

# Applicant Review Committee Minutes

## December 8, 2021

The Applicant Review Committee of the Board on Public Safety Standards and Training held a regular meeting on December 8, 2021, at the Oregon Public Safety Academy in Salem, Oregon. Jordan James-Largent called the meeting to order at 1:00 p.m.

### **Committee Members:**

Mark Rauch, Public Member; Police Policy Committee (Webex)  
Zachary Kenney, Non-Management Law Enforcement; Police Policy Committee (Webex)  
Erica Stolhand, APCO; Telecommunications Policy Committee (Webex)  
Carol Dishion, DOC AFSCME; Corrections Policy Committee (Webex)  
Cody Smith, Non-Management Corrections Officer; Corrections Policy Committee (Webex)

### **Committee Members Absent:**

Andre Lindauer, Public Member; Telecommunications Policy Committee  
Vacant, Public Member; Board on Public Safety Standards and Training

### **Guests:