15 you want to say.

16 BY MS. ATKINSON:

17 Sure, just by way of brief rebuttal. What I, one
18 thing I would point out in regard to the allegeate
19 - - or in regard to the statements made, that all of
20 the witnesses presented by the Department were
21 consistent, that's not factually correct. The
22 Hearing Officer even found that Agent Harmon was not
23 honest with the Hearing Tribunal and indicating that
24 Christine Cosby had not disclosed that the
25 subordinate had attempted to perform oral sex on

1 her. A recording of that conversation in which she
2 did disclose that to Agent Harmon was played at the
3 hearing and noted by the Hearing Officer in his
4 findings. I would say beyond that (inaudible),
5 again, it's important to note the questions that Ms.
6 Cosby was asked. She was initially asked if she had
7 a sexual relationship; she denied that and said
8 never because she never had a sexual relationship
9 with the subordinate. She was then later asked if
10 she engaged in sexual activity with the subordinate
11 and again, she said no because she had not. That
12 was her understanding of the questions, it wasn't an
13 intent to lie or provide false information, and she
14 had already advised the Agency that this subordinate
15 had attempted to perform in those relations with
16 her. Again, I think it's also important to note
17 that the Hearing Officer even states his in his
18 recommendations, "One can reasonably contemplate
19 that the incorrect or incomplete statements could
20 have come about as a result of Cosby's inexcusable
21 carelessness or more likely due to her medical
22 afflictions and medications used during the course
23 of the investigation. However, no evidence produced
24 at the hearing appears to support that Cosby
25 entertained any conscious wrong or evil purpose in

1 making her statements" and I think that's important
2 because again, what we're talking about is
3 willfulness misconduct and willfully making false
4 statements. The Hearing Officer has indicated that
5 under our applicable standard under South Carolina
6 laws doing so intentionally, that there was no
7 evidence that she did so. In fact, she had no
8 reason to do so. She testified, as did everybody,
9 that the instance that she was being investigated
10 for wasn't a violation of any policy and was being
11 in violation of misconduct. So again, we don't feel
12 that there has been an appropriate finding that she
13 engaged in willful misconduct.

14 MALE VOICE (1)

15 (Inaudible) if you want an opportunity, if you'd
16 like?

17 BY MS. WRIGHT:

18 Yes, a very, very brief rebuttal. You know, you
19 know again, in the hearing - - just one quick word
20 to counsel, please don't get confused by semantics
21 here. Again, you heard her mention again
22 relationship, activity, who did what. Both people
23 participated in a sexual activity; one person
24 admitted to it, the other person clearly didn't, but
25 they admitted later that they allowed it to happen

1 after, after the results of the polygraph exam were
2 made evident. You know, the crux of this is
3 dishonestly, you know. This person was told early
4 on at the beginning tell the truth, no-harm-no-foul.
5 The person chose not to tell the truth, so they were
6 made to go before a polygraph exam. Before that
7 polygraph exam they were told again, you know, they
8 were asked, "Did activity occur between you and this
9 particular subordinate." The name of the
10 subordinate was actually written at the top of the
11 exam form that she signed off agreeing to take the
12 exam. She still denied that the act happened. So,
13 she takes the exam, she's advised of the results
14 then she, she writes in her own writing the
15 statement of admission stating that the activity did
16 occur. So, you know, that is the crux of the issue
17 here, untruthfulness was made clear, although we've
18 heard about PTSD and depression, never having any
19 proof of that. The Agency was never informed prior
20 to testimony at the hearing of any condition that
21 Ms. Cosby had. So, and really the only proof of
22 that is her own testimony. So, that's, those are
23 just some things that I wanted to make the Council
24 aware of and we would encourage you to uphold the
25 finding of misconduct found by the Hearing Officer.

1 CHIEF HILL:

2 Thank you. Terry, would you, would you read the,
3 uh, have you got the Hearing Officer's, his
4 recommendation in full; could you read that for us
5 or is that last sentence is that complete?

6 BY "TERRY":

7 I do not have it with me.

8 CHIEF HILL:

9 Okay.

10 BY "TERRY":

11 Chief, (inaudible).

12 CHIEF HILL:

13 All right. Any discussion?

14 MALE VOICE:

15 Can I make one comment?

16 CHIEF HILL:

17 Yes.

18 MALE VOICE:

19 I believe the Supreme Court has, as a standard, that
20 there - - when it comes to interpreting witnesses
21 that the Supreme Court doesn't jump into that
22 because the person who is trying the case is looking
23 at the demeanor, Police Officer's do it all the
24 time, and I think there's a certain amount of
25 deference given to the Hearing Officer for some of

1 the issues discussed here and that's why I raise
2 that issue as there's some interpretation of the
3 Hearing Officer, but if we have the report we have,
4 I think more conclusively, how the Hearing Officer
5 interpreted all the witnesses that we don't have and
6 that's the main issue that I was raising.

7 CHIEF HILL:

8 Has somebody on the phone got a question?

9 BY MR. FOSTER:

10 Uh, Foster, yes, sir. I have a couple of questions.
11 Did I understand that there was a significance, a
12 significant lapse in the time that it was alleged
13 and then the time that it was brought forward, or
14 did I misunderstand that?

15 CHIEF HILL:

16 I think that, uh, I think it was, it happened in
17 2015, if I'm correct, if what I'm hearing's correct,
18 it happened in 2015 and this did not come about
19 until 2018; is that correct?

20 MS. ATKINSON:

21 That's correct.

22 CHIEF HILL:

23 And so, I guess the investigation was not done when
24 there was a change of Agent-in-Charge apparently in
25 the Greenville Office. Again, I'm watching, I'm

1 looking at both, both attorneys to make sure I'm
2 stating what I've heard. When there was a change in
3 Agent-in-Charge, apparently this rumor was still
4 going around and I guess he started an investigation
5 at that time and that's when this came to light.
6 But it was over a 2015 incident.

7 MR. FOSTER:

8 Second part of my question was, and I may have
9 missed it, the other party in this, what happened to
10 him?

11 MS. ATKINSON:

12 Are you - - I believe the other party was actually a
13 female agent and she still works for the Agency as
14 she has since May of 2015 when the incident we're
15 talking about occurred.

16 MS. WRIGHT:

17 That is correct.

18 CHIEF HILL:

19 My understanding, again, I'm watching both counsels
20 here, my understanding again, when she apparently
21 was approached and asked about this she told, she
22 admitted that it had happened; is that correct?

23 BY MS. WRIGHT:

24 Yes, the subordinate did.

25 BY MS. ATKINSON:

1 Right.

2 CHIEF HILL:

3 The subordinate did.

4 BY MS. ATKINSON:

5 The subordinate did, um, she did.

6 CHIEF HILL:

7 Okay. And was Cosby, well, you keep saying

8 "subordinate" so Ms. Cosby was a Supervisor at the
9 time?

10 BY MS. WRIGHT:

11 Yes, sir.

12 BY MS. ATKINSON:

13 She was and that was why she approached her Agent-
14 in-Charge after it happened. She was uncomfortable
15 being the Supervisor for an individual who this had
16 happened with, and that's why she initially
17 approached her then Agent-in-Charge because she was
18 concerned about continuing to have that working
19 relationship even though this had happened outside
20 of work.

21 CHIEF HILL:

22 Okay. Jimmy?

23 JIMMY:

24 Yes, sir. Recommended Conclusions of Law pursuant
25 to South Carolina Code 23-2380, Subsection 6 of the

1 South Carolina Law Enforcement Training, Council is
2 authorized the right to suspension, revocation or
3 restriction of law enforcement certification, and
4 then it speaks about 025, the regulation for denial,
5 and then the actual recommended disposition from the
6 Hearing Officer is for the Council. The request is
7 issue its final agency decision pursuant to South
8 Carolina and a Regulation 37-107(D) finding of the
9 allegations of misconduct reported against Christine
10 Cosby, Department of Probation, Pardon and Parole
11 Services have approved by substantial evidence and
12 considered the mitigating circumstances set forth in
13 the record in these findings arising from Cosby's
14 background and medical conditions, remoteness and
15 time of the underlying incident, and as well as the
16 OPR characterization of the underlying behavior in
17 this matter which prompted the OPR investigation
18 initially as not involving misconduct. Pursuant to
19 Council's authority set forth in South Carolina
20 (inaudible) 37108A either (1), grant the Officer
21 eligibility for certification with probation, or (2)
22 grant the Officer eligibility for certification with
23 any additional requirements deemed just and proper
24 by the Agency.

25 CHIEF HILL:

1 All right, is there any other questions, any other
2 comments?

3 MALE VOICE:

4 Uh, I have a comment.

5 CHIEF HILL:

6 Yes, sir.

7 MALE VOICE:

8 I have a comment. Was - - what I'm not
9 understanding this happened in 2015. The rumors in
10 2018, was this supposedly been a continuing ongoing
11 relationship or was it just speculation and rumors?
12 I mean, I thought it was dealt with in 2015 when she
13 reported to her, person in the chain of command and
14 the person was removed out from under her particular
15 command. So, I was wondering is this supposed to
16 have been a continuing relationship with this
17 individual?

18 CHIEF HILL:

19 I'll let Counsel - - I don't know the answer to
20 that. Counsel?

21 BY MS. ATKINSON:

22 There was no testimony put forward at the hearing,
23 contested case hearing in this case, that there was
24 any evidence or rumor of an ongoing relationship,
25 just that it happened previously. I believe the

1 Agent-in-Charge indicated that he just had some
2 other concerns about Ms. Cosby, not specifically in
3 regard to an ongoing relationship with the
4 subordinate. For all intents and purposes, that
5 relationship, both working and otherwise, following
6 that incident was essentially done after she
7 approached her Agent-in-Charge and stopped working
8 and stopped being the Supervisor for the subordinate
9 at the time.

10 CHIEF HILL:

11 Any ---

12 MALE VOICE (CONTINUED):

13 Well, what was the actual concern, ---

14 CHIEF HILL:

15 Is that correct?

16 MALE VOICE (CONTINUED):

17 --- the ---

18 CHIEF HILL:

19 One second. Is that correct?

20 BY MS. WRIGHT:

21 Yes, sir.

22 CHIEF HILL:

23 Okay.

24 BY MS. WRIGHT:

25 Yes, sir. And I just wanted to kind of clarify

1 again what she said about the new Agent-in-Charge
2 having some other concerns about Ms. Cosby because
3 there were other inappropriate relationships that
4 she felt she was having with her subordinate. This
5 was just one of the incidents that came out at as he
6 was investigating.

7 BY MS. ATKINSON:

8 But I also, think it's important to understand that
9 as a result, when the Agent-in, the then Agent-in-
10 Charge in 2018 raised those concerns, ultimately I
11 believe Deputy Director of this Agency basically
12 told her Agent-in-Charge that those concerns were
13 unfounded and to drop it and that nothing was gonna
14 be put in her file about that because they hadn't
15 found any wrongdoing or inappropriate action. So,
16 this new investigation into the relation, or to the
17 incident that had happened in 2015 followed that
18 initial investigation that found no improper in
19 conduct, no misconduct and that's what we're here
20 about the incident from 2015 that followed the
21 investigation that found Ms. Cosby had done nothing
22 inappropriate otherwise.

23 CHIEF HILL:

24 Chief, you got another question?

25 BY "CHIEF":

1 No, I'm good now.

2 CHIEF HILL:

3 Okay. All right, I'll entertain a motion if
4 nobody's got any other questions? Does anybody want
5 to make a motion?

6 MALE VOICE:

7 Motion we adopt the Hearing Officer's
8 recommendation.

9 CHIEF HILL:

10 All right I've got a motion to doc the Hearing
11 Officer's recommendation and that is finding of
12 misconduct and grant certification with probation or
13 any additional requirements deemed just and proper;
14 is that correct? And do you want to - - you got a
15 idea on the probation as far as a time period of - -
16 you want to make that part of your motion or any
17 other requirements?

18 MALE VOICE:

19 No.

20 CHIEF HILL:

21 No, I, I'm making the recommendation the finding of
22 misconduct and we pull the certification.

23 CHIEF HILL:

24 Okay, so we making a - - we got a, we got a, a
25 motion that is the finding of misconduct and deny

1 eligibility; is that correct, Sheriff?

2 BY SHERIFF FOSTER:

3 Yes, sir.

4 CHIEF HILL:

5 All right, so we got a motion, do we have a second?

6 MALE VOICE:

7 Second.

8 CHIEF HILL:

9 We got a motion and a second. We'll have a roll
10 call vote.

11 SHERRY:

12 Chief Hill: "I".

13 Director Boyles: "I".

14 Sheriff Foster: "I".

15 Sheriff Faile: (Inaudible).

16 Director Thomas: "I".

17 Chief Taylor: "I".

18 CHIEF HILL:

19 Okay, that's all that are present and voting. The
20 "I's" have it, so the motion passes, deny
21 eligibility. Next case.

