

RECEIVED

MAR 11 2016

BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON
REFERRAL FROM THE ALASKA POLICE STANDARDS COUNCIL

State of Alaska
Office of Administrative Hearings

In the Matter of

RYAN MATTINGLEY

)
)

OAH No. 15-1088-POC

Agency No. APSC 2015-03

DECISION

I. Introduction

The Executive Director of the Alaska Police Standards Council (APSC) filed an accusation seeking to revoke Mr. Mattingley's Alaska Police Officer Certification. After a full hearing and based on the evidence in the record, Mr. Mattingley's Alaska Police Officer Certification is revoked.

II. Factual Background

Mr. Mattingley joined the Alaska State Troopers (AST) as a recruit in August of 2008 and received his APSC Police Officer Certification in October 2009.¹ Mr. Mattingley was initially assigned to the AST "B" Detachment in Palmer, where he remained until the incidents giving rise to this case.² Prior to these incidents, Mr. Mattingley performed his job satisfactorily, if not better.³

In May of 2011, Mr. Mattingley requested assignment to the Klawock Trooper Post, on Prince of Wales Island in Southeast Alaska.⁴ Mr. Mattingley was granted the transfer to the Klawock position and was originally assigned a "start date" of September 1, 2011.⁵

On August 17, 2011, Mr. Mattingley requested a 30-day extension of his Klawock start date. The stated basis for the request was Mr. Mattingley's wife, Laci, having an unspecified health problem requiring her to remain in close proximity to medical facilities in the Anchorage area through September 2011.⁶ AST Deputy Director Major Matthew Leveque approved the requested extension of Mr. Mattingley's start date.⁷

State of Alaska
Alaska Police Standards Council
Box 111200
Juneau, Alaska 99811-1200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

On September 2, 2011, Mr. Mattingley requested three weeks of personal leave for the purpose of purchasing a boat and sailing it from Seattle to Prince of Wales, with the intent of living on the boat while stationed on Prince of Wales.⁸ Mr. Mattingley's supervisor, Captain Hans Brinke eventually granted Mr. Mattingley's request. During discussions of the request, however, Mr. Mattingley made representations to Captain Brinke (1) about the extent of his sailing experience,⁹ and (2) that his wife -whose unstable health led to the 30-day extension during which this leave would now occur -would not accompany him on the sailing trip.¹⁰

Despite Captain Brinke's reservations, and having also been advised against the sailing trip by Klawock-based Troopers, Mr. Mattingley proceeded with his plan to sail to Prince of Wales.¹¹ Mr. Mattingley arranged for longtime friend and fellow Trooper Joel Miner to be his Alaska-based point of contact during the voyage.¹² Sometime before the boat voyage began, and unbeknownst to Mr. Mattingley's supervisors, Mr. Mattingley decided to have his wife accompany him on the trip.

The record does not indicate when the Mattingleys began their voyage, but on September 20, 2011, their vessel collided with a freighter in open seas off of Vancouver Island, sustaining minor damage. This led to an unexpected detour into Canadian waters and onto Vancouver Island itself. After a brief stop in the coastal town of Ucluelet, the Mattingleys set sail again, only to soon run into additional difficulties in the waters near Ahousat, also on the western coast of Vancouver Island.¹³ There followed an encounter with the Royal Canadian Mounted Police during which Mr. Mattingley identified himself to the officers as an off-duty law enforcement officer, and advised that his service weapon was on board the vessel. RMCP Constable Shane Shea took custody of Mr. Mattingley's weapon for safe keeping.¹⁴ The confiscation of his service weapon led Mr. Mattingley to contact his incoming Klawock supervisor, Sergeant Grant Miller. When Sergeant Miller then contacted Constable Shea on September 25, 2011, about the confiscated gun, Constable Shea mentioned Laci Mattingley's presence on the boat.¹⁵

1
2 On September 25, 2011, Sergeant Miller told Captain Brinke about the boat collision, the
3 confiscation of the handgun, and Laci Mattingley's presence on the boat. This information was
4 concerning to Captain Brinke because Mr. Mattingley had previously assured him that Laci would
5 not be on the trip - and indeed, it was Laci's supposed poor health and need to be close by medical
6 facilities throughout September that had allowed Trooper Mattingley to extend his Klawock start
7 date. Even more concerning to Captain Brinke was a subsequent conversation with Mr. Mattingley,
8 during which Mr. Mattingley expressly and repeatedly denied that Laci was with him.
9

10
11
12 On September 27, 2011, after both Captain Brinke and Sergeant Miller had learned that Laci
13 Mattingley was on the boat trip, each had separate conversations with Mr. Mattingley during which Mr.
14 Mattingley repeatedly and falsely denied that his wife had accompanied him on the trip. In the
15 conversation with Sergeant Miller, Miller asked Mr. Mattingley whether he and his wife now
16 planned to return to Seattle and fly back to Alaska, or whether they intended to continue sailing
17 north. In response, Mr. Mattingley denied that Laci was with him.¹⁶ Even when Sergeant Miller
18 directly and repeatedly confronted Mr. Mattingley with the information he had received from the
19 RMCP officers, Mr. Mattingley continued to lie about Laci being with him.¹⁷
20
21

22
23 The same day, Mr. Mattingley separately called Captain Brinke, purportedly in response to
24 a message left the previous week about moving the family's belongings to Prince of Wales. Captain
25 Brinke told Mr. Mattingley he knew about the incident with the freighter and asked whether the
26 woman he was traveling with was Laci. Mr. Mattingley denied he was traveling with his wife and
27 told Captain Brinke he was traveling with a female friend.¹⁸
28
29

30 During both conversations, Mr. Mattingley separately and falsely told each supervisor Laci was
31 not with him, variously indicating that he was with a female friend, or that he was with a male friend
32 named "Jake Peterson."¹⁹ Both Captain Brinke and Sergeant Miller separately arrived at the conclusion
that Mr. Mattingley was lying to them about the events surrounding his trip and both were
extremely concerned about this dishonesty.²⁰

