

Meeting Minutes

IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR COMMISSION

Wednesday, February 18, 2015
10 A.M. MST

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

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

Item 1 – The Commission Secretary called roll.

The following commissioners were present:

Lawrence Wasden, Attorney General
Wayne Denney, Chief, Bureau of Emergency Medical Services & Preparedness
Dennis Doan, Boise Fire Department Chief
Victor McCraw, POST Division Administrator
Blair Olsen, Jefferson County Sheriff
Bryan Taylor, Canyon County Prosecuting Attorney
Bob Wells, Idaho Bureau of Homeland Security

The following commissioners were absent:

Doug Borah, Idaho Peace Officers Association
James Bensley, Garden City Chief of Police

The Chairman announced a quorum was present.

Others present: Teri Nealis, Commission Secretary (OAG)
Todd Dvorak, Director of Constituent Affairs (OAG)
Sherman Furey, Chief Deputy (OAG)
Brian Kane, Assistant Chief Deputy (OAG)

The agenda was reviewed; no amendments were made.

Item 2 – Chairman Wasden asked if there were any changes to the proposed February 20, 2014 and June 7, 2014, minutes. Hearing no comments, he called for a motion to approve. Bob Wells moved to approve the February 20, 2014 minutes. Blair Olsen seconded the motion. Chairman Wasden called for discussion. Hearing none, he

called for the vote. The motion passed unanimously. Bob Wells moved to approve the June 7, 2014 minutes. Blair Olsen seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 3 – Qualifications

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

Item 3B – Chairman Wasden presented an analysis concerning the Medal of Honor qualifications and whether the nomination must be endorsed by the head of the agency. Brian Kane, Assistant Chief Deputy, who authored the analysis concluded that yes, nominations must be endorsed by head of the nominating agency.

Item 3C - Next, Mr. Kane discussed a general legal issue with the Medal of Honor Commission rules that he discovered while researching his analysis. The MOH Commission rules have not been properly promulgated via the Administrative Procedure Act (APA). The Commission needs to decide whether or not to promulgate the rules via APA or to amend the statute, via the Legislature, to make the Commission exempt from this requirement. The Commissioners discussed the pros and cons of both processes. Bob Wells suggested a sub-committee be formed within the Commission to review this issue, and further volunteered to chair said committee. Dennis Doan and Bryan Taylor were appointed by the chair to also serve on the sub-committee. Chairman Wasden assigned Deputy Attorney General Mike Gilmore to serve as the legal advisor. The sub-committee is to bring a report and recommendation back to the committee when it next meets at the call of the Chair.

Item 4 – Consideration of the Nominees.

Item 4A – Nomination of William Cowell, police detective for the Bonners Ferry Police Department. A lengthy video was submitted with the nomination form for this incident and the first few minutes of the video were played at this time. Bob Wells moved to not continue viewing the remainder of the video as the Commission members had viewed it previously. Blair Olsen seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously. Bonners Ferry Police Chief Robert Boone was contacted via phone and asked to give a brief summary of the incident. Chairman Wasden noted that Mr. Cowell received the distinguished service medal, which was awarded by Steve Benkula, and that as a measure of full transparency, he wanted to disclose that Mr. Benkula now works for the Attorney General's Office. The Chairman then opened up the floor for the Commission members to ask Chief Boone questions. The Commission members discussed their understanding of the incident and the nominations at length.

Chairman Wasden asked if there was any further discussion. Hearing no comments, he called for a motion. Bob Wells moved to NOT award the Medal of Honor to William Cowell. Victor McCraw seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 4B – Nomination of Scott Tulleners, patrol sergeant for Idaho State Police. Lt. Brad Doty and Sgt. Pattis of the ISP were contacted via phone and asked to give a brief summary of the incident. Chairman Wasden then opened up the floor for the Commission members to ask Lt. Doty or Sgt. Pattis questions. The Commission members then discussed their understanding of the incident and the nomination at length.

Chairman Wasden asked if there was any further discussion. Hearing no comments, he called for a motion. Victor McCraw moved to NOT award the Medal of Honor to Scott Tulleners. Blair Olsen seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 4C – Nomination of John Dickenson & Sandy Sova, Council Valley Ambulance Emergency Medical Technicians. Director Dan Huter of Council Valley Ambulance was contacted via phone and asked to give a brief summary of the incident. Chairman Wasden opened the floor for Commission members to question Mr. Huter. The Commission members then discussed their understanding of the incident and the nomination at length.

Chairman Wasden asked if there was any further discussion. Hearing no comments, he called for a motion. Dennis Doan moved to NOT award the Medal of Honor to John Dickenson & Sandy Sova. Victor McCraw seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed with one dissenting vote.

Item 4D – Nominations of Gus Wessel, Dustin Taylor, Joshua Schneider, Jordan Noble, Nathan Petersen and Andy Tenney of the Coeur d'Alene Police Department; Alexander Sporleder, Brett Chapman and Jason Mealer of the Post Falls Police Department; Joshua Kagarice of the Idaho State Police; and Paul Mead and Erik Hedlund of the Kootenai County Sheriff's Office. Coeur d'Alene Police Chief Lee White was contacted via phone. There is an issue with this nomination as it was not signed by the current chief executive or director of the all the nominating agencies involved as required by the rules (see item 3B). Bob Wells recommended the Commission return this nomination, contact the various agencies involved, and if they wish to nominate their officers again, ask them to re-submit next year, with the proper signatures. Bob Wells moved to return this nomination (without prejudice) with the above recommendations. Wayne Denney seconded the motion. Chairman Wasden called for discussion.

Hearing none, he called for the vote. The Motion passed, with two dissenting votes.

Item 5 – 2015 ceremony. As no medals were awarded, there are no logistics to discuss. Next meeting of the Commission will be in 2016, at the call of the chair, approximately in February.

Item 6 – Request from Bill Farrel (private citizen) to purchase a MOH medal for his collection. The Commission discussed this at length. Blair Olsen moved to deny this request. Bob Wells seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 7 – Chairman Wasden called for a motion to adjourn. Bob Wells moved to adjourn. Bryan Taylor seconded the motion. Chairman Wasden called for the vote. The motion passed unanimously.

The Commission meeting adjourned at 12:00 p.m.