22 MALE VOICE:

23 Brianna Murphy, 2019 CJA0410, allegation that Ms.
24 Murphy committed misconduct, uh, she willfully made
25 a false misleading, incomplete or incorrect

1 statement to a Law Enforcement Officer, Law
2 Enforcement Agency or Representative of the Agency
3 except required by departmental policy by the State.
4 The Department appeared at the hearing; however,
5 they withdrew their allegation at the, um, at the
6 hearing and did not prosecute the allegations. As a
7 result, the recommendation is that the contested
8 case file be closed and records pertaining to the
9 allegations be, of misconduct, be expunged. My
10 understanding is that Mr. O'Leary is here for Ms.
11 Murphy.

12 CHIEF HILL:

13 John?

14 BY MR. O'LEARY:

15 Appreciate it. I understand - - sorry about my
16 voice.

17 CHIEF HILL:

18 John, glad to have you back. I'm glad to see you
19 standing; okay?

20 BY MR. O'LEARY:

21 (Inaudible) going to be alive. I would ask you
22 accept the recommendation of the Hearing Officer.
23 Sorry about my voice, they put a tube down me, from
24 what I understand.

25 CHIEF HILL;

1 That's what you're told; right, that's what you're
2 told. Well, we're glad to have you back and glad to
3 see you, see you back at it. Do I entertain, I'll
4 entertain a motion.

5 MALE VOICE:

6 Chief I'd like to entertain a motion that we accept
7 the Hearing Officer's recommendation on failure to,
8 failure to prosecute.

9 CHIEF HILL:

10 All right, do I hear a second?

11 MALE VOICE:

12 Second.

13 CHIEF HILL:

14 We got a motion to second. I'm gonna make a comment
15 here. I'm gonna tell ya, this is the kind of thing
16 that, that just really, I mean, it really rubs me
17 the wrong way; I don't mind telling you. If there's
18 an allegation of misconduct, especially with regards
19 to willful, making false, misleading, incomplete,
20 deceitful, incorrect statements to a Law Enforcement
21 Officer or Agency, Representative we just denied
22 somebody eligibility and we have agencies that don't
23 come here and either prosecute the case or show up
24 and don't prosecute the case, and I'm gonna just
25 tell ya, I think it's, I think it's a shame, they

1 ought a be ashamed of themselves for not showing up
2 and prosecuting these cases, if that is, in fact,
3 what has happened. And I - - it just, it really, it
4 really bothers me that this person, this Officer,
5 could be out there doing just what somebody else has
6 done, being dishonest, and is going to be able to be
7 eligible be a Police Officer somewhere, and that,
8 that really rubs me the wrong way. I don't think
9 it's right and, and I know we've talked about it in
10 the past as a Council. I don't know what, you know,
11 trick or carrot we have to encourage agencies to
12 come here and prosecute these cases if they send the
13 paperwork in saying somebody's committed misconduct,
14 but it's not right and it's not fair to our
15 profession and I think it, uh, - - like I say I'm
16 very disappointed, very disappointed to see this.
17 Not much we can do in this case, nobody prosecuted
18 the case, but for the record I just wanted to make
19 that, make that comment, and, uh, I know we got
20 another one coming up, another couple's coming up
21 just like it and my remarks go for all of them. All
22 right, so we got a, we got a motion and second; any
23 other comments, questions?

24 (No verbal response).

25 Call roll.

1 SHERRY:

2 Chief Hill: "I".

3 Director Boyles: "I".

4 Sheriff Foster: "I," agreeing with Chief Hill.

5 Sheriff Faile: "I".

6 Director Thomas: "I".

7 Chief Taylor: "I".

8 CHIEF HILL:

9 All right, that's the one's present to vote and the
10 "I's" have it; the motion passes. Next case.

11 MALE VOICE:

12 (Inaudible) Gurley, 2019 CJA0505, same Law
13 Enforcement Agency, same allegations as dangerous
14 and are unsafe practices involving firearms, weapons
15 and/or a vehicle was in either a willful or wanton
16 disregard for the safety of property, dangerous
17 and/or unsafe practices involving firearms, weapons
18 and/or a vehicle which indicate either a willful or
19 wanton disregard for the safety of persons. The
20 criminal charges surrounding this event were
21 dismissed and expunged. This revolves around a DUI
22 (inaudible) in the line of prosecuting litigation
23 that as a result the recommendation that the
24 contested case file be closed and records pertaining
25 to the allegation of misconduct be expunged.

1 CHIEF HILL:
2 I'll entertain a motion.
3 MALE VOICE:
4 Chief, I'll make the recommendation.
5 CHIEF HILL:
6 Okay.
7 MALE VOICE (CONTINUES):
8 But I guess I have a question before I make a
9 recommendation. This is the same, again the same
10 Agency, ---
11 CHIEF HILL:
12 Correct.
13 MALE VOICE
14 --- they declined to prosecute. Did they show up,
15 Jimmy, is there anything in the notes that would
16 indicate they did or ---
17 JIMMY:
18 Chief, in this one they actually, they - - this - -
19 we were notified prior to the hearing ---
20 MALE VOICE:
21 That they weren't ---
22 JIMMY:
23 --- that they were not going to prosecute.
24 MALE VOICE:
25 Okay.

1 JIMMY:

2 Whereas, the case we just spoke of, that was the day
3 of the hearing while we were all at CJ at the time.

4 MALE VOICE:

5 Okay. Chief, I'm gonna make the recommendation that
6 the contested hearing file be closed and records
7 pertaining to this allegation of misconduct be
8 expunged.

9 CHIEF HILL:

10 All right, do I hear a second?

11 MALE VOICE:

12 Second.

13 CHIEF HILL:

14 I got a motion and a second; any further comment?
15 (No verbal response).

16 CHIEF HILL:

17 Please call the roll.

18 SHERRY:

19 Chief Hill: "I".

20 Director Boyles: "I".

21 Sheriff Foster: "I".

22 Sheriff Faile: "I".

23 Director Thomas: "I".

24 Chief Taylor: "I".

25 CHIEF HILL:

1 All right, those present and voting the "I's" have
2 it, the motion passes. Next case:

3 JIMMY:

4 Anthony Bell, 2017 CJ is, CJ80706, County Sherriff's
5 Office made an allegation of dishonesty against Mr.
6 Bell prior to the hearing, they submitted paperwork
7 to the Academy that they would not be prosecuting
8 the allegations. Recommendation is that the
9 contested case file be closed and records pertaining
10 to the allegation of misconduct be expunged.

11 CHIEF HILL:

12 All right, same situation, do I hear, hear a motion?

13 MALE VOICE:

14 Motion that we adopt the recommendation of the
15 Hearing Officer.

16 CHIEF HILL:

17 Got a motion; do I hear second?

18 MALE VOICE:

19 Second.

20 CHIEF HILL:

21 Got a second. Same goes here, shame on the agency
22 for not being here, not prosecuting these cases,
23 especially allegations of dishonesty. I just, I
24 don't, I don't understand it. But nevertheless, it
25 is what it is, so any further comments, questions?

1 (No verbal response).

2 CHIEF HILL:

3 I'll call for question, roll.

4 Chief Hill: "I".

5 Director Boyles: "I".

6 Sheriff Foster: "I".

7 Sheriff Faile: "I".

8 Director Thomas: "I".

9 Chief Taylor: "I".

10 CHIEF HILL:

11 "I's" have it; motion carries. Next case:

12 JIMMY:

13 This is a reinstatement request for Jamie Rogers,
14 2016-CJ81110. The Columbia Police Department
15 originally made the allegation of misconduct against
16 Mr. Rogers, the state (inaudible) CSC arrest with a
17 minor. These cases, allegations made, the charges
18 were dismissed and expunged, CPD, Columbia Police
19 Department, has resubmitted for amend their PCS for
20 a routine separation and asked that the allegation
21 of misconduct against Mr. Rogers be dismissed. He
22 is currently suspended as the result of the arrest
23 and the charges, and so request today is that he is
24 reinstated or his ability to obtain a certification
25 be reinstated. My understanding is that the

1 Columbia Police Department has also rehired Mr.
2 Rogers and he's kind of in a limbo period.

3 CHIEF HILL:

4 Right. Okay, I'll entertain a motion.

5 (No verbal response).

6 CHIEF HILL:

7 Anybody got a motion in regards to this case?

8 (No verbal response)

9 CHIEF HILL:

10 So, what I understand, he was charged, the charges
11 have been dismissed, Columbia had suspended him, I
12 guess, pending charges, now they are in the process
13 or have rehired him back. They've asked to amend
14 the misconduct paperwork and seeking eligibility to
15 be recertified.

16 JIMMY:

17 Yes, sir, the only difference is, Chief is they
18 didn't suspend him, they terminated him.

19 CHIEF HILL:

20 And then the Council suspended his certification ---

21 Chief hill:

22 I got ya.

23 JIMMY:

24 --- due to the allegations.

25 CHIEF HILL:

1 I got ya. Anybody on the phone ---

2 BY SHERIFF FOSTER:

3 Anybody - - yes, sir.

4 CHIEF HILL:

5 Go ahead, Sheriff.

6 BY SHERIFF FOSTER:

7 I mean, Columbia is wanting to hire him back?

8 CHIEF HILL:

9 Yes. My understanding is they've already hired him
10 back, but it's pending, obviously pending - - we had
11 suspended him when he was charged, so it's obviously
12 pending our vote, as well as not reinstating his
13 eligibility.

14 BY SHERIFF FOSTER:

15 And the charges were judicially dismissed?

16 CHIEF HILL:

17 They were dismissed and expunged.

18 BY SHERIFF FOSTER:

19 Yeah, I make a motion that we reinstate.

20 CHIEF HILL:

21 Got a motion to reinstate, do I have a second?

22 MALE VOICE:

23 I second.

24 CHIEF HILL:

25 Got a second. There any other comments?

1 (No verbal response).
2 CHIEF HILL:
3 Got a roll call vote.
4 SHERRY:
5 Chief Hill: "I".
6 BY SHERIFF FOSTER:
7 (Inaudible).
8 CHIEF HILL:
9 Go ahead. Hold on one second go ahead, Sheriff.
10 SHERIFF FOSTER:
11 No, I apologize, that was just, that was inadvertent
12 noise, I apologize.
13 CHIEF HILL:
14 Okay. inadvertent noise. I'm not gonna ask what
15 that was.
16 MALE VOICE:
17 Yeah.
18 CHIEF HILL:
19 It is early morning. Sherry, roll call vote.
20 SHERRY:
21 Chief Hill: "I".
22 Director Boyles: "I".
23 Sheriff Foster: (Inaudible) but "I".
24 Sheriff Faile: "I".
25 Director Thomas: "I".

1 Chief Taylor: "I".

2 CHIEF HILL:

3 The "I's" have it; the motion passes to reinstate
4 eligibility. Next case:

5 JIMMY:

6 Consent for request. This is Curt Stevens 2019
7 CJ80309 Department of Corrections and the Officer
8 who is also represented and present. Consent order
9 is a two-year probationary period and he must attend
10 7.5 hours of ethics each year. He also must
11 complete anger management no less than eight hours
12 and receive a psychological examination upon hire
13 for a Law Enforcement Agency and this is to be done
14 at his plus the Agency's request. It's my
15 understanding that both parties are present.

16 CHIEF HILL:

17 And the misconduct for which the paperwork came in
18 was for what?

19 MALE VOICE:

20 Chief, the misconduct was an improper unsafe use of
21 a firearm.

22 CHIEF HILL:

23 And I can go into details about the incident.

24 CHIEF HILL:

25 If you don't mind.

1 MALE VOICE:

2 Curt Stevens, if you ask any Officer that works
3 there, was a good cop. He had some family issues,
4 personal issues. The Lexington Sheriff's County
5 Sheriff's Office was called to the residence for
6 domestic, he had had an argument with his wife, and
7 you correct me Chris if I misstate it.

8 MALE VOICE:

9 That's correct.

10 MALE VOICE:

11 He had an argument with his wife, at one point he
12 takes his service weapon and places it besides his
13 head and starts to pull the trigger. Lexington
14 shows up and diffuses the situation. Because of
15 that statement, which he admitted through our
16 conversations with him, we had to bring it out here,
17 the misconduct. He's a good cop; he just needs to
18 get some help.

19 CHIEF HILL:

20 Any comment?

21 MALE VOICE:

22 Everything that Mr. Lunsford said is correct. There
23 was an issue at his family home. He's got some
24 prior issues from military service and his service
25 as an Officer. He did threaten to pull the trigger

1 of his service weapon, no shots were fired, the
2 weapon was then placed back in a safe location;
3 Officers did go get it. We would just ask that the
4 you do go forward with this consent order.

5 CHIEF HILL:

6 Everybody's had the opportunity to read the consent
7 order. Does everybody understand what we're saying?
8 Two things that bother me is, 1) that Curt Steven
9 was a good officer, 2) is that he needs help and, so
10 that concerns, that concerned me from the standpoint
11 of a consent order but, uh ---

12 MALE VOICE:

13 If I may, since this incident has occurred, he's
14 been seeking treatment today with a phycologist.
15 So, he has been taking some active steps to get his
16 life and himself in order. So, he hasn't ignored
17 this or swept this under the rug.