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

In a subsequent phone call with his friend and fellow Trooper Joel Miner, Mr. Mattingley acknowledged to Trooper Miner that he had misled and lied to Captain Brinke about his wife being with him.²¹ Trooper Miner concluded that his own professional obligations required him to divulge this information and on September 28, 2011 he spoke with Sergeant Miller and with Captain Brinke about the information he had received from Mr. Mattingley. Trooper Miner informed Sergeant Miller about his understanding that Laci Mattingley was on the boat and that Mr. Mattingley had indicated that "she wasn't supposed to be."²² Trooper Miner also advised Captain Brinke that he had personally spoken by phone with Laci Mattingley, who confirmed to him that she was on the trip.²³

On September 28, 2011, having concluded that Mr. Mattingley had been untruthful about the entire series of events, Captain Brinke submitted a request for an Administrative Investigation by the Department of Public Safety's Office of Professional Standards.²⁴ Mr. Mattingley was notified of the investigation via a September 29, 2011 memorandum that summarized the complaint against him and attached a memorandum Captain Brinke had prepared.²⁵ Mr. Mattingley formally was placed on administrative leave on October 1, 2011.²⁶ That same day, Mr. Mattingley hand delivered a letter of resignation to the B-Detachment Post in Palmer.²⁷

Sometime in 2014, Mr. Mattingley applied for and was offered a correctional officer position within the Department of Corrections.²⁸ In May 2014, Mr. Mattingley submitted an Alaska Police Standards Council Personal History Statement in connection with his application for certification as a correctional officer.²⁹ In the employment history section of the application, Mr. Mattingley indicated that he had resigned from the Troopers for "family reasons."³⁰

On the same application, Mr. Mattingley answered "no" in response to the question "Have you ever been terminated, fired, asked to resign, furloughed, put on inactive status for cause, or

1
2 subjected to disciplinary action while in any position?"³¹ Mr. Mattingley also answered "no" to the
3 question: "Are there any incidents in your life not mentioned herein which may reflect upon your
4 suitability to perform the duties which you may be assigned or which might require further
5 explanation?"³²
6
7

8 In a section titled "Supplement to Personal History Statement," on which applicants provide
9 additional information or clarification, Mr. Mattingley added only two entries about his employment
10 as an Alaska State Trooper, writing: "Approximately four years ago while employed as an Alaska
11 State Trooper I received a letter of reprimand for failing to appear,"³³ and "Reason for leaving State
12 Troopers: resigned to spend more time with family."³⁴
13
14

15 Mr. Mattingley's quest for correctional officer certification triggered a routine inquiry of the
16 Department of Public Safety (DPS) about Mr. Mattingley's prior employment.³⁵ In a February 2015
17 response, DPS advised the APSC that Mr. Mattingley had resigned under threat of termination
18 while under investigation for wrongdoing.³⁶ DPS advised it would not rehire Mr. Mattingley and
19 recommended decertification.³⁷ A review by the APSC Executive Director followed, culminating in
20 this proceeding.³⁸
21
22
23

24 **III. Procedural History**

25
26 On July 13, 2015, the APSC Executive Director submitted an accusation seeking revocation
27 of Mr. Mattingley's police officer certification on three grounds.³⁹ On July 30, 2015, the Council
28 received a Notice of Defense, requesting a hearing in this matter.⁴⁰
29
30

31 The Notice of Defense appears to have been signed by Laci Mattingley, purportedly on Mr.
32 Mattingley's behalf. Attempts to contact Mr. Mattingley during the course of this matter at the phone
number, the email address, and the mailing address provided on that Notice were consistently
unsuccessful. Mr. Mattingley did not participate in any of the three prehearing conferences in this

1
2 matter, did not otherwise respond to any written orders, and did not appear for the evidentiary
3 hearing.
4

5 The evidentiary hearing was held on November 3, 2015. Because Mr. Mattingley did not
6 appear, a default hearing was held pursuant to AS 44.62.530. Testimony was taken from AST
7 Capt. Hans Brinke, AST Sgt. Grant Miller, AST Trooper Joel Miner, RCMP Constable Shayne
8 Shea, Anchorage District Attorney Clint Campion, and APSC acting Executive Director Sarah
9 Hieb.
10

11
12 After the close of evidence, but before the matter was submitted, the Executive Director
13 elected to amend the accusation to add an additional (fourth) ground for revocation, in
14 conformity with the evidence presented. A written order notified Mr. Mattingley that the record
15 was being held open to allow him the opportunity to respond to the amendment. Mr. Mattingley
16 submitted no response, and the record closed without further participation by any party.
17

18 **IV. Discussion**

19
20 Revocation of Mr. Mattingley's certificate is appropriate on multiple
21 grounds:
22

23 (1) Discretionary Revocation is Warranted Pursuant to 13 AAC 85.110(a)(2).
24 (Count I)
25

26 13 AAC 85.110(a)(2) permits the council to revoke a basic, intermediate, or advanced
27 certificate upon a finding that the certificate holder has resigned from employment as a police
28 officer "under threat of discharge . . . for cause" for conduct that is "detrimental to the reputation,
29 integrity or discipline of the police department where the officer worked." The Executive Director
30 met the burden of proving by a preponderance of the evidence that revocation is justified under this
31 section.
32

1
2
3
4
5
6
7
8
9
10
Turning to the first element in the regulation, whether Mr. Mattingley "resigned under threat of discharge ... for cause," Mr. Mattingley's acts of dishonesty violated the Department of Public Safety's Operations and Procedural Manual (OPM).⁴¹ The OPM describes "honesty[,] honor and trustworthiness" as "the cornerstone of this department's relationship with the public," as well as "the cornerstone of the employee/employer relationship."⁴² The OPM also warns employees that "the Department of Public Safety has zero tolerance for acts of dishonesty any form or manner."⁴³

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Mr. Mattingley's dishonesty was not minor or trivial - it consisted of repeated dishonest statements directly to his chain of command. Although no one expressly told Mr. Mattingley that he was likely to be discharged, multiple witnesses testified that Mr. Mattingley faced a significant threat of discharge as a result of his dishonesty. Captain Brinke characterized Mr. Mattingley's conduct as "very serious," identified termination as a possible outcome of the investigation, and testified that, had it been up to him, Mr. Mattingley would have been terminated for his dishonesty. Sergeant Miller likewise testified that he believed the offense justified termination. Finally, Trooper Miner testified both that Mattingley's dishonesty with his supervisors was "a big deal" for a Trooper and that he and Mr. Mattingley discussed the strong likelihood that a disciplinary investigation would ensue. The preponderance of the evidence supports the conclusion that Mr. Mattingley faced the threat of termination for his conduct and also that he was aware of this threat. The Executive Director has met her burden of proving that Mr. Mattingley resigned under threat of discharge for cause.