18 MALE VOICE:

19 Chief, just so I don't misstate anything, my
20 understanding is from my, from the Agency is that
21 Curt Stevens is a good Police Officer.

22 CHIEF HILL:

23 Right.

24 MALE VOICE:

25 I don't want to try to frame him improperly.

1 CHIEF HILL:

2 Right.

3 MALE VOICE:

4 It's his personal life and home that he needs to get
5 into order.

6 CHIEF HILL:

7 Right. Well, I'll entertain a motion whether to
8 approve this consent order or not.

9 MALE VOICE:

10 Chief, I'll make a motion we do not accept this
11 consent order; okay?

12 CHIEF HILL:

13 Got a motion to not accept the consent order as
14 written; do I hear a second?

15 MALE VOICE:

16 Second.

17 CHIEF HILL:

18 Got a second. Any further discussion?

19 SHERIFF FOSTER:

20 Chief, Sheriff Foster again.

21 CHIEF HILL:

22 Yes, sir.

23 SHERIFF FOSTER:

24 Is there any way that this could be revisited if we
25 got some sort of clearance from somebody like

1 (inaudible) group or Post-Trauma Resources or
2 something of that nature? I have some serious
3 concerns for his well-being and his family's well-
4 being. I would like to see that he get some help
5 but I don't think that we continue on unless we had
6 some clearance.

7 CHIEF HILL:

8 Sherriff, my understanding is, and I'd ask the
9 counsel to correct me if I'm wrong, my understanding
10 is that this separation apparently occurred March
11 13th, 2019; is that correct, thereabouts?

12 MALE VOICE:

13 Yes, sir.

14 CHIEF HILL:

15 Okay, so separation occurred March 13th, of 2019,
16 thereabout, so obviously, there's time, you know,
17 before you know he would have to go back through, be
18 retrained or anything. I mean, he's got, you know,
19 a good bit of time before he, you know, he could
20 reconsider. I guess he could come back to the
21 Academy and ask for reconsideration or come back to
22 the Council and ask for reconsideration at a
23 different time. And Jimmy I - - you know, if you
24 want to expound on that but ---

25 JIMMY:

1 Yes, sir. He does have that year for that break in
2 service in order for him to not have to be
3 retrained. Something that the Council may want to
4 consider is something on the lines of what I think
5 Sheriff Foster was saying it, it's some kind of
6 triggering mechanism to you have this consent order
7 to go back to is some kind of clearance from the
8 psychologist/psychiatrist that he is, I hate to say
9 of sound mind, but I don't know of any other word
10 put it right now ---

11 CHIEF HILL:

12 Right.

13 JIMMY (CONTINUES):

14 ---to then - - that paperwork comes into CJA and
15 then we reconsider the issue.

16 CHIEF HILL:

17 All right. Well, right ---

18 MALE VOICE:

19 Am I allowed to say anything or no?

20 CHIEF HILL:

21 You're not supposed to.

22 MALE VOICE:

23 Okay.

24 MALE VOICE:

25 Chief?

1 CHIEF HILL:

2 Yes, sir.

3 MALE VOICE:

4 I've got another question so that I understand what
5 we're talking about. Could the Agency be on the
6 hook for maybe a fit for duty test, is that what
7 we're, is that the language we're looking for, to
8 come back to Council?

9 JIMMY:

10 My understanding, Chief, is the part in there where
11 he completed all of his different steps, he had
12 fixed the anger management, all of this, he would
13 also have to have a psychological examination to - -
14 it's a fit for duty, yes, sir.

15 MALE VOICE:

16 Okay.

17 JIMMY:

18 It's the same one that your new Class One hires
19 would have to do.

20 MALE VOICE:

21 Yes, sir.

22 MALE VOICE:

23 Not talking about this case but I, I gave a, this
24 directive to an agency last week that they've gotta
25 do something on a similar situation that they've got

1 to at their expense get a clearance for a fit for
2 duty before we would accept him back here.

3 CHIEF HILL:

4 All right, right now we've got a motion on the table
5 to, um, got a motion and a second to deny approval
6 of consent order. Is there any other questions or
7 comments? Yes, sir?

8 MALE VOICE:

9 Chief, a question. Mr. Chairman, if the motion on
10 the table passes today that is it?

11 CHIEF HILL:

12 That's correct.

13 MALE VOICE:

14 That is a final decision now?

15 CHIEF HILL:

16 That's right. It's final until it comes, until it
17 could be brought back before the Council on some,
18 some method, and there's a couple different ways
19 they could do it.

20 MALE VOICE:

21 Okay.

22 CHIEF HILL:

23 All right, any other questions?

24 (No verbal response).

25 CHIEF HILL:

1 All right, we'll call roll.

2 SHERRY:

3 Chief Hill: "I".

4 Director Boyles: "I".

5 Sheriff Foster: "I".

6 Sheriff Faile: "I".

7 Director Thomas: "I".

8 Chief Taylor: "I".

9 CHIEF HILL:

10 Next case. The "I's" have it, and so the consent
11 order, approval of consent order is denied and next
12 case.

13 JIMMY:

14 Last case, Chief, is pending in (inaudible), been no
15 assigned case number. Richland County Sherriff's
16 Office has requested to bring to Council to
17 determine if Ms. Gordon is eligible for
18 certification. On July 9th of 1982, Ms. Gordon was
19 arrested by the Lexington County Sherriff's Office
20 and charged with fraudulent check. According to
21 Richland County Sherriff's Office her NCIC, she
22 shows an arrest but no disposition. As a side note,
23 the County requires a disposition in order for that
24 individual to register; there's no outstanding
25 charges. Lexington County Sherriff's Office advised

1 the - - Lexington County Sherriff's Office has no
2 record of the incident, further advised that the
3 Lexington County Clerk of Court is not able to find
4 any information regarding to this charge. She
5 admits that she has paid restitution of \$10.00,
6 which the amount of the check plus court costs and
7 has no other involvement or NCIC rap sheet, and as a
8 result they request that she be deemed eligible to
9 begin training.

10 CHIEF HILL:

11 And this was July the 9th, 1982 from my
12 understanding?

13 JIMMY:

14 Yes, sir.

15 CHIEF HILL:

16 All right, I'll entertain a motion.

17 MALE VOICE:

18 Make a motion that we find good character and give
19 her eligibility to attend.

20 CHIEF HILL:

21 All right, we've got a motion to find good character
22 and allow her to obtain an eligibility
23 certification; do I hear second?

24 MALE VOICE:

25 Second.

1 CHIEF HILL:
2 Got a second; any questions?
3 (No verbal response).
4 CHIEF HILL:
5 Roll call vote.
6 SHERRY:
7 Chief Hill: "I".
8 Director Boyles: "I".
9 Sheriff Foster: "I".
10 Sheriff Faile: "I".
11 Director Thomas: "I".
12 Chief Taylor: "I".
13 JIMMY:
14 That's all (inaudible).
15 CHIEF HILL:
16 All right, new business? Mr. Director?
17 SHERIFF FOSTER:
18 May I interrupt for a minute, please sir.
19 CHIEF HILL:
20 Yes, sir, Sherriff.
21 CHIEF FOSTER:
22 Something happened with the connection or, I don't
23 know if it's on my end or y'all's but it some kind
24 of noise in the background.
25 CHIEF HILL:

1 There's no terrible noise in the background here; it
2 must be on your end.

3 MALE VOICE:

4 You heard some kind of noise; right?

5 MALE VOICE:

6 I did.

7 CHIEF HILL:

8 May be some more of that inadvertent noise?

9 CHIEF FOSTER:

10 Maybe it's on my end.

11 MALE VOICE:

12 It sounds like shuffling around, shuffling is what
13 it sounds like to me, people shuffling papers.

14 SHERIFF FOSTER:

15 Does my companion on the phone hear it as well?

16 MALE VOICE:

17 Yeah, yeah, I hear it; it's like, I guess they
18 shuffling papers. That's what I would imagine.

19 MALE VOICE:

20 Y'all quit shuffling papers.

21 SHERIFF FOSTER:

22 Well, I'm glad I'm not, I'm glad I'm not wholly
23 crazy then, all right.

24 DIRECTOR:

25 We have three matters and two that I'll do and then

1 one that we'll do, the third one will be dealing
2 with a Department of Corrections issue. But first
3 one was we had a request from the Beaufort County
4 Sheriff's Office due to staffing with their
5 telecommunication officers. They have the
6 availability and the opportunity to use some part-
7 time individuals; certainly, those people then have
8 a fulltime job and so it would be difficult for them
9 to come here for training and they'll use them as
10 part-time, and they asked could they receive some
11 training outside of having to come here for that
12 week, and they were offering up that they have some
13 training that they could provide. But I believe
14 it'd be consistent with what we have done far as us
15 filming our training here and sending it into the
16 field to meet our requirements of us providing the
17 training. It would be our recommendation that we
18 film our telecommunication's class then we make it
19 available to the agencies to view that for their
20 part-time Officers and then take that test and then
21 they could meet the qualifications and certify to be
22 that telecommunications officer. So, what we'd do
23 is film a class when we have them here, you know,
24 for a week, almost every week, we just, short breaks
25 in between. And so, we would film it and we'd put

1 it out for this purpose for their part time
2 telecommunications operators to watch this video,
3 take the test and then they'd be certified; that's
4 our recommendation.

5 CHIEF HILL:

6 Thank you. All right, y'all've have heard the
7 recommendation; do I hear a motion?

8 MALE VOICE:

9 I make the motion that we adopt the recommendation
10 stat to film the class to qualify for
11 telecommunication operators working part-time.

12 CHIEF HILL:

13 All right, we got a motion; do I hear second?

14 MALE VOICE:

15 Second.

16 CHIEF HILL:

17 Any further discussion?

18 (No verbal response)

19 CHIEF HILL:

20 And I assume this would be made available to any
21 other agency that ---

22 DIRECTOR:

23 Absolutely.

24 CHIEF HILL (CONTINUES):

25 --- that's wanting to do it as well?

1 DIRECTOR:

2 Yes, sir, that is correct.

3 CHIEF HILL:

4 Further discussion, questions?

5 (No verbal response).

6 CHIEF HILL:

7 Call for questions; all those in favor signify by
8 saying "I".

9 (All "I's")

10 CHIEF HILL:

11 Any opposed like sign?

12 (No verbal response).

13 CHIEF HILL:

14 Okay the "I's" have it, the motion passes. Next.

15 DIRECTOR:

16 Our next one is we've had a request to look at how a
17 Reserve Officer could move to a Class One Officer.
18 And in looking at the statutes, and I believe we
19 provided them to you, you can see, but what our
20 recommendation would be that if a person has gone
21 through their Reserve Officer Training, of course
22 pass the test to be a Reserve Officer, and then if
23 maintain a continuous stay as a Reserve Officer for
24 a period of more than two years, meaning they've met
25 all of their required hours and kept up with all the

1 required training, then that person would be
2 eligible to be a Class One. So, what we would
3 recommend is they go through the same process as if
4 someone would do as a Special Basic who has prior
5 Law Enforcement, and that they would just go to two-
6 week video classes that we provide, take the test
7 and then come here, take that test and then do the
8 week of firearms and driving just as a Special Basic
9 as a Certified Officer from another State would;
10 that is our recommendation for answering this
11 question that was posed. The statute does provide
12 for that and that's how they transfer a
13 Reserve to a Class One.

14 CHIEF HILL:

15 All right. Has everybody had the opportunity to
16 read this page as well?

17 (No verbal response).

18 CHIEF HILL:

19 We do have code section that addresses this
20 specifically. Sheriff?

21 SHERIFF FAILE:

22 I believe you just said that y'all have, the
23 Training Academy has the authority to recognize
24 whatever type training, and so that's what we are
25 recommending to you that that's what would suffice

1 for that would be similar to that of a person who we
2 grant Special Basic.

3 CHIEF HILL:

4 Reserve Officer now does 240 hours of training?

5 SHERIFF FAILE:

6 They do.

7 CHIEF HILL:

8 And that's approved by everybody, the Academy as
9 well?

10 SHERIFF FAILE:

11 That is correct, and then they come here and take a
12 test and then they have to maintain the number of
13 required hours every quarter and keep up with their
14 training.

15 CHIEF HILL:

16 How many hours are they required every quarter?

17 SHERIFF FAILE:

18 Uh, 40 I believe.

19 JIMMY:

20 I think it's 24-month, I believe.

21 SHERIFF FAILE:

22 Right, okay.

23 JIMMY:

24 It gives an allowance per quarter as well.

25 SHERIFF FAILE:

1 I think that's the way it is; that's right.

2 CHIEF HILL:

3 And then the, so the Special Basic is how long?

4 SHERIFF FAILE:

5 You watch two weeks of video that we have recorded
6 and then you come here and take the test and then
7 you go on the range for both driving and firearms or
8 somewhat a week or less, depending how long it takes
9 to show that you're ---

10 CHIEF HILL:

11 Basically, about three weeks additional ---

12 SHERIFF FAILE:

13 Yes, sir ---

14 CHIEF HILL (CONTINUES):

15 --- training?