29
30
31
32
The Executive Director has likewise met the burden of proving that the allegations against Mr. Mattingley implicated conduct "detrimental to" the "integrity or discipline" of the Alaska State Troopers. As the APSC previously has found, detriment to an agency's integrity occurs where a certificated officer engages in conduct that "conflicts with the organization's core values." *See, In Re Bowen*, OAH No. 10-0327-POC and *In Re EX*, OAH No. 13-0473-POC. In this case,

1
2 multiple witnesses testified about the paramount significance of honesty and integrity in AST.⁴⁶
3
4 Indeed, the Alaska Supreme Court has previously observed that lying even temporarily, to cover up
5 one's misbehavior, should be recognized as conduct unworthy of an Alaska State Trooper. *See,*
6 *State v. Public Safety Employees Association*, 257 P3d 151, 166 (Alaska 2011).
7

8 Mr. Mattingley lied, repeatedly, to both Captain Brinke and Sergeant Miller, both of whom
9 testified that these lies wholly undermined their trust in him as a subordinate. Although the
10 identity of the woman with whom Mr. Mattingley was sailing might be considered a private matter,
11 the conversations in which he made the deceptive statements were work related. Mr. Mattingley
12 had been allowed to extend his start date at the Klawock Post specifically because his wife's health
13 purportedly required immediate access to doctors in the Anchorage area. When queried by his
14 supervisors about whether his wife was, instead, on an extended sailing trip with him, Mr.
15 Mattingley had a duty to be truthful.
16
17
18

19 Sergeant Miller testified that Mr. Mattingley's untruthful conduct raised concerns about
20 whether Mr. Mattingley would be honest with supervisors, fellow Troopers, or coordinating law
21 enforcement agencies.⁴⁴ As Trooper Miner explained, in characterizing this incident as "a big deal:
22 within the context of working for the Troopers, that a Trooper cannot do his or her job if the command
23 staff believes you are dishonest."⁴⁵ The testimony of Captain Brinke, Sergeant Miller and Trooper Miner
24 supports the conclusion that, in light of honesty's predominate importance within AST, conduct such
25 as that in which Mr. Mattingley engaged - repeated and intentional deceptive statements - are
26 detrimental to the integrity of AST.
27
28
29

30 Further, Sergeant Miller testified persuasively about the need, given the remoteness of
31 much of Alaska and the extent to which Troopers must often work without direct supervision, for
32 supervising Troopers to be able to trust their subordinates.⁴⁶ Here, not only were Mr. Mattingley's
lies told to his chain of command during direct questioning, they were told in a context where Mr.

1
2 Mattingley's supervisors were relying on him to be truthful about a situation unfolding across long
3 distances – a scenario particularly disruptive to the orderly conduct of AST's work.
4

5 As multiple witnesses testified, Mr. Mattingley's demonstrated willingness to lie directly
6 and repeatedly to his supervisors wholly undermined his working relationships with those
7 supervisors and ran afoul of AST's bedrock requirements of honesty and candor. This behavior, for
8 which Mr. Mattingley was under investigation at the time of his resignation, threatened the
9 integrity and discipline of the organization. Because the Executive Director proved by a
10 preponderance of the evidence that Mr. Mattingley resigned under threat of discharge for cause for
11 conduct detrimental to the integrity or discipline of the Alaska State Troopers, revocation is
12 appropriate pursuant to 13 AAC 85.110(a)(2).
13
14
15

16 (2) Discretionary Revocation is Warranted Pursuant to 13 AAC 85.110(a)(3).

17
18 (Count II)

19 13 AAC 85.110(a)(3) permits the Council to revoke a basic, intermediate, or advanced
20 certificate upon a finding that the certificate holder lacks good moral character. The Executive
21 Director met the burden of proving by a preponderance of the evidence that revocation is justified
22 under this section.
23
24

25 As the Council repeatedly previously has found, lack of good moral character is established when
26 an individual engages in acts or conduct that would cause a reasonable person to have a substantial
27 doubt about the individual's honesty. *See, e.g., In Re Whisler*, OAH No. 13-0473-POC.
28

29 For the same the reasons discussed above in connection with revocation pursuant to 13 AAC
30 85.110(a)(2), the Executive Director carried the burden of proving revocation under 13 AAC 85.110(a)(3).
31 Mr. Mattingley directly and repeatedly lying to his to his supervisors would cause a reasonable person
32 to have a substantial about his honesty.

1
2 (3) Mandatory Revocation is Warranted Pursuant to 13 AAC 85.110(b)(3).(Count
3
4 III)

5 13 AAC 85.110(b)(3) mandates the revocation of a basic, intermediate, or advanced
6 certificate upon a finding that the certificate holder resigned under threat of discharge from
7 employment as a police officer for cause for conduct that would cause a reasonable person to
8 have substantial doubt about an individual's honesty or that is detrimental to the integrity of
9 the police department where the officer worked.
10

11
12 Although the grounds for revocation pursuant to 13 AAC 85.110(a)(2) and 13 AAC
13 85.110(b)(3) are substantially identical, the Executive Director properly may seek, in his or her
14 discretion, revocation under either or both theories. *See, In Re Gutierrez*, OAH No. 14-1718-
15 POC and *In Re E.X.*, 13-0473-POC.
16

17
18 For the same the reasons discussed above in connection with revocation pursuant to 13
19 AAC 85.110(a)(2), the APSC Executive Director carried the burden of proving mandatorily required
20 revocation pursuant to 13 AAC 85.110(b)(3). Mr. Mattingley directly and repeatedly lying to his to his
21 supervisors would cause a reasonable person to have a substantial about his honesty and is detrimental to
22 the integrity of AST.
23

24
25 (4) Discretionary Revocation is Warranted Pursuant to 13 AAC 85.110(a)(1).
26 (Count IV)
27

28 13 AAC 85.110(a)(1) permits the APSC to "revoke a basic, intermediate or advanced
29 certificate upon a finding that the holder of the certificate falsified or omitted information required
30 to be provided on an application for certification at any level, or in supporting documents." This
31 provision is not limited to revocation of the particular certificate for which the application or
32 supporting documents contain the false statements or omissions. Rather, the provision broadly
allows revocation of any certificate upon a finding of material falsifications or omissions "on an