16 SHERIFF FAILE (CONTINUES):

17 --- that is correct; that's right, on top of what
18 they've already had.

19 CHIEF HILL:

20 Okay. All right, I'll entertain a motion.

21 MALE VOICE:

22 I make a recommendation we accept the Director's
23 proposal.

24 CHIEF HILL:

25 Okay. We've got a motion to accept Director's

1 proposal on Reserve Officer Training to become a
2 Class One Officer; do I hear a second?

3 MALE VOICE:

4 Second.

5 CHIEF HILL:

6 Got a second. Director, I guess my - - if I have
7 any concern here, I mean, does it - - do you have
8 any concern that this is gonna be utilized to, you
9 know, to get around, I mean, sending somebody to the
10 Academy that otherwise ---

11 DIRECTOR:

12 I don't, I don't foresee it.

13 CHIEF HILL (CONTINUES):

14 --- couldn't qualify?

15 DIRECTOR:

16 Just from what I know about Reserve Training, it's
17 six months to a year for agencies to do it part-time
18 for people to get all of these hours or training.
19 So, this is basically taking our course but you're
20 doing it at home. So, it takes a long period of
21 time, so I wouldn't see that at being advantage; in
22 other words, ---

23 CHIEF HILL:

24 Let me ask you this: Is the psychological exam
25 required for the Reserve Officer?

1 DIRECTOR:

2 It is not, but if you're gonna be a Class One you
3 would have to because that's the first time being a
4 Class One, so, yes, sir that would be my
5 interpretation that you would.

6 CHIEF HILL:

7 So, that would have - - go ahead Sherriff or Chief
8 Taylor.

9 CHIEF TAYLOR:

10 Yeah, yeah, what about a PT test? I mean, I do
11 know, you know, there's probably some smaller, what
12 my concern would be if some of the smaller agencies
13 trying to, trying to, you know, trying to get around
14 the Academy by using Reserves, and I do know
15 sometime that training is not proficient that these
16 Reserve Officers have in some of these smaller
17 agencies, if they just, you know, they pass the
18 Reserve written test and that's about it then they
19 just put them to work and it's not - - I mean, you
20 know, that's my concern.

21 DIRECTOR:

22 The training counsel has the authority to set
23 whatever requirements. So, you can you make the
24 requirements the same as that of a first time Class
25 One Officer that they have to do a psychological,

1 that they have to perform the PAT course, come up
2 and take the accumulative test required for this and
3 then the driving; you can make it whatever
4 requirements you want.

5 CHIEF HILL:

6 Well, if we did that, wouldn't you think we'd do the
7 PAT course, we'd offer a special before we'd send
8 them the videos ---

9 DIRECTOR:

10 Well, maybe we ---

11 CHIEF HILL (CONTINUES):

12 I mean, if they can't pass the PAT course and the
13 psychological then they out at that point.

14 DIRECTOR:

15 Absolutely, we can make it in whatever order.

16 CHIEF HILL:

17 I have the same problem; I have the same concern
18 Chief Taylor has.

19 DIRECTOR:

20 But you still have to come here and take the test
21 for a Reserve, is what they've had to do so ---

22 CHIEF HILL:

23 Yeah.

24 DIRECTOR (CONTINUES):

25 --- so yes, you're right, they could do some less

1 training back home but that person would still have
2 to come here and pass ---

3 CHIEF HILL:

4 Right.

5 DIRECTOR (CONTINUES):

6 --- that test to show knowledge, so that's not
7 something you can skimp on because that person comes
8 and takes the test under our watch so, ---

9 MALE VOICE:

10 Let, let - - those hours doubled within the last
11 what five or six years; hadn't they?

12 DIRECTOR:

13 They have; it's a lot of hours.

14 MALE VOICE:

15 Yeah, and to hire someone from out of state and we'd
16 require them to take the PAT as well?

17 DIRECTOR:

18 No, we do not.

19 MALE VOICE:

20 Not in the special basic?

21 DIRECTOR:

22 That is correct, not for special basics.

23 MALE VOICE:

24 Have we ever had special basic, well, I think I just
25 answered my own question, but we've never had PT or

1 psychological tests for those people?

2 DIRECTOR:

3 That is correct, it's only for new hires.

4 MALE VOICE:

5 Only for new hires?

6 DIRECTOR:

7 That is correct?

8 CHIEF HILL:

9 So, I guess that's, that's my concern about not
10 doing a PAT test, or, because we know how many
11 people have been recycled here because they can't
12 pass the PT test, PAT test, and they keep coming
13 back and looks like to me this would be the way to
14 try to get around that unless we say that they also
15 have to do the PAT test and the psychological.

16 DIRECTOR:

17 Absolutely. So, you make it in whatever order you
18 want. So, if someone recommends that the person
19 does a PAT course and shows that they've done the
20 psychological, then they're eligible to then start
21 looking about transferring their Reserve over by
22 then being eligible to go into the Special Basic
23 review to take ---

24 CHIEF HILL:

25 The difference between the Special Basic, what we

1 provide today is we provide that for somebody who's
2 already been a Police Officer, a Federal Agent or a
3 ---

4 DIRECTOR:

5 Correct.

6 CHIEF HILL (CONTINUES):

7 --- Police Officer in another State?

8 DIRECTOR:

9 That is correct.

10 CHIEF HILL:

11 Something like they've already been a Police Officer
12 here, we would be talking about somebody becoming a
13 Class One Officer for the first time.

14 DIRECTOR:

15 But they have been a Reserve ---

16 CHIEF HILL:

17 I understand.

18 DIRECTOR (CONTINUES):

19 --- for over two years.

20 CHIEF HILL:

21 But they would be becoming a Class One Officer for
22 the first time?

23 DIRECTOR:

24 That is correct, that is correct, that is correct;
25 that's the difference.

1 CHIEF HILL:

2 Chief, did you make the motion?

3 CHIEF TAYLOR:

4 I did.

5 CHIEF HILL:

6 Would you entertain amending your motion to ---

7 CHIEF TAYLOR:

8 Sure.

9 CHIEF HILL (CONTINUES):

10 --- to require the PAT test and Psychological

11 testing prior to coming to the Special Basic?

12 CHIEF TAYLOR:

13 I'll restate my motion that we accept the record

14 vote with the recommendation that we require a PAT

15 test and Psychological test for these Reserve

16 Officers.

17 CHIEF HILL:

18 Okay, all right. All right and do I have a second

19 to that?

20 MALE VOICE:

21 Second.

22 CHIEF HILL:

23 We have a second to that. Any other questions?

24 (No verbal response).

25 SHERIFF FOSTER:

1 Steve, would this be applicable ---

2 CHIEF HILL:

3 Sheriff, Chief Taylor?

4 SHERIFF FOSTER:

5 Uh, go ahead.

6 SHERIFF FAILE:

7 You know, I'm just thinking about defensive issues,
8 I'm thinking about the things that they would miss,
9 that they would miss that are extremely important in
10 being proficient and being Class One so, I, you
11 know, I was just thinking about things like that,
12 that they might not get as a Reserve in some of
13 these smaller jurisdictions cause I know they're
14 hurting for people and they will, you know - - so,
15 that's why I ---

16 DIRECTOR:

17 That's in the Reserve, that's in the Reserve Officer
18 training, that is in the Reserve Officer training.

19 CHIEF HILL:

20 Defensive tactics is in Reserve Officer training?

21 DIRECTOR:

22 It is.

23 SHERIFF FAILE:

24 Yeah but, I mean, ---

25 CHIEF HILL:

1 Chief, I ---

2 SHERIFF FAILE:

3 Go ahead.

4 CHIEF HILL:

5 No, I understand your concern and I think your
6 concern is again, with some of the smaller agencies,
7 is even though they may complete the training and
8 come up here and pass the test, how, you know, how
9 good is the training that they're receiving in some
10 of the smaller agencies?

11 SHERIFF FAILE:

12 Yeah.

13 CHIEF HILL:

14 Any other - - Sherriff, do you have any comments?

15 SHERIFF FOSTER:

16 I did, sir.

17 CHIEF HILL:

18 Sheriff Foster?

19 SHERIFF FOSTER:

20 Is it applicable to Reserve, uh, the state
21 constable?

22 CHIEF HILL:

23 No.

24 DIRECTOR:

25 No; it's not the same training.

1 CHIEF HILL:

2 No.

3 SHERIFF FOSTER:

4 That would be would be governed under SLED but I
5 just was curious as to that.

6 CHIEF HILL:

7 No.

8 DIRECTOR:

9 It's not the same training.

10 CHIEF HILL:

11 I can hear it right now, we'll have a constable,
12 we'll have an advanced constable because the
13 advanced constable training basically is the same as
14 the Reserve training, it's 240 hours, and I can see
15 that we may have somebody - - but I have something
16 to do with that, so any other questions, comments?

17 (No verbal response)

18 CHIEF HILL:

19 All right, we got a motion for the - - would allow a
20 Reserve who's got at least two years, that's been
21 working for an agency, got all their requisite
22 hours, all their requisite training as a Reserve
23 Officer, to come to the Academy, become a Class One
24 if they first complete the PAT testing, the
25 psychological testing, the Special Basic and pass

1 the test, they've become a Class One Officer; that's
2 the motion, I hope I stated it correctly.

3 DIRECTOR:

4 I think you did.

5 CHIEF HILL:

6 All right, I called for questions, all those in
7 favor signify by saying "I".

8 (All "I's")

9 CHIEF HILL:

10 Any opposed like sign?

11 (No verbal response).

12 CHIEF HILL:

13 All right, so the motion passes; what we got next?

14 JIMMY:

15 The Department of Corrections is here to request
16 that their curriculum be approved.

17 CHIEF HILL:

18 Okay, all right, glad to hear from you.

19 MALE VOICE:

20 Thank you, Chief. Mark Benson for the Department of
21 Corrections. We're asking for a retroactive
22 approval of our curriculum. It hasn't really
23 changed over the years substantively, just some
24 minor changes and I have Stephanie Smith here from
25 our Academy to answer any questions you may have;

1 thank you.

2 CHIEF HILL:

3 Well, how about tell us how we got to this point
4 where we're asking for retroactive approval; if you
5 don't mind, just ---

6 STEPHANIE SMITH:

7 The curricular is required every two years here, ---

8 CHIEF HILL:

9 Okay.

10 STEPHANIE SMITH (CONTINUES):

11 --- and it was not submitted in 2018.

12 CHIEF HILL:

13 Okay.

14 STEPHANIE SMITH:

15 And that's how we, where we are at here.

16 CHIEF HILL:

17 Okay.

18 STEPHANIE SMITH:

19 But that was not done at final step of approval,
20 always assured that we had quality training as well
21 as ---

22 CHIEF HILL:

23 All right.

24 STEPHANIE SMITH (CONTINUES):

25 --- we could determine ours and (inaudible) for our

1 training (inaudible) information.

2 CHIEF HILL:

3 Okay. And so, I'm asked of the Academy when this,
4 when the request - - I guess this is the course
5 syllabus and the lesson plan when it came in for
6 approval, even though it was late, when it came in
7 for approval was it sent back or was it approved
8 ultimately?

9 STEPHANIE SMITH:

10 Yes, it was approved by the Agency and it was also
11 resubmitted to represent the current Deputy Director
12 of Operations.

13 CHIEF HILL:

14 Okay, but was it approved by the Academy, Jimmy?

15 JIMMY:

16 Yes, sir, it was.

17 CHIEF HILL:

18 Okay, and was it approved with, without any changes?

19 JIMMY:

20 My understanding that's correct, Chief.

21 CHIEF HILL:

22 Okay. All right so, again restate sorta what it
23 looks like happened is it was failed to be submitted
24 at the appropriate time, when it was submitted it
25 was approved, and I'm assuming, of course, it was

1 being used during that period time ---

2 STEPHANIE SMITH:

3 Yes, sir.

4 CHIEF HILL (CONTINUES):

5 --- that it was not? And when it was submitted it
6 was approved by the Council and, or by the Academy
7 Legal Staff and it was approved without any changes;
8 is that correct?

9 JIMMY:

10 Yes, sir, yes, sir.

11 CHIEF HILL:

12 All right, I'll entertain a motion.

13 MALE VOICE:

14 Chief, I make a motion that we approve the
15 curriculum as presented by the Department of
16 Corrections implied retroactively as requested.

17 CHIEF HILL:

18 Okay, we got a motion to approve and apply
19 retroactively; do I hear second?

20 MALE VOICE:

21 Second.

22 MALE VOICE:

23 I will second this.

24 CHIEF HILL:

25 Okay we got a second, we got a couple of seconds.

1 All right, is there any discussion?

2 SHERIFF FAILE:

3 I got a quick question, ---

4 CHIEF HILL:

5 Sheriff?

6 SHERIFF FAILE (CONTINUES):

7 --- Chief.

8 CHIEF HILL:

9 Yes, sir.

10 SHERIFF FAILE:

11 Will this affect local agencies hire Correctional
12 Officers at their detention centers; will that
13 change?

14 DIRECTOR:

15 No, they still have to come here and do our juvenile
16 and the local detention part. It's an abbreviated
17 part of the detention program; it wouldn't affect
18 that, once this is approved retroactively. They
19 just have to come do the applicable part that's
20 under our detention that's different from theirs,
21 it's the juvenile portion.