1
2 application for certification at any level." Thus, the Council may revoke Mr. Mattingley's police
3 officer certification if it finds that he falsified or omitted information required to be provided on
4 the application or supporting documents relating to the correctional officer certification.
5

6
7 As described above, Mr. Mattingley answered "no" in his application for correctional officer
8 certification in response to the question "Have you ever been terminated, fired, asked to resign,
9 furloughed, put on inactive status for cause, or subjected to disciplinary action while in any
10 position?"⁴⁷ Mr. Mattingley also answered "no" to the question: "Are there any incidents in your life
11 not mentioned herein which may reflect upon your suitability to perform the duties which you may
12 be assigned or which might require further explanation?"⁴⁸ In the section titled "Supplement to
13 Personal History Statement," on which applicants provide additional information or clarification,
14 Mr. Mattingley added only two entries about his employment as an Alaska State Trooper, writing:
15 "Approximately four years ago while employed as an Alaska State Trooper I received a letter of
16 reprimand for failing to appear,"⁴⁹ and "Reason for leaving State Troopers: resigned to spend more
17 time with family."⁵⁰
18
19
20
21

22 These are significant and material misrepresentations and omissions. Mr. Mattingley had been
23 put on administrative leave. He resigned while under investigation for lying to his superiors and
24 under circumstances that were likely to result in his eventual termination. Mr. Mattingley was
25 obliged to disclose that he was the subject of administrative investigation at the time of his
26 resignation. Mr. Mattingley's failure to disclose these events was a significant misrepresentation. He
27 compounded the misrepresentation both by characterizing his departure as being for "family reasons,"
28 and by disclosing a minor disciplinary incident (being written up for failure to appear in court), while
29 omitting entirely this much more significant event.
30
31
32

The circumstances of Mr. Mattingley's departure from the Alaska State Troopers constitutes
"information required to be provided" on the Personal History Statement form.⁵¹ In failing to

1
2 disclose this critical information as part of his application for certification as a correctional officer,
3
4 Mr. Mattingley "omitted information required to be provided." The significance of the omitted
5
6 information to the employment and certification decisions being sought, and the unavoidable inference
7
8 that Mr. Mattingley intentionally omitted this information to mislead the relevant decision makers,
9
10 justifies the Council exercising its discretion to revoke Mr. Mattingley's certification. In other words,
11
12 Mr. Mattingley's failure to disclose on his application that he resigned from the Troopers while under
13
14 administrative investigation warrants revocation of his police officer certification pursuant to 13
15
16 AAC 85.110(a)(1).

14 V. Conclusion

15
16 For the reasons discussed above, Mr. Mattingley's Alaska Police Officer
17
18 Certificate is revoked pursuant to 13 AAC 85.110(a)(2), 13 AAC 85.110(a)(3), 13 AAC
19
20 85.110(b)(3), and 13 AAC 85.110(a)(1).

21 Dated this 10 day of March, 2016

22
23
24
25 Luis Nieves
26 Alaska Police Standards Council Vice-Chair

- 27
28 1 Accusation; Testimony of Sarah Hieb; Ex. 1, p. 8.
29 2 Ex. 1, pp. 56-70.
30 3 Ex. 1, pp. 23-28, 33-39, 48-53, 56-67; Testimony of Hans Brinke.
31 4 Ex. 1, p. 12; Testimony of Hans Brinke; Testimony of Joel Miner.
32 5 Ex. 1, p. 12; Testimony of Hans Brinke; Testimony of Grant Miller
6 Ex. 1, p. 12; Testimony of Hans Brinke; Mr. Mattingley also submitted medical documentation to support
this request. *Id.* The documentation is not in the record.
7 Ex. 1, p. 12.
8 Ex. 1, p. 12; Testimony of Hans Brinke.
9 The trip from Seattle to Prince of Wales involves open water crossings and can be dangerous and challenging
trip for small vessels. Testimony of Hans Brinke; Testimony of Constable Shane Shea.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

- 10 Ex. 1, p. 12; Testimony of Hans Brinke
- 11 Apparently unbeknownst to Captain Brinke, Mr. Mattingley had also discussed the sailboat plan with Troopers in Klawock during his unsuccessful house hunting trip there, and had been cautioned against attempting the trip. Sgt. Grant Miller, the post supervisor on Prince of Wales, warned Mr. Mattingley about the potential dangers and difficulties of such a voyage, and was particularly concerned when Mr. Mattingley advised him that he had very little sailing experience. Testimony of Grant Miller.
- 13 Testimony of Joel Miner
- 14 Testimony of Shane Shea.
- 15 Testimony of Grant Miller; Testimony of Shane Shae.
- 16 Testimony of Grant Miller.
- 17 Testimony of Grant Miller.
- 18 Testimony of Hans Brinke; Ex. 1, p. 13.
- 19 Testimony of Grant Miller; Testimony of Hans Brinke; Ex 1, p. 13.
- 20 Testimony of Grant Miller; Testimony of Hans Brinke; Ex. 1, p. 13.
- 21 Testimony of Joel Miner.
- 22 Testimony of Joel Miner; Ex. 1, p. 13.
- 23 Trooper Miner also told Captain Brinke that Trooper Mattingly had no prior sailing experience. This latter revelation was concerning to Captain Brinke both in terms of Trooper Mattingly's personal safety on what he knew to be a dangerous sailing voyage, and about Trooper Mattingley having previously made apparently untrue statements to him about his sailing experience.
- 24 Ex. 1, pp. 12-14.
- 25 Ex. 1, p. 15.
- 26 Ex. 1, p. 18.
- 27 Ex. 1, p. 19.
- 28 Testimony of Sarah Hieb.
- 29 Ex. 2.
- 30 Ex. 2, p.3.
- 31 Ex. 2, p. 5.
- 32 Ex. 2, p. 6.
- 33 Ex. 2, p. 8.
- 34 Ex. 2, p. 9.
- 35 Testimony of Sarah Hieb.
- 36 Ex. 1, p. 9-10.
- 37 Ex. 1, p. 9.
- 38 Testimony of Sarah Hieb.
- 39 Ex. 1, pp. 3-7
- 40 Ex. 1, p. 2.
- 41 Testimony of Hanse Brinke; Ex. 1, p. 13.
- 42 Ex. 1, p. 13.
- 43 Ex. 1, p. 13
- 44 Testimony of Grant Miller.
- 45 Testimony of Joel Miner.
- 46 Testimony of Grant Miller.
- 47 Ex. 2, p. 5.
- 48 Ex. 2, p 6.
- 49 Ex. 2, p.8.
- 50 Ex.2, p. 9.
- 51 Ex. 2 pp. 3, 6-7; Testimony of Sarah Hieb.

The undersigned certifies that this is a true and correct copy of the original and that on this date an exact copy of the forgoing was provided to the following individuals:

Ryan Mattingley - by email & mail
John Novak, AAG - by email
Signature [Redacted] Date 3/14/16

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE ALASKA POLICE STANDARDS COUNCIL**

In the Matter of)	
)	
RYAN MATTINGLEY)	OAH No. 15-1088-POC
_____)	Agency No. APSC 2015-03

[*Rejected Proposed*] DECISION

I. Introduction

The Executive Director of the Alaska Police Standards Council (APSC) filed an accusation seeking to revoke Ryan Mattingley’s Alaska Police Officer Certification. After a full hearing and based on the evidence in the record, Mr. Mattingley’s Alaska Police Officer Certification is revoked.

II. Factual Background

Ryan Mattingley joined the Alaska State Troopers (AST) as a recruit in August 2008, and received his APSC Police Officer Certification in October 2009.¹ Trooper Mattingley was initially assigned to the AST “B” Detachment in Palmer, where he remained until the incidents giving rise to this case.² Prior to these incidents, Mr. Mattingley performed his job satisfactorily, if not better.³

In May 2011, Trooper Mattingley requested assignment to the Trooper post in Klawock, on Prince of Wales Island in Southeast Alaska.⁴ Trooper Mattingley was granted the transfer to the Klawock position, and was originally assigned a “start date” of September 1, 2011.⁵

On August 17, 2011, Trooper Mattingley requested a 30-day extension of his start date in Klawock. The stated basis for the request was Trooper Mattingley’s wife, Laci, having an unspecified health problem requiring her to remain in close proximity to medical facilities in the Anchorage area through September 2011.⁶ AST Deputy Director Major Matt Leveque approved the requested extension of Trooper Mattingley’s start date.⁷

Two weeks later, on September 2, 2011, Trooper Mattingley requested three weeks of personal leave for the purpose of purchasing a boat and sailing it from Seattle to Prince of Wales,

¹ Accusation; Testimony of Sarah Hieb; Ex. 1, p. 8.

² Ex. 1, pp. 56-70.

³ Ex. 1, pp. 23-28, 33-39, 48-53, 56-67; Testimony of Hans Brinke.

⁴ Ex. 1, p. 12; Testimony of Hans Brinke; Testimony of Joel Miner.

⁵ Ex. 1, p. 12; Testimony of Hans Brinke; Testimony of Grant Miller.

⁶ Ex. 1, p. 12; Testimony of Hans Brinke. Mr. Mattingley also submitted medical documentation to support this request. *Id.* This documentation is not in the record.

⁷ Ex. 1, p. 12.

with the intent of living on the boat while stationed on Prince of Wales.⁸ Mattingley’s supervisor, Captain Hans Brinke eventually granted Trooper Mattingley’s request. During discussions of the request, however, Trooper Mattingley made representations to Captain Brinke (1) about the extent of his sailing experience,⁹ and (2) that his wife – whose unstable health led to the 30-day extension during which this leave would now occur – would not accompany him on the sailing trip.¹⁰

Despite Captain Brinke’s reservations, and having also been advised against the sailing trip by Klawock-based Troopers, Trooper Mattingley proceeded with his plan to sail to Prince of Wales.¹¹ Trooper Mattingley arranged for longtime friend and fellow Trooper Joel Miner to be his Alaska-based point of contact during the voyage.¹² Sometime before the boat voyage began, and unbeknownst to Trooper Mattingley’s supervisors, a decision was made that Laci Mattingley would, in fact, accompany Trooper Mattingley on the trip.¹³

The record does not indicate when the Mattingleys began their voyage. But on September 20, 2011, their vessel collided with a freighter in open seas off of Vancouver Island, sustaining minor damage. This led to an unexpected detour into Canadian waters, and onto Vancouver Island itself. After a brief stop in the coastal town of Ucluelet, the Mattingleys set sail again, only to soon run into additional difficulties in the waters near Ahousat, also on the western coast of Vancouver Island.¹⁴ There followed a spirited encounter with the Royal Canadian Mounted Police (RCMP), who, at the request of concerned Canadian immigration authorities, conducted a “high risk takedown” in which the Mattingleys were ordered off their boat “at gun point.”¹⁵

As these events unfolded, Trooper Mattingley identified himself to the RCMP officers as an off-duty law enforcement officer, and advised that his service weapon was on board the vessel. RMCP Constable Shane Shea then took custody of Trooper Mattingley’s weapons for

⁸ Ex. 1, p. 12; Testimony of Hans Brinke.

⁹ The trip from Seattle to Prince of Wales involves open water crossings and can be dangerous and challenging trip for small vessels. Testimony of Hans Brinke; Testimony of Constable Shane Shea.

¹⁰ Ex. 1, p. 12; Testimony of Hans Brinke.

¹¹ Apparently unbeknownst to Captain Brinke, Trooper Mattingley had also discussed the sailboat plan with Troopers in Klawock during his unsuccessful house hunting trip there, and had been cautioned against attempting the trip. Sgt. Grant Miller, the post supervisor on Prince of Wales, warned Trooper Mattingley about the potential dangers and difficulties of such a voyage, and was particularly concerned when Mattingley advised him that he had very little sailing experience. Testimony of Grant Miller.

¹² Testimony of Joel Miner.

¹³ Because Mr. Mattingley did not participate in the hearing, the details of this decision-making process are unknown. According to Joel Miner, the friend with whom Trooper Mattingley had initially planned to make the trip “backed out at the last minute,” and the decision was then made that Laci Mattingley would take the trip.

¹⁴ Testimony of Shane Shea.