22 MALE VOICE:

23 And you don't take any of your people away from ---

24 MR. BENSON:

25 Oh, no, we're not.

1 CHIEF HILL:

2 Any other questions? Chief?

3 CHIEF TAYLOR:

4 Chief, I was just want to know retroactive do we
5 know how many people are involved; I mean numbers?

6 MR. BENSON:

7 Our numbers were about 400.

8 CHIEF HILL:

9 Okay.

10 CHIEF TAYLOR:

11 Okay.

12 CHIEF HILL:

13 Any other questions, comments? Chief Taylor,
14 Sherriff Foster, any comments, questions?

15 CHIEF TAYLOR:

16 No, I don't have any.

17 SHERIFF FOSTER:

18 No, not now.

19 CHIEF HILL:

20 All right, I called for questions, so the motion is
21 that we accept the Department of Corrections' lesson
22 plan and curricular, that we approve it and apply it
23 retroactively for that time period that had not been
24 approved. All those in favor of the motion signify
25 by saying "I".

1 (All "I's")

2 CHIEF HILL:

3 Any opposed like sign?

4 (No verbal response).

5 CHIEF HILL:

6 The "I's" have it and the plan is approved. All
7 right.

8 MALE VOICE:

9 Chief, one last thing just for y'all's information,
10 I like to keep y'all up on how we're doing with our
11 Four H. Basic 706 Class started today full. Seven
12 people in this class came and was tested last
13 Wednesday, so they had four days wait from the time
14 that they were eligible to come to the Academy. 707
15 starts September the 30th and we're still waiting on
16 28 slots open in that class. We will test some more
17 people this Wednesday, so as you see now, we're
18 waiting on the field to give us our slots. So,
19 there was 160-day average wait before we went to
20 this and now you see what we're doing; we're giving
21 people slots within days to a couple of weeks. And
22 so, the comments that I'm hearing from the field is
23 that's pretty amazing and how this is worked out
24 that we're able to deal with, pass the issue the way
25 we're doing. (Inaudible) that are hired that forms

1 will come in that have not taken any week's test
2 yet. So, people have them in some capacity, 25 have
3 taken one test, 14 have taken two tests, 50 have
4 taken three and 10 have taken all four tests. So,
5 unless there's some people who have - - who are out
6 there we're not aware of we may not even have a full
7 class then for 707, is what our original thing was,
8 to catch up with the field and then to also maybe
9 reducing the class sizes, which certainly helps us
10 on our ranges, because we had a graduation last
11 Friday and we graduated 66 people, the highest
12 graduation that we've, that I can see that we've had
13 here. So, it's really working well; I just wanted
14 to kinda bring y'all up to date on that and let you
15 know how that's working.

16 CHIEF HILL:

17 Good. All the comments that I've been hearing have
18 been very positive. I mean, I've not heard ---

19 MALE VOICE:

20 No.

21 CHIEF HILL (CONTINUES):

22 --- heard anything negative and I think this whole
23 issue about capacity and the ability to get fully in
24 seems to, has faded into the sunset, hopefully.

25 MALE VOICE:

1 Yes, sir.

2 CHIEF HILL:

3 And hopefully we'll continue to operate in this way.
4 What about the Shoe House; you give us an update on
5 that?

6 MALE VOICE:

7 I will. I tell you, we have a, Casey Steel are the,
8 is the steel fabricators and they worked this
9 weekend. They've got a big crew down there today
10 welding. Hopefully, all steel erection will be
11 completed this week and toward the end of the week,
12 tentatively right now Thursday, they will pour the
13 concrete for the second floor. The electrical crew
14 then will come in and do a conduit for that and then
15 they'll come and build the walls and stuff. So,
16 we're moving very, very, very fast right now.
17 They've worked hard the last couple of weeks, and
18 so, there's a great chance that we'll be in, through
19 with it end of October or early November, so it is
20 really moving fast the last couple of weeks. All
21 the steel got delivered and it's being erected, so
22 if you get a chance ride down and look. It still
23 looks like a doll house, there's one open, end still
24 open obviously, and that's to do all the steel and
25 then to pour the concrete and then they'll close in

1 that end and build all the, all the walls and such.
2 They were able to move that skip, they did that last
3 week that the FBI has, it's a secure bunker thing,
4 and so, but everything is moving, moving very fast
5 now.

6 CHIEF HILL:

7 Good.

8 MALE VOICE:

9 Obviously, some of them gotta move on to some other
10 projects, so it behooves them to send their workers
11 to get through with this so they can move on, so,
12 but it's looking good right now. We're finally
13 showing some great traction and we'll certainly let
14 you know when the Grand Opening Ribbon cutting is.

15 CHIEF HILL:

16 Has anybody got anything else that's go the order,
17 any other comments, questions? Sherriff Faile?

18 SHERIFF FAILE:

19 I'd just like to bring something up about not
20 showing up to prosecute the case.

21 CHIEF HILL:

22 Yeah.

23 SHERIFF FAILE:

24 This is, this happens frequently and we bring people
25 in to hear the cases, that's a cost, and we got

1 other folks here. Can we not do something or put
2 something into place that would at least pay the
3 costs?

4 CHIEF HILL:

5 Anybody we got any suggestions?

6 JIMMY:

7 Yes, sir. The Director and Council have the
8 authority to impose a civil penalty for failing to
9 follow the training act and regulations. One
10 potential suggestion is that if we have a situation
11 where they show up the day of the hearing, we're
12 being notified of a failure to prosecute, either
13 they tell us or they just don't appear. I think a
14 reasonable solution for that would be to charge the
15 actual cost of the court reporter for that period of
16 time. It becomes a bit stickier on the other end if
17 they notify us ahead of time. I remember in the
18 last two cases we had because of no direct costs to
19 us, there's obviously just the cost of, to society
20 for someone out there who shouldn't be out there.

21 CHIEF HILL:

22 If we cancel the court reporter prior to them
23 arriving here do we incur a cost?

24 JIMMY:

25 No, sir, as long as we give them a heads up. They

1 normally call the day prior to ask if it's still on;
2 at that point, then we would not be on the hook for
3 it.

4 CHIEF HILL:

5 Right.

6 JIMMY:

7 If we were to call them that morning at 9:00,
8 whatever, for a 10:00 hearing, they're probably
9 going to still most likely ---

10 CHIEF HILL:

11 Some kind of a flat fee or something?

12 JIMMY:

13 Yes, sir.

14 CHIEF HILL:

15 I mean, Sherriff, I'm like you it frustrates me when
16 I see, you know, Council making decisions on those
17 that we feel like should not be eligible and then we
18 have cases that sometimes maybe could be worse that
19 we're making decisions on and agencies fail to show
20 up and prosecute these. And so, I would, you know,
21 it's something, something we need to decide what we
22 want to do. We're meeting every month now and maybe
23 between now and next month we need to, we need to
24 think about it, decide and then we need to put
25 something out there to everybody here very soon. I

1 know I intend on a meeting's coming up, of course it
2 got postponed because of the weather, but it's
3 coming up in November and I intend on making a
4 comment at the Chief's meeting about it and next
5 Sherriff's meeting, do the same thing at next
6 Sherriff's meeting as well cause I just think it's
7 important that they show up if we're gonna send
8 these misconduct allegations here at the Academy we
9 need to, we need to follow through with them.

10 SHERIFF FAILE:

11 The problem is they send it to us writing, and so
12 they tell us some facts about that which they're
13 alleging.

14 CHIEF HILL:

15 I understand.

16 SHERIFF FAILE:

17 And then you read those and you go, "My goodness,
18 how egregious that is." And then you see them
19 decline to come and then that really upsets you
20 after you've read something that's so alarming and
21 you go, "What happened."

22 CHIEF HILL:

23 Well, that's like, you know, that's like we used to
24 see consent orders from a particular lawyer that
25 would send in consent orders ---

1 SHERIFF FAILE:

2 Right.

3 CHIEF HILL (CONTINUES):

4 --- for willfully, you know, being dishonest, ---

5 SHERIFF FAILE:

6 Right.

7 CHIEF HILL (CONTINUES):

8 --- and with no facts except that we admit we were
9 dishonest and we'd like to, you know, two years'
10 probation and remain eligible, and like that dog's
11 not going to hunt, you know, we not going down that
12 road ---

13 SHERIFF FAILE:

14 Right.

15 CHIEF HILL:

16 And these are, it's something we gotta address
17 because I think it ends up, it makes us all look
18 bad.

19 SHERIFF FAILE:

20 I had one Chief call me and he was quite livid
21 because his City Attorney, the person says, "If
22 you'll change this from a misconduct, you know, we
23 won't pursue suing the City," and so his City
24 Attorney said, "I'm gonna recommend that you change
25 it from a misconduct and allow this person to resign

1 or you can still fire them but just don't make it a
2 misconduct." And he had a lot of heartburn with
3 that but he was told to do that by his City and it's
4 a large City, and I told him, I said, "Well, you
5 have to go with what your City Manager and City
6 Attorney tells you," I said, "But what I would do I
7 would still write why this person is terminated and
8 put all your facts in there that are truthful" and
9 then now under the way that we have a requirement
10 that if an Agency "A" has to contact Agency "B" and
11 the Academy, then you would have that in writing why
12 that person was dismissed and if that Agency hires
13 them with that then they've accepted all that comes
14 with that.

15 CHIEF HILL:

16 See the problem is here is records get expunged.

17 SHERIFF FAILE:

18 Oh, I see.

19 CHIEF HILL:

20 And like in these cases today where we get the
21 allegations

22 SHERIFF FAILE:

23 Exactly.

24 CHIEF HILL (CONTINUES):

25 --- and y'all get you get the facts as well, ---

1 SHERIFF FAILE:

2 Exactly.

3 CHIEF HILL:

4 --- and the facts could be terrible but yet they're
5 gonna get expunged and that's the problem that I
6 have.

7 SHERIFF FAILE:

8 If it gets expunged but if it just comes in as a,
9 now a termination, if they amend their form ---

10 CHIEF HILL:

11 No, I understand, yeah.

12 SHERIFF FAILE (CONTINUES):

13 --- so, then it is, all the facts are still in
14 there, it's just a matter of not having the word
15 misconduct, but you got the facts, so that's ---

16 CHIEF HILL:

17 Correct.

18 MALE VOICE:

19 So, Jim, would you accept a motion to request, to
20 present proposals to implement these civil penalties
21 as per the law?

22 CHIEF HILL:

23 Absolutely, I'd accept that motion. Do I hear
24 second?

25 MALE VOICE:

1 Second.

2 CHIEF HILL:

3 We've got a second. Any further discussion? Jimmy,
4 if y'all court, you know, if y'all could ---

5 JIMMY:

6 Yes, sir.

7 CHIEF HILL (CONTINUES):

8 --- just kinda flesh that out a little more and
9 bring us some proposals at the next meeting I'd
10 appreciate it. Any other business?

11 (No verbal response).

12 CHIEF HILL:

13 Take a motion to adjourn.

14 MALE VOICE:

15 Motion to adjourn.

16 CHIEF HILL:

17 Got a motion. Second?

18 MALE VOICE:

19 Second.

20 CHIEF HILL:

21 All those in favor signify by saying "I".

22 (All "I's")

23

24

25

SOUTH CAROLINA
LAW ENFORCEMENT TRAINING COUNCIL
MEETING MINUTES
September 16, 2019
10:00 a.m.

A meeting of the South Carolina Law Enforcement Training Council (LETC) was held at the South Carolina Criminal Justice Academy on Monday, September 16, 2019. This meeting was advertised in accordance to the South Carolina Freedom of Information Act.

CALL TO ORDER

Agenda Item 1

Chief Mark Keel, Chair of the Law Enforcement Training Council, called the meeting to order at 10:01 a.m. Chief Keel called for a roll call of the Council members. Scheri Francois called the roll.

Members present at the meeting were Chief Mark A. Keel, State Law Enforcement Division (SLED) (Chair); Director Robert Boyles, S.C. Department of Natural Resources; Director John Thomas, North Augusta Department of Public Safety; Sheriff Barry Faile, Lancaster County Sheriff's Office.

Members present via conference call were Sheriff Lee Foster, Newberry County Sheriff's Office; and Chief Tony Taylor, Williamston Police Department.

Absent members were Attorney General Alan Wilson, Attorney General's Office; Director Leroy Smith, S.C. Department of Public Safety (Co-Chair); Director Bryan Stirling, S.C. Department of Corrections; Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; and Captain Nick Gallam, Aiken County Detention Center. Attorney General Wilson, Director Smith, Director Stirling and Director Adger were represented by proxies, Barry Bernstein, Kenneth Phelps, Brian Bolchoz, and Mike Nichols, respectively.