¹⁵ Testimony of Shane Shea.

safekeeping.¹⁶ The confiscation of his service weapon led Trooper Mattingley to contact his incoming supervisor, Sergeant Grant Miller, in Klawock. When Sergeant Miller then contacted Constable Shea on September 25, 2011, about the confiscated gun, Constable Shea mentioned, in passing, Laci Mattingley's presence on the boat.¹⁷

On September 25, 2011, Sergeant Miller told Captain Brinke about the boat collision, the confiscation of the handgun, and Laci Mattingley's presence on the boat. This information was concerning to Captain Brinke because Trooper Mattingley had previously assured him that Laci would not be on the trip (and indeed, it was Laci's supposed poor health and need to be close by medical facilities throughout September that had allowed Trooper Mattingley to extend his start date in Klawock). More concerning to Captain Brinke, however, was a subsequent conversation with Trooper Mattingley, during which Trooper Mattingley expressly and repeatedly denied that Laci was with him.

On September 27, 2011, after both Captain Brinke and Sergeant Miller had learned that Laci Mattingley was on the boat trip, each had separate conversations with Trooper Mattingley in which Trooper Mattingley repeatedly and falsely denied that his wife had accompanied him on the trip. In the conversation with Sergeant Miller, Miller asked Mattingley whether he and his wife now planned to return to Seattle and fly back to Alaska, or whether they intended to continue sailing north. In response, Mattingley denied that Laci was with him.¹⁸ Even when Sergeant Miller directly and repeatedly confronted Trooper Mattingley with the information he had received from the RMCP officers, Mattingley continued to lie about Laci being with him.¹⁹

The same day, Mattingley separately called Captain Brinke, purportedly in response to a message left the previous week about moving the family's belongings to Prince of Wales. Captain Brinke told Trooper Mattingley he knew about the incident with the freighter, and asked whether the woman he was traveling with was Laci. Trooper Mattingley denied he was traveling with his wife, and told Captain Brinke he was traveling with a female friend.²⁰

During both conversations, Trooper Mattingley separately and falsely told each supervisor that Laci was not with him, variously indicating that he was with a female friend, or that he was with a male friend named "Jake Peterson."²¹ Both Captain Brinke and Sergeant Miller separately

¹⁶ Testimony of Shane Shea.

¹⁷ Testimony of Grant Miller; Testimony of Shane Shea.

¹⁸ Testimony of Grant Miller.

¹⁹ Testimony of Grant Miller.

²⁰ Testimony of Hans Brinke; Ex. 1, p. 13.

²¹ Testimony of Grant Miller; Testimony of Hans Brinke; Ex. 1, p. 13.

arrived at the conclusion that Mattingley was lying to them about the events surrounding his trip, and both were extremely concerned about this dishonesty.²²

In a subsequent phone call with his friend and fellow Trooper Joel Miner, Trooper Mattingley “acknowledged [to Trooper Miner] that he had misled and lied to Captain Brinke about his wife being with him.”²³ Trooper Miner concluded that his own professional obligations required him to divulge this information, and on September 28, 2011, he spoke with Sergeant Miller and with Captain Brinke about the information he had received from Trooper Mattingley. Trooper Miner informed Sergeant Miller about his understanding that Laci Mattingley was on the boat, and that Trooper Mattingley had indicated that “she wasn’t supposed to be.”²⁴ Trooper Miner also advised Captain Brinke that he had personally spoken by phone with Laci Mattingley, who confirmed to him that she was on the trip.²⁵

On September 28, 2011, having concluded that Trooper Mattingley had been untruthful about the entire series of events, Captain Brinke submitted a request for an Administrative Investigation by the Department of Public Safety’s Office of Professional Standards.²⁶ Trooper Mattingley was notified of the investigation *via* a September 29, 2011 memorandum that summarized the complaint against him, and attached Captain Brinke’s memorandum.²⁷ Trooper Mattingley was formally placed on administrative leave on October 1, 2011.²⁸ That same day, Trooper Mattingley hand-delivered a letter of resignation to the B-Detachment post in Palmer.²⁹

Sometime in 2014, Mr. Mattingley apparently applied for and was offered a correctional officer position within the Department of Corrections.³⁰ In May 2014, Mr. Mattingley submitted an Alaska Police Standards Council Personal History Statement in connection with his application for certification as a correctional officer.³¹ In the employment history section of the application, Mr. Mattingley indicated that he had resigned from the Troopers for “family reasons.”³²

²² Testimony of Grant Miller; Testimony of Hans Brinke; Ex. 1, p. 13.

²³ Testimony of Joel Miner.

²⁴ Testimony of Joel Miner; Ex. 1, p. 13.

²⁵ Trooper Miner also told Captain Brinke that Trooper Mattingley had no prior sailing experience. This latter revelation was concerning to Captain Brinke both in terms of Trooper Mattingley’s personal safety on what he knew to be a dangerous sailing voyage, and about Trooper Mattingley having previously made apparently untrue statements to him about his sailing experience.

²⁶ Ex. 1, pp. 12-14.

²⁷ Ex. 1, p. 15.

²⁸ Ex. 1, p. 18.

²⁹ Ex. 1, p. 19.

³⁰ Testimony of Sarah Hieb.

³¹ Ex. 2.

³² Ex. 2, p. 3.

On the same application, Mr. Mattingley checked “no” in response to questions about whether he had ever been “asked to resign ... or subjected to disciplinary action while in any position,” and whether he had “ever resigned after being informed your employer intended to fire, discharge or terminate you for any reason.”³³ And Mr. Mattingley also answered “no” to the question: “Are there any incidents in your life not mentioned herein which may reflect upon your suitability to perform the duties which you may be assigned or which might require further explanation?”³⁴

In a section titled “Supplement to Personal History Statement,” on which applicants provide any additional information or clarification, Mr. Mattingley added only two entries about his employment as an Alaska State Trooper, writing: “Approximately four years ago while employed as an Alaska State Trooper I received a letter of reprimand for failing to appear,”³⁵ and “Reason for leaving State Troopers: resigned to spend more time with family.”³⁶

Mr. Mattingley’s quest for correctional officer certification triggered a routine inquiry to the Department of Public Safety (DPS) about Mattingley’s prior employment.³⁷ In a February 2015 response, DPS advised the APSC that Mr. Mattingley had resigned under threat of termination while under investigation for wrongdoing.³⁸ DPS advised it would not rehire Mr. Mattingley, and, further, recommended decertification.³⁹ A review by the Executive Director followed, culminating in this proceeding.⁴⁰

III. Procedural History

On July 13, 2015, the Executive Director submitted an Accusation seeking revocation of Mr. Mattingley’s police officer certification.⁴¹ On July 30, 2015, the Council received a Notice of Defense, requesting a hearing in this matter.⁴²

The Notice of Defense appears to have been signed by Laci Mattingley, purportedly on his behalf. But attempts to contact Mr. Mattingley at the phone number, the email address, and the mailing address provided on that Notice were consistently unsuccessful. Mr. Mattingley did not

³³ Ex. 2, p. 5.
³⁴ Ex. 2, p. 6.
³⁵ Ex. 2, p. 8.
³⁶ Ex. 2, p. 9.
³⁷ Testimony of Sarah Hieb.
³⁸ Ex. 1, p. 9-10.
³⁹ Ex. 1, p. 9.
⁴⁰ Testimony of Sarah Hieb.
⁴¹ Ex. 1, pp. 3-7.
⁴² Ex. 1, p. 2.

participate in any of the three prehearing conferences in this matter, did not otherwise respond to any written orders, and did not appear for the hearing.⁴³

The hearing was held on November 3, 2015. Because Mr. Mattingley did not appear, a default hearing was held pursuant to AS 44.62.530. Testimony was taken from AST Capt. Hans Brinke, AST Sgt. Grant Miller, AST Trooper Joel Miner, RCMP Constable Shayne Shea, Anchorage District Attorney Clint Champion, and APSC acting Executive Director Sarah Hieb.

After the close of evidence, but before the matter was submitted, the Executive Director elected to amend the accusation to add an additional count in conformity with the evidence presented. A written order notified Mr. Mattingley that the record was being held open to allow him the opportunity to respond to this amendment. Mr. Mattingley submitted no response, and the record closed without further participation by any party.

IV. Discussion

Revocation of Mr. Mattingley's certificate is appropriate because of his material omissions on a subsequent application, and because the conduct at issue was detrimental to the integrity or discipline of the Alaska State Troopers.⁴⁴

A. Discretionary Revocation is Supported By 13 AAC 85.110(a)(1).

The council has discretion to “revoke a basic, intermediate or advanced certificate upon a finding that the holder of the certificate falsified or omitted information required to be provided on an application for certification at any level, or in supporting documents.”⁴⁵ By its plain language, this provision is not limited to revocation of the particular certificate for which the application or supporting documents contain the false statements or omissions. Rather, the provision broadly allows revocation of any certificate upon a finding of material falsifications or omissions “on an application for certification at any level.” Thus, the Council may revoke Mr. Mattingley's police officer certification if it finds that he “falsified or omitted information required to be provided” on the application or supporting documents relating to the correctional officer certification.

As described above, Mr. Mattingley reported on a May 2014 “Personal History Statement” in support of correctional officer certification that he had resigned from the Troopers

⁴³ Joel Miner testified that several weeks before the hearing, Mr. Mattingley told him he did not plan to participate in the proceeding because he was not interested in defending his certification.

⁴⁴ The facts may also support revocation on other grounds. It is not necessary to reach these other theories, however, in light of the ample grounds for revocation discussed in this decision.

⁴⁵ 13 AAC 85.110(a)(1).

for “family reasons” and “to spend more time with family.”⁴⁶ Mr. Mattingley also answered “no” to the question: “Are there any incidents in your life not mentioned herein which may reflect upon your suitability to perform the duties which you may be assigned or which might require further explanation.”⁴⁷ And the only employment-related disclosure Mattingley made about his time with the Troopers is having “received a letter of reprimand for failing to appear.”⁴⁸

Mr. Mattingley’s answers to Questions 17A and 17B on the form were not false, in that he was not fired or asked to resign (question 17A), and did not resign after being informed that his employer intended to fire him (question 17B). But Mr. Mattingley’s proffered reason for leaving the Troopers was significantly misleading.⁴⁹ Additionally, when asked whether “any incidents in your life not mentioned herein” might “reflect upon your suitability to perform the duties which you may be assigned or which might require further explanation,” Mattingley failed to disclose the circumstances that surrounded his resignation. ⁵⁰

This is a significant, material omission. Mr. Mattingley resigned while under investigation for lying to his superiors, and under circumstances that were likely to result in his eventual termination. At a minimum, Mr. Mattingley should have disclosed that he was the subject of an internal investigation at the time of his resignation. Mr. Mattingley’s failure to disclose these events was a significant misrepresentation. He compounded this misrepresentation both by characterizing his departure as being for “family reasons,” and by disclosing a minor disciplinary incident (being written up for failure to appear in court), while omitting entirely this much more significant event.

The circumstances of Mr. Mattingley’s departure from the Alaska State Troopers constitutes “information required to be provided” on the Personal History Statement form.⁵¹ In failing to disclose this critical information as part of his application for certification as a correctional officer, Mr. Mattingley “omitted information required to be provided.” The significance of the omitted information to the employment and certification decisions being sought, and the unavoidable inference that Mr. Mattingley intentionally omitted this information to mislead the relevant decisionmakers, supports exercising the council’s discretion to revoke Mr. Mattingley’s certification. Accordingly, Mr. Mattingley’s failure to disclose on his application

⁴⁶ Ex. 2, pp. 3, 9.

⁴⁷ Ex. 2, p. 6.

⁴⁸ Ex. 2, p. 8.

⁴⁹ See Ex. 2, pp. 3, 10.

⁵⁰ Ex. E, p. 6.

⁵¹ Ex. 2, pp. 3, 6-7; Testimony of Sarah Hieb.

documents that he resigned from the Troopers while under investigation warrants revocation of his police officer certification under 13 AAC 85.110(a)(1).