Guest attendees were Former Chief Robert Stewart (SLED); Robert McCullough, S.C. Department of Natural Resources; Bart Vincent, S.C. Department of Corrections; Stephen Lunsford, S.C. Department of Corrections; Tessie A. Smith, S.C. Department of Corrections; Imani Byas, S.C. Department of Public Safety; Octavia Wright, S.C. Department of Probation, Parole and Pardon Services; Jeff Harmon, S.C. Department of Probation, Parole and Pardon Services; Attorney Courtney Atkinson; Attorney John O'Leary; Attorney Chris Lusk.

A full list of guest attendees may be obtained upon request.

SC Criminal Justice Academy attendees were Director Jackie Swindler; James Fennell, General Counsel; Florence McCants, Administrative Operations Manager; Lauren Fennell, Standards &

Members of Council asked questions of both attorneys and received further details regarding the circumstances surrounding the misconduct allegations against Ms. Cosby.

Upon conclusion of hearing further information about the details of the allegations against Ms. Cosby, Sheriff Faile made a motion to accept the Hearing Officer's recommendation of a finding of misconduct and to permanently deny Ms. Cosby's law enforcement certification. Director Thomas seconded the motion. Council voted unanimously to permanently deny Ms. Cosby's law enforcement certification.

Briana Murphy: 2019-CJA-04-10 (Latta Police Department)

Summary: Allegation that Brianna Murphy had committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3) (g), by "[w]illfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State". Department appeared at hearing, but withdrew its allegation and did not prosecute the allegations. Recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

Attorney John O'Leary was in attendance to represent Ms. Murphy and asked that Council accept the recommendation of the Hearing Officer.

Sheriff Foster made a motion to accept the Hearing Officer's recommendation. Director Thomas seconded the motion.

Prior to the voting process, Chief Keel expressed his concerns about and disappointment in agencies either not showing up at the hearings to prosecute misconduct cases or showing up at the hearing but then declining to prosecute such cases. Chief Keel stated that it is bothersome to think that there are officers who have been dishonest in office who are out in the community working because agencies have failed to show up at hearings or decline to prosecute the cases at the hearings. Chief Keel further stated that the continued failure of agencies to appear at hearings or failure to prosecute misconduct cases at hearings is unfair to the law enforcement profession. Finally, Chief Keel stated that there is not much Council can do in cases such as these.

Upon the conclusion of Chief Keel's statements, Council voted unanimously to adopt the Hearing Officer's recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

Charity Gurley: 2019-CJA-05-05 (Latta Police Department)

Summary: Allegation of dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of property; Dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of persons. The criminal charges surrounding

Accreditation Manager; Scheri Francois, Director's Assistant; Justin Miller, IT; and Christopher Brumlow, Investigator, Tim Plunkett.

APPROVAL OF AGENDA

Agenda Item 2

Upon a motion made by Director Boyles and seconded by Sheriff Faile, Council voted unanimously to adopt the agenda as presented.

APPROVAL FOR MEETING MINUTES

Agenda Item 3

1. A motion to approve the minutes of the August 19, 2019, meeting was made by Director Boyles and seconded by Sheriff Faile. Council voted unanimously to accept the meeting minutes as recorded.

General Counsel – Certification Issues

Agenda Item 4

2. Misconduct Cases

Kristin Cosby: 2019-CJA-01-01 (SCPPP)

Summary: Allegation that Kristin Cosby had committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3) (g), by “[w]illfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State”. The Hearing Officer made a recommendation of a finding of misconduct and grant the certification with probation or with any additional requirements deemed just and proper.

Ms. Cosby was present to answer any questions Council may have for her in regards to her misconduct case.

Attorney Courtney Atkinson was in attendance to represent Ms. Cosby. Ms. Atkinson gave details of the misconduct allegations against Ms. Cosby.

Attorney Octavia Wright, legal counsel for the S.C. Department of Probation, Parole and Pardon Services, was also in attendance to answer questions and give details of the misconduct allegations against Ms. Cosby.



**NOTICE OF CONTESTED CASE HEARING
VIA CERTIFIED MAIL / RETURN RECEIPT REQUESTED**

TO: Courtney Atkinson, Esquire
As Attorney for Kristin Cosby
P.O. Box 1826
Greenville, SC 29602

Jerry B. Adger, Director
S.C. Department of Probation, Parole, and Pardon
2221 Devine Street, Suite 600
Columbia, SC 29205

FROM: South Carolina Law Enforcement Training Council

RE: In the Matter of the Law Enforcement Certification of Kristin Cosby
LETC Case Number: 2019-CJA-01-01

Please be advised that a contested case hearing, in accordance with the requirements of South Carolina Code Ann. § 23-23-150 (D) and S.C. Code Ann. Regs. 37-101 A, has been scheduled before the attorney hearing officer designated below at the time and place indicated.

HEARING OFFICER: William C. Smith
TIME AND DATE: 10:00 am (EST), April 3, 2019
LOCATION: 5400 Broad River Road, Columbia, SC 29212

Upon arrival for the hearing, parties and witnesses should report to the Criminal Justice Academy (“Academy”) receptionist desk and advise of their presence for a contested case hearing. If a party is unable to be present for the scheduled contested case hearing due to reasons of disability, hospitalization, or other condition affecting the party’s physical ability to travel, the party, the party’s attorney, or the party’s personal designee must immediately notify the hearing officer in writing, either by postal correspondence to the address on this letterhead, or via electronic mail to the address listed for the hearing officer below, to request continuation of the scheduled hearing.

PURPOSE OF CONTESTED CASE HEARING

The purpose of the contested case hearing is to afford an opportunity, in accordance with the above referenced statutory and regulatory provisions, for the officer to contest the proposed withdrawal or denial of the officer’s law enforcement certification by the Law Enforcement Training Council (“Council”) based upon alleged certification misconduct on the part of the officer that has been reported to Council by the officer’s previous employing law enforcement agency and which certification misconduct has been more particularly described in the Allegation of Certification Misconduct previously served upon the officer by the Academy.

The law enforcement agency making the allegation of certification misconduct (“Agency”) is required by S.C. Code Ann. Regs. 37-103 to prosecute the allegation and, in accordance with S.C. Code Ann. Regs. 37-105 K, will have the burden of proving by “substantial evidence” that the

officer has committed the misconduct alleged by the Agency. The hearing will be conducted in accordance with the provisions of S.C. Code Ann. § 1-23-320 and S.C. Code Ann. Regs. 37-105.

Both the officer and the Agency may subpoena witnesses to testify, or to produce evidence, at the contested case hearing. The subpoena form approved by the Council for use in contested case hearings is attached hereto. Both the officer and the Agency may seek enforcement of, or relief from, a subpoena by filing with the South Carolina Administrative Law Court, pursuant to S.C. Code Ann. § 1-23-600 (G). Use of the subpoena by either the officer or the Agency must comply with Rule 45 of the South Carolina Rules of Civil Procedure.

An officer may be represented at the contested hearing by an attorney retained at the officer's expense. If the officer is represented by an attorney, and the contested hearing was not requested on the officer's behalf by the attorney, the attorney must provide a written notice of appearance to the hearing officer by no later than five (5) days in advance of the scheduled hearing. The notice of appearance may be provided by email to wcsmith@sccja.sc.gov or via postal mail as follows:

S.C. Criminal Justice Academy
ATTN: Contested Case Hearing Officer
5400 Broad River Road
Columbia, SC 29212

RESCHEDULING OF THE CONTESTED CASE HEARING


A request for rescheduling of a contested case hearing can be only be approved by the assigned hearing officer. The hearing officer may be reached by telephone at (803) 896-7617 during regular business hours or via email at wcsmith@sccja.sc.gov.

FAILURE TO APPEAR FOR THE CONTESTED CASE HEARING

If a representative of the Agency does not appear at the scheduled contested case hearing and has not requested a continuance of the hearing, a judgment by default will be rendered against the Agency and it will be deemed to have waived its right to present evidence of misconduct against the officer at a contested case hearing.

If the officer does not appear at the scheduled contested case hearing and has not requested a continuance of the hearing, a judgment by default will be rendered against the officer; the officer will be deemed to have waived the right to present evidence at the contested case hearing, and Council may immediately proceed to a determination as to the appropriate final agency action. If Council determines that the officer has committed certification misconduct, it may impose sanctions, pursuant to S.C. Code Ann. Regs. 37-108. Evidence presented by the hearing officer to Council incident to an officer's failure to appear for the contested case hearing is not required to conform to the South Carolina Rules of Evidence.

FOR THE LAW ENFORCEMENT TRAINING COUNCIL:


James M. Fennell
General Counsel
South Carolina Criminal Justice Academy
jfennell@sccja.sc.gov

Date: February 27, 2019

STATE OF SOUTH CAROLINA
South Carolina Law Enforcement Training Council

IN THE MATTER OF THE LAW ENFORCEMENT) ADMINISTRATIVE SUBPOENA
CERTIFICATION OF) LETC Case Number:
)

TO:

YOU ARE COMMANDED to appear at the place and time specified below to testify in the above case.

PLACE OF TESTIMONY: South Carolina Criminal Justice Academy 5400 Broad River Road Columbia, SC 29212	DATE AND TIME:
--	-----------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below:

DOCUMENTS OR OBJECTS TO BE PRODUCED:	
PLACE OF PRODUCTION:	DATE AND TIME:

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS PROCEEDING IS DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE HEARING OFFICER SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF. THE ORGANIZATION SHALL SET FORTH, FOR EACH PERSON SO DESIGNATED, THE MATTERS ON WHICH THE PERSON WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED SHALL TESTIFY AS TO MATTERS KNOWN, OR REASONABLY AVAILABLE, TO THE ORGANIZATION.

BY MY SIGNATURE BELOW, I CERTIFY THAT THIS SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), SCRPC, AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

 Signature of Person Issuing Subpoena Date Printed Name

 Address Telephone Email

I am an attorney in good standing with the South Carolina Bar representing a party to this proceeding.

____ Attorney for Law Enforcement Agency
 ____ Attorney for Law Enforcement Officer

SC Bar Number: _____

I am an unrepresented party to this proceeding.

PROOF OF SERVICE

SERVED: Date of Service: Location of Service:	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL: <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
SERVED ON:	MANNER OF SERVICE:
SERVED BY:	TITLE OF SERVER:

DECLARATION OF SERVER

By my signature hereto, I certify that the foregoing information contained in this Proof of Service is true and correct.

Executed this ____ day of _____, 20____

_____ Signature of Server

_____ Address of Server

Rule 45, South Carolina Rules of Civil Procedures, Parts (b), (c), and (d):

(b) Service.

(1) A subpoena may be served by any person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made in the same manner prescribed for service of a summons and complaint in Rule 4(d) or (j). If the person's attendance is commanded, then that person shall, upon his arrival in accordance with the subpoena, be tendered fees for each day's attendance of \$25.00 and the mileage allowed by law for official travel of State officers and employees from his residence to the location commanded in the subpoena. When the subpoena is issued on behalf of the State of South Carolina or an officer or agency thereof, fees and mileage need not be tendered. Unless otherwise ordered by the court, prior notice in writing of any commanded production of documents and things or inspection of premises before trial shall be served on each party in the manner prescribed by Rule 5(b) at least 10 days before the time specified for compliance.

(2) Subject to the provisions of clause (ii) of subparagraph (c)(3)(A) of this rule, a subpoena may be served at any place within the State. Provided, however, that a subpoena to a person who is not a party or an officer, director or managing agent of a party, commanding attendance at a deposition or production or inspection shall issue from the court for the county in which the non-party resides or is employed or regularly transacts business in person and be served in that county.

(3) Proof of service when necessary shall be made by filing with the clerk of the court by which the subpoena is issued a statement of the date and manner of service and of the names of the persons served, certified by the person who made the service.

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the

person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.



SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

NOTICE OF RESCHEDULED CONTESTED CASE HEARING

VIA ELECTRONIC MAIL ONLY

catkinson@malawfirm.com

Octavia.wright@ppp.sc.gov

TO: Courtney Atkinson, Esquire
As attorney for Kristin Cosby
P.O. Box 1826
Greenville, SC 29602

Jerry B. Adger, Director
S.C. Department of Probation, Parole, Pardon
2221 Devine Street, Suite 600
Columbia, SC 29205

FROM: South Carolina Law Enforcement Training Council

RE: In the Matter of the Law Enforcement Certification of Kristin Cosby
LETC Case Number: 2019-CJA-01-01

Please be advised that the contested case hearing in this matter, scheduled by previous notice for April 3, 2019, has been rescheduled for the time and place below indicated.

HEARING OFFICER: William C. Smith

TIME AND DATE: 10:00 a.m. (EST), May 15, 2019

LOCATION: 5400 Broad River Road, Columbia, SC 29212

Please direct any questions you may have, copied to all parties, via email to wesmith@sccja.sc.gov.