B. Discretionary Revocation is Also Appropriate Under 13 AAC 85.110(a)(2).

13 AAC 85.110(a)(2) permits the council to revoke a basic, intermediate, or advanced certificate upon a finding that the certificate holder has resigned from employment as a police officer “under threat of discharge . . . for cause” for conduct that is “detrimental to the reputation, integrity or discipline of the police department where the officer worked.”⁵² The Executive Director met her burden of proving by a preponderance of the evidence that revocation is justified under this section.⁵³

Turning to the first element in the regulation, whether Mr. Mattingley “resigned under threat of discharge . . . for cause,” Mr. Mattingley’s acts of dishonesty violated the Department of Public Safety’s Operations and Procedural Manual (OPM).⁵⁴ The OPM describes “honesty[,] honor and trustworthiness” as “the cornerstone of this department’s relationship with the public,” as well as “the cornerstone of the employee/employer relationship.”⁵⁵ The OPM also warns employees that “the Department of Public Safety has zero tolerance for acts of dishonesty in any form or manner.”⁵⁶

Mr. Mattingley’s dishonesty was not minor or trivial – it consisted of repeated dishonest statements directly to his chain of command. Although no one expressly told Mr. Mattingley that he was likely to be discharged, multiple witnesses testified that Mr. Mattingley faced a significant threat of discharge as a result of his dishonesty. Captain Brinke characterized Mr. Mattingley’s conduct as “very serious,” identified termination as a possible outcome of the investigation, and testified that, had it been up to him, Mr. Mattingley would have been terminated for his dishonesty. Sergeant Miller likewise testified that he believed the offense justified termination. Finally, Trooper Miner testified both that Mattingley’s dishonesty with his supervisors was “a big deal” for a Trooper, and that he and Mr. Mattingley discussed the strong likelihood that a disciplinary investigation would ensue. The preponderance of the evidence supports the conclusion that Mr. Mattingley faced the threat of termination for his conduct, and also that he

⁵² 13 AAC 85.110(a)(2). Somewhat perplexingly, 13 AAC 85.110(b)(3) separately appears to *require* revocation where an officer has resigned under threat of discharge for cause for conduct that is “detrimental to the integrity” of the police department where the officer worked. It is unclear why the same language appears in both the discretionary and mandatory revocation regulations. But it is unnecessary to resolve this issue where, even under a discretionary standard, revocation is appropriate here.

⁵³ See AS 44.62.460(e)(1).

⁵⁴ Testimony of Hans Brinke; Ex. 1, p. 13.

⁵⁵ Ex. 1, p. 13.

⁵⁶ Ex. 1, p. 13.

was aware of this threat. The Executive Director has met her burden of proving that Mr. Mattingley resigned under threat of discharge for cause.

The Executive Director has likewise met her burden of proving that the allegations against Mr. Mattingley implicated conduct “detrimental to” the “integrity or discipline” of the Alaska State Troopers.⁵⁷ The Council has previously found detriment to an agency’s integrity where a certificated officer engaged in conduct that “conflicts with the organization’s core values.”⁵⁸ Here, multiple witnesses testified about the paramount significance of honesty and integrity in the Troopers organization.⁵⁹ Indeed, the Alaska Supreme Court has previously observed that “lying – even temporarily – to cover up one’s misbehavior should be recognized as conduct unworthy of an Alaska State Trooper.”⁶⁰

Mr. Mattingley lied, repeatedly, to both Captain Brinke and Sergeant Miller, both of whom testified that these lies wholly undermined their trust in him as a subordinate. Here it is worth noting that, to the extent the underlying subject of Mr. Mattingley’s deceptions (e.g. the identity of the woman with whom he was sailing) might otherwise be considered a private matter, the conversations in which he made the deceptive statements were work-related. Mr. Mattingley had been allowed to extend his start date at the Klawock post specifically because his wife’s health required immediate access to doctors in the Anchorage area. When queried by his supervisors about whether his wife was, instead, on an extended sailing trip with him, Mr. Mattingley had a duty to be truthful.

Sergeant Miller testified that Mr. Mattingley’s untruthful conduct raised concerns about whether Mr. Mattingley would be honest with supervisors, fellow Troopers, or coordinating law enforcement agencies.⁶¹ As Trooper Miner explained, in characterizing this incident as “a big deal” within the context of working for the Troopers, “you have to be able to rely on statements by other Troopers,” and “you’re not going to be able to effectively do your job if your command staff believes you’re dishonest or lying.”⁶² The testimony of Captain Brinke, Sergeant Miller and Trooper Miner supports the conclusion that, in light of honesty’s predominate importance within

⁵⁷ As used in the regulation and at the hearing, “discipline” in this context refers generally to the orderly conduct of affairs in accordance with accepted rules of conduct.

⁵⁸ *In re Bowen*, OAH No. 10-0327-POC at 14 (2011 Alaska Police Standards Council). *See Also, In re: E.X.*, OAH No. 13-0473-POC (2013 Alaska Police Standards Council) (“[T]he department’s integrity is affected whenever the department fails to follow its rules”).

⁵⁹ Testimony of Hans Brinke; Testimony of Grant Miller; Testimony of Joel Miner.

⁶⁰ *State v. Public Safety Employees Association (“PSEA 2011”)*, 257 P.3d 151, 166 (Alaska 2011).

⁶¹ Testimony of Grant Miller.

⁶² Testimony of Joel Miner.

the Troopers' organization, conduct such as Mr. Mattingley's repeated and intentional deceptive statements are detrimental to the integrity of that organization.

Further, Sergeant Miller testified persuasively about the need, given the remoteness of much of Alaska and the extent to which Troopers must often work without direct supervision, for supervising Troopers to be able to trust their subordinates.⁶³ Here, not only were Mr. Mattingley's lies told to his chain of command during direct questioning about a personnel-related matter. They were told in a context where Mattingley's supervisors were relying on him to be truthful about a situation unfolding across long distances – a scenario particularly disruptive to the orderly conduct of the Troopers' work.

As multiple witnesses testified, Mr. Mattingley's demonstrated willingness to lie directly and repeatedly to his supervisors in this situation wholly undermined his working relationships with those supervisors, and ran afoul of the Troopers' bedrock requirements of honesty and candor. This behavior, for which Mr. Mattingley was under investigation at the time of his resignation, threatened the integrity and discipline of the organization. Because the Executive Director proved by a preponderance of the evidence that Mr. Mattingley resigned under threat of discharge for cause for conduct detrimental to the integrity or discipline of the Alaska State Troopers, revocation is supported under 13 AAC 85.110(a)(2).

V. Conclusion

Ryan Mattingley's Alaska Police Officer Certificate is revoked under 13 AAC 85.110(a)(1) and 13 AAC 85.110(a)(2).

DATED: November 19th, 2015.

By: Signed _____
Cheryl Mandala
Administrative Law Judge

[This document has been modified to conform to the technical standards for publication.]

⁶³ Testimony of Grant Miller.