William C. Smith
Contested Case Hearing Officer
wesmith@sccja.sc.gov

04/2/2019

From: [Brumlow, Christopher](mailto:Brumlow.Christopher)
To: ["catkinson@malawfirm.com"](mailto:catkinson@malawfirm.com); ["Octavia.wright@dpp.sc.gov"](mailto:Octavia.wright@dpp.sc.gov)
Subject: Kristin Cosby Final Agency Decision
Date: Thursday, September 05, 2019 8:31:00 AM
Attachments: [image001.png](#)

Good Morning,

Ms. Cosby's case will have a Final Agency Decision rendered at the September LETC meeting. Please take note that the next LETC meeting is scheduled for Monday September 16, 2019 at 10:00 a.m. in the conference room located at 5400 Broad River Road, Columbia, South Carolina 29210. Attendance of either party is not required and a negative inference will not be drawn should either party choose not to appear before Council. Additionally, LETC may allow each party the opportunity to present oral arguments to the full Council at the meeting. The oral arguments shall follow the procedure of Rule 218, SCACR. Based upon the Hearing Officer's Recommendation, Transcript(s), Exhibits, Motions in Support and Opposition, and Oral Arguments (if any), LETC will make a final agency decision. As always please feel free to contact me with any further questions.

Kindest Regards,

Christopher Brumlow



Christopher B. Brumlow, IAAI-CFI, IAAI-FIT, IAAI-ECT
Investigator, Office of General Counsel
South Carolina Criminal Justice Academy
5400 Broad River Road
Columbia, South Carolina 29212
Office: (803)896-8323

CONFIDENTIALITY NOTICE: This message and any attachments may contain information that is protected from disclosure by federal and/or state law, or is otherwise privileged or confidential. This communication is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering this message to the recipient, you are hereby notified that any dissemination, distribution, or copying of this message is strictly prohibited and violations of applicable federal and/or state law may subject you to civil and/or criminal penalties.

If you have received this message in error, please notify the sender immediately by reply e-mail and delete this message and any attachments.



South Carolina Criminal Justice Academy

October 11, 2019

Courtney C. Atkinson, Esquire
Metcalf & Atkinson, LLC
P.O. Box 1826
Greenville, SC 29605

Via certified mail

Re: In the Matter of the Law Enforcement Certification of Kristin Cosby
Case No.: 2019-CJA-01-01

Dear Ms. Atkinson:

Enclosed please find the final agency decision in the above referenced case. You are entitled to appeal this decision to the Administrative Law Court, if you choose. Any such appeal must be filed with the Administrative Law Court within thirty (30) days after receiving this notification.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-7722.

Sincerely,

James M. Fennell
General Counsel

Enclosure as Stated

cc: Octavia Wright, Esquire
S.C. Department of Probation, Parole, and Pardon
2221 Devine Street, Suite 600
Columbia, SC 29205

STATE OF SOUTH CAROLINA

Before the South Carolina Law Enforcement Training Council

In the Matter of the Law Enforcement)	Docket Number 2019-CJA-01-01
Certification of Kristin Cosby)	
)	
)	FINAL AGENCY DECISION
)	
)	
)	
)	

Kristin Cosby (“Officer”), in response to allegations of certification misconduct reported by the South Carolina Department of Probation, Parole, and Pardon Services (“Department”) to the South Carolina Criminal Justice Academy (“Academy”), pursuant to the requirements of S.C. Code Ann. § 23-23-150 (B) and S.C. Code Ann. Regs. 37-023, timely requested a contested case hearing to address the allegations of misconduct filed against her. Notice of the contested case hearing was communicated to the Officer and the Department, in accordance with the requirements of S.C. Code Ann. § 23-23-150 (D), and the matter was properly set for hearing on May 15, 2019.

On September 21, 2019, the South Carolina Law Enforcement Training Council met to, among other things, discuss this case and take a vote. Prior to September 21, 2019, the Training Council received and reviewed the transcript, exhibits, and Hearing Officer’s Recommendation. Counsel for both parties were present at the September 21, 2019 meeting and presented oral arguments. The Training Council voted to adopt the Hearing Officer’s Recommendation with modification.¹

II. ALLEGATIONS OF MISCONDUCT

The Department’s Personnel Change in Status Report (Notification of Separation Due to Misconduct) dated January 3, 2019, hereinafter “PCS,” alleged that Kristin Cosby had committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3) (g), by “[w]illfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency,

¹ Chief Keel, Director Boyles, Sheriff Foster, Sheriff Faile, Director Thomas, and Chief Taylor, voted to adopt the Hearing Officer’s Recommendation, with modification. Attorney General Wilson, Director Smith, Director Stirling, Director Adger, and Captain Gallam were not present and did not vote.

or a representative of the agency, except when required by departmental policy or by the laws of this State” and that she had been terminated from her employment with the Department. (*Id.* at p. 1)

Factually, the Department’s allegations referenced an internal investigation conducted by its Office of Professional Responsibility (OPR) into allegations that Cosby had been involved in a consensual sexual encounter with a subordinate Department employee that occurred in May 2015 and that Cosby had made false statements to departmental representatives in the course of the internal investigation of the encounter. The Department’s description in the PCS of the underlying “misconduct” alleged of Cosby stated, in part, as follows:

On 11/30/2018 AIC Chad Gambrell contacted Director Jerry Adger and informed him about a misconduct in the Greenville County Office involving Team Leader Kristen Cosby. Director Adger advised OPR Director Jeff Harmon to open an investigation regarding the misconduct allegations and to begin immediately. On 12/03/2018 a PPP employee, to remain anonymous, was interviewed by OPR Director Harmon and the employee admitted to having a consensual sexual relationship with Team Leader Kristen Cosby, who was the employee's supervisor at the time. (*Id.* at p. 2)

III. DOCUMENTARY AND TESTIMONIAL EVIDENCE

A. Documentary Evidence

The following documentation was accepted into evidence at the May 15th hearing and made a part of the record:

Council Exhibit Number 1: [Personnel Change in Status Report (Notification of Separation Due to Misconduct) and Correspondence of Criminal Justice Academy]

State’s Exhibit Number 1: S.C. Department of Probation, Parole and Pardon Services Policy and Procedure No. 1802 (Internal Investigations)

State’s Exhibit Number 2: “Voluntary Statement” of Kristin Cosby (December 17, 2018)

State’s Exhibit Number 3: S.C. Department of Probation, Parole and Pardon Services, Office of Professional Responsibility “Summary of Findings” (Internal Investigation #20181130-23)

State’s Exhibit Number 4: S.C. Department of Probation, Parole and Pardon Services “Citizen/Personnel Formal Complaint Form” filed by Kristin Cosby (October 19, 2018)

State’s Exhibit Number 5: **EXHIBIT WITHDRAWN**

State’s Exhibit Number 6: S.C. Law Enforcement Division “Consent to Interview with Polygraph” (December 17, 2018)

Respondent’s Exhibit Number 1: DVD containing audio interview of December 7, 2018 (4:10-4:31) and audio interview of December 12, 2018 (1:45-3:00)

Respondent’s Exhibit Number 2: S.C. Law Enforcement Division “Polygraph Examination Pre-Test Worksheet” (December 17, 2018)

Respondent’s Exhibit Number 3: Polygraph Examination Pre-Test Questions

Respondent's Exhibit Number 4: Timeline of Events and Recommendations (Chadwick A. Gambrell) (December 4, 2018)

Respondent's Exhibit Number 5: Letter of Resignation of Kristin Cosby (December 19, 2018)

Respondent's Exhibit Number 6: Acceptance of Letter of Resignation of Kristin Cosby (Chadwick A. Gambrell) (December 19, 2018)

B. Testimonial Evidence

The following testimony was accepted into evidence at the May 15th hearing and made a part of the record:

1. Testimony of Jeffrey Harmon, S.C. Department of Probation, Parole and Pardon Services
2. Testimony of Bryan Jones, S.C. Law Enforcement Division
3. Testimony of Nicole Albany, S.C. Department of Probation, Parole and Pardon Services
4. Testimony of Chadwick Gambrell, S.C. Department of Probation, Parole and Pardon Services
5. Testimony of Robert Honeycutt, S.C. Department of Probation, Parole and Pardon Services
6. Testimony of Kristin Cosby

Testimony of Jeffrey Harmon:

Harmon testified that he is currently assigned as the Director of the Office of Professional Responsibility for the South Carolina Department of Probation, Parole, and Pardon Services, that he was directed by the Director of the Department to initiate an investigation into allegations that Cosby had a consensual sexual relationship with her subordinate employee, that the Director had provided him specific questions to be asked of Cosby, that after each investigative activity that Harmon conducted the Director of the Department "wanted a follow-up informational session so he could help direct the investigation," that the Department Director couldn't "detach himself from the investigative process... so he could help direct the investigation," and that the Department's Policy 1802 set forth policy guidelines for Office of Professional Responsibility internal investigations and provides that such investigations will address "[c]omplaints of misconduct by the Department employees involving violations of policy, code of ethics, State or federal law, or other recognized standards of conduct." (Transcript, pp. 23-27, 30-passim)

Harmon further testified that he interviewed Cosby after first providing her "Garrity" warnings, that he began his interview with Cosby with a statement from the Department Director who required Harmon to "tell Ms. Cosby that no one had ever been terminated for an allegation of consensual sexual relationships with a subordinate, and that she should be honest and truthful about the relationship and that if she [was] found to be untruthful and [lied], then she would be subject to disciplinary actions,"

that he asked Cosby if she had a sexual relationship with a subordinate named Nicole Albany and that Cosby answered "No," that Cosby was offered a polygraph examination but prior to the polygraph examination Cosby contacted Harmon and stated that Albany had made sexual advances towards her and had sent her photos but that she could not recall if any of the advances were physical, that Cosby stated to Harmon that there was never "any other sexual conduct" with a subordinate but that Cosby subsequently amended her statement to Harmon indicating that Albany had tried to initiate physical contact with her during a cookout and that a friend who was present told Albany that she was "being too aggressive" and that Cosby stated that she was able "to kind of brush off" the physical contact. (Transcript, pp. 35-42)

Harmon testified that a polygraph was scheduled and administered for Cosby, that after the polygraph exam concluded Cosby provided a handwritten statement to Harmon, that Harmon then prepared a summary of the findings of the Office of Professional Responsibility investigation of Cosby, that during his investigation Harmon interviewed Cosby on two different occasions and received a written statement from Cosby, that "a pattern developed of [Cosby] not telling the truth and then modifying the truth and then, finally, becoming truthful with the written statement of a consensual relationship with [Albany]," that on October 19, 2018 Cosby had filed a complaint with the Department in which she alleged sexual harassment by her then Agent-in-Charge and Assistant Agent-in-Charge, and that Cosby's harassment allegations were investigated by the Department and determined to be "unfounded." (Transcript, pp. 43-49, 63-68)

On cross-examination, Harmon testified that he opened an investigation into allegations of Cosby engaging in a sexual relationship with a subordinate because the Department Director indicated to him on November 30, 2018 that Cosby's then Agent-in-Charge had asked that an investigation be opened, that on October 19, 2018 Cosby had reported concerns she had regarding her then Agent-in-Charge and Assistant Agent-in-Charge in which she stated that she was afraid to go to work because of the actions of the two, and that Cosby's then Agent-in-Charge requested that Cosby be investigated for the alleged prior sexual relationship only after Cosby had reported her concerns on October 19, 2018 at which time Harmon initiated the investigation into Cosby's alleged sexual relationship, that the allegations regarding the sexual relationship Harmon was directed to investigate involved conduct alleged to have occurred 3 ½ years prior to the allegations being filed, that at the time Cosby was alleged to have engaged in a sexual relationship with her subordinate such a relationship would not have constituted a violation of

Department policy, that on December 7, 2018 Harmon interviewed Cosby who then stated to him that she had not had "a sexual relationship with Nicole Albany," that he advised Cosby "that she could take some time to think about her statement and, if she had further information to offer, she could do that," that on December 12, 2018 Cosby approached Harmon and provided an amended statement in which she stated that Albany had "sexually come onto [Cosby] 3 ½ years prior" and also advised Harmon that she had filed a complaint with her then Agent-in-Charge at that time regarding Albany's advances and asked that Albany be reassigned, that on December 12, 2018 Cosby did not mention to Harmon that Albany had attempted to perform oral sex on Cosby, and that neither Harmon's "Summary of Findings" from his investigation of Cosby nor information from the summary was ever provided to Cosby. (Transcript, pp. 76-84, 92-94, passim)

In response to inquiry by the hearing officer to clarify his earlier testimony, Harmon confirmed that the OPR investigation of Cosby which he was directed to initiate was not in regards to any allegation of misconduct by Cosby or in regards to Cosby's violation of Department policy but, instead, in regards to an employment related complaint that Cosby's alleged behavior, which was said to have occurred prior to December 2015, was improper, that on November 30, 2018 Harmon had been advised by the Department Director that an encounter between Cosby and a subordinate employee had allegedly occurred in 2015 and Harmon was directed to engage in a fact finding investigation regarding the same, that Harmon was not provided factual information regarding when and to whom the report regarding the alleged incident between Cosby and the subordinate was made prior to the initiation of his investigation and that he did not address the same in his investigation, and that all he was told was "that an incident occurred, and [he needed] to investigate it." (Transcript, pp. 101-111, passim)

Testimony of Bryan Jones:

Jones testified that he is the lieutenant in charge of the polygraph unit of the South Carolina Law Enforcement Division (SLED) and also the Chief Polygraph Examiner for the State of South Carolina, that he was asked by his Assistant Chief at SLED to assist the Department of Probation, Parole and Pardon Services in conducting a polygraph examination, that he contacted Jeff Harmon regarding the same, that on December 18, 2018 he provided Cosby a "Consent to Interview with Polygraph" form which she reviewed and signed, that prior to the conduct of the polygraph exam he asked Cosby whether she had engaged in sexual activity with a subordinate to which she responded "No," that after conducting the polygraph exam he asked Cosby the same question in response to which she then admitted to having

engaged in sexual activity with Nicole Albany, that Cosby then described a scenario in which she had been at Albany's house in a room near the kitchen and Albany was "coming onto her, trying to pull at her pants and unzip her pants, and [Albany] was able to get [her] zipper down, pulled her pants down slightly and then performed oral sex on [Cosby]" and that a male had come into the room and "pulled out his penis and put it in [Cosby's] hand," and that the encounter was consensual. (Transcript, pp. 116-117, 119-122)

On cross-examination, Jones testified that he completed a pre-polygraph examination sheet for Cosby, that Cosby stated to him that she suffered from PTSD and was taking several medications at the time, and that he went over the questions to be asked of Cosby before the polygraph examination was administered, and that neither the pre-interview nor post-interview questions posed to Cosby were recorded. (Transcript, pp. 124-133)

On re-cross examination, Jones testified that Cosby did not mention to him having taken any affirmative action towards Albany on the date of the incident at Albany's house and only described "what Nicole Albany did to her" and that a man "pulled out his penis and put it in [Cosby's] hand." (Transcript, p. 139)

In response to questioning by the hearing officer to clarify his prior testimony, Jones testified that when he was asked to assist in conducting the polygraph examination he was told by Harmon that the incident regarding which the polygraph exam was to be conducted, and regarding which he asked Cosby both pre-interview and post-interview questions, had occurred outside the workplace. (Transcript, pp. 140-141)

Testimony of Nicole Albany:

Albany testified that she is an agent with the Department of Probation, Parole, and Pardon Services, that Kristin Cosby had been her supervisor, that she had a sexual relationship with Cosby, that she told both her Assistant Agent-in-Charge, Chad Gambrell, and Jeff Harmon about the relationship, that the relationship was mutual and consensual, that in or about May 2015 she and Cosby were involved in an encounter described by Cosby as having taken place in Albany's home in which they were mutually touching and kissing each other, that she did not "come on" to Cosby, that after that incident Cosby began "correcting or changing a lot of documents that [Albany] would hand in to her" and was "trying to intimidate and use her authority over [her]" to make Albany feel like a lesser agent, that when she asked Cosby questions Cosby would tell her that Albany needed to do what she was told because Cosby

was her supervisor, that she told Cosby she wanted to get off her team, and that eventually she was moved to another team and no longer interacted with Cosby, and that she had been moved to the other team before Chad Gambrell became Agent-in-Charge of the Greenville Office. (Transcript, pp. 143-150)

On cross-examination, Albany testified that when the May 2015 incident involving Cosby occurred at her house she had been drinking that evening, that she made a complaint against Cosby based on the May 2015 incident in November 2018, and that only two incidents constituted the sexual relationship between her and Cosby, one in May 2015 and another incident prior to that time when she and Cosby kissed in public. (Transcript, pp. 150-153)

On redirect examination, contrary to her earlier testimony on direct examination, Albany testified that the matter of her relationship with Cosby was brought up by her Agent-in-Charge, Gambrell, not by her. (Transcript, p. 157)

On re-cross examination, again contrary to her earlier testimony on direct examination, Albany acknowledged that she did not actually make the complaint against Cosby in November 2018 as she had previously stated but that she had been approached by Gambrell who asked her for information about her relationship with Cosby "to make a report" because "[Gambrell] knew that [Albany] never reported it officially in the beginning because of [the] environment of the office," but that Albany "chose to... bring light to the situation when [Gambrell] asked [her]" about it on November 18, 2018. (Transcript, pp. 157-158)

On redirect examination, Albany testified that when Gambrell spoke with her on November 8, 2018 he stated to her that "he had had other complaints that he was looking into in reference to [Cosby]." (Transcript, p. 158)

In response to questioning by the hearing officer to clarify her prior testimony, Albany testified that after the incident in May of 2015 involving Cosby she had never felt threatened in the workplace or harassed by Cosby. (Transcript, p. 159)

Testimony of Chadwick Gambrell:

Gambrell testified that he is the Agent-in-Charge of the Greenville County Office of the South Carolina Department of Probation, Parole, and Pardon Services, that in December 2017 he was becoming acclimated to the office and the staff, that in March 2018 he spoke with Cosby regarding her recommendation for appointment of an agent to a sex offender team, that Cosby made a recommendation and Gambrell stated to her that he felt that Cosby had "more than a professional

relationship" with the person she recommended, which Cosby denied, that Gambrell had concerns regarding what he felt were "inappropriate relationships that Cosby was having [with] people in the office under her supervision," that he counselled Cosby regarding those concerns, and that Cosby never told him that she felt that she was being harassed by him or the Assistant Agent-in-Charge, Honeywell. (Transcript, pp. 162-167, passim)

Gambrell further testified that he spoke with Nicole Albany, that after speaking with Albany he had a concern "that there may have been an inappropriate relationship between [Albany] and [Cosby]," that he typed up his notes from his conversation with Albany and forwarded them to the Regional Director but when he did not hear back he contacted the Department Director, and that he believed Cosby's relationships could be considered "misconduct." (Transcript, pp. 168-171)

On cross-examination, Gambrell testified that at the time that he had expressed his concerns about relationships with subordinates no departmental policy prohibited such relationships and no policy prohibited what Gambrell described as being misconduct on Cosby's part but that Gambrell considered Cosby's having a sexual relationship with a subordinate to be "immoral" and that in his view the behavior would have been in violation of the Department's "professionalism policy" because Gambrell considered Cosby's behavior to be "morally and ethically improper" although acknowledging that it was not specifically prohibited by policy, that Gambrell went to Nicole Albany and asked about her relationship with Cosby the day after he learned that Cosby had filed a complaint against him, and that on December 19, 2018 Cosby resigned from the Department. (Transcript, pp. 168-172, 175-180, passim)

Testimony of Robert Honeycutt:

Honeycutt testified that he is the Assistant Agent-in-Charge of the Greenville County Office of the South Carolina Department of Probation, Parole, and Pardon Services, that he was Cosby's supervisor, and that what he noticed with respect to Cosby that he would define as "misconduct" was that Cosby "wasn't communicating to [him]... her work hours, when she was working and when she was out doing stuff," (Transcript, p. 186)

On cross-examination, Honeycutt testified that he was not involved in the investigation of Cosby conducted by Harmon, and that he was not a part of any questioning of Cosby. (Transcript, pp. 186-187)

Testimony of Kristin Cosby:

Cosby testified that she worked for the South Carolina Department of Probation, Parole, and Pardon Services for ten years and seven months, that she served in the Air Force Security Services for five years, that as a result of her service in the military she suffers from Post-Traumatic Stress Disorder (PTSD), anxiety, and depression and receives treatment and takes medication for those conditions, that beginning in 2006 she went to work for the Department but left the Department in 2010 to work for the Greenville County Sheriff's Office, that she applied to return to the Department in 2012 but was not selected and was told at that time that "[The Department] wanted a male for the position and not a female," that the Equal Employment Opportunity Commission (EEOC) filed a gender discrimination lawsuit against the Department on her behalf, that she prevailed in the EEOC lawsuit and in 2012 was rehired by the Department, that in September and October of 2018 she was the subject of an investigation conducted by Gambrell and Honeycutt which ended with a direction from the Department's Deputy Director that no disciplinary action was to be taken against her, that in December 2018 she was the subject of an investigation conducted by Jeff Harmon related to a sexual incident in May 2015 between her and Nicole Albany, that she was not engaged in a sexual relationship with Albany, that her memory of the incident referenced in May 2015 was not clear because she does not "have a very good memory," that Harmon did not ask her "specific questions about what [she] did or... details of what had happened" regarding the May 15th incident, that she requested that Albany be moved to another team because "she was becoming angry and a little bit hostile because [Cosby] was not accepting her advances," that she resigned her position with the Department on December 19, 2018. (Transcript, pp. 191-193, 194-199, passim)

On cross-examination, Cosby testified that when Harmon first asked her on December 7th if she had a sexual relationship with Nicole Albany she stated "No," that on December 10th she stated to Harmon that Albany had attempted oral sex on her but that Cosby had "stopped it," and that in her pre-polygraph interview she was asked if she had engaged in any sexual relationship with Albany and she stated no "[b]ecause it was asked if [she] engaged in any sexual relationships with [Albany], and [she] wrote in [her] statement that [Albany] is the one that engaged [her] in [sexual conduct]," that in the "Consent to Interview" form provided her before the polygraph examination the purpose of the exam was stated as being to determine "[w]hether or not you engaged in any sexual activity with Nicole Albany," and that she wrote in her statement following the polygraph examination that she engaged in consensual sexual relations with Albany. (Transcript, pp. 214-221, passim)

FINDINGS OF FACT

Based on the Hearing Officer's Recommendation, Hearing Transcripts, Hearing Exhibits, motions, and oral arguments we find as a fact:

1. The allegations of misconduct against Kristin Cosby, as reported in the "PCS Separation Due to Misconduct" (PCS) provided to the Criminal Justice Academy (Academy) by the Department of Probation, Parole, and Pardon Services (Department), are supported by the evidence presented by the Department at the contested case hearing on May 15, 2019; and
2. The Department has established by "substantial evidence" that Cosby provided incorrect or incomplete statements, as charged in the Department's PCS forwarded to the Academy.

CONCLUSIONS OF LAW

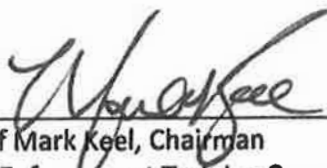
Based on the Hearing Officer's Recommendation, Hearing Transcripts, Hearing Exhibits, motions, and oral arguments we conclude as a matter of law:

1. Pursuant to S.C. Code Ann. § 23-23-80 (6), the South Carolina Law Enforcement Training Council ("Council") is authorized, *inter alia*, to "provide for suspension, revocation, or restriction" of law enforcement certification in accordance with the regulations promulgated by the Council;
2. Pursuant to S.C. Code Ann. Regs. 37-025, Council may deny law enforcement certification "based on evidence satisfactory to the Council that the candidate has engaged in misconduct," may "[i]n considering whether to deny certification based on misconduct, [consider] the seriousness, the remoteness in time and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct."
3. Pursuant to S.C. Code Ann. Regs. 37-108 (A) (1), Council may sanction an officer, who is found to have committed misconduct with a permanent denial and/or revocation (withdrawal) of certification;
4. The substantial evidence in the record established that Kristin Cosby provided incorrect or incomplete statements, and constitute misconduct pursuant to S.C. Code Ann. § 23-23-150 (A) (3), as reported by the Department; and
5. The misconduct allegations against Kristin Cosby reported by the Department of Probation, Pardon, and Parole Services are supported by substantial evidence.

SANCTION

THEREFORE, IT IS ORDERED: Ms. Cosby is permanently denied a certification as a law enforcement officer in South Carolina.

AND IT IS SO ORDERED.



Chief Mark Keel, Chairman
Law Enforcement Training Council
On Behalf of the Law Enforcement Training Council

October 3, 2019

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jul 28 2021

SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT
The Honorable Ralph King Anderson, III, Administrative Law Judge

Appellate Case No.: 2020-00849

RECEIVED

Nov 12 2020

SC Court of Appeals

Kristin Cosby,

Appellant

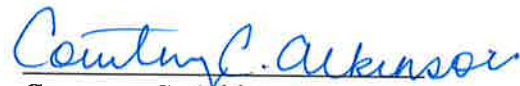
v.

South Carolina Criminal Justice Academy,

Respondent

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Courtney C. Atkinson
Metcalf & Atkinson, LLC
1395 S. Church Street
Greenville, South Carolina 29605
Attorneys for Appellant

November 11, 2020

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jul 28 2021

APPEAL FROM ADMINISTRATIVE LAW COURT
The Honorable Ralph King Anderson, III, Administrative Law Judge

SC Court of Appeals

Appellate Case No.: 2020-00849

RECEIVED

Nov 12 2020

Kristin Cosby,

SC Court of Appeals

Appellant

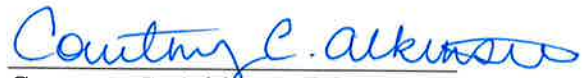
v.

South Carolina Criminal Justice Academy,

Respondent

PROOF OF SERVICE

I certify that I have served a copy of the Record on Appeal to Respondent's attorney on November 11, 2020 by way of counsel's AIS email address at jfennell@sccja.sc.gov.



Courtney C. Atkinson, SC Bar No. 71992
Metcalf & Atkinson, LLC
1395 S. Church Street
Greenville, South Carolina 29605
(864) 214-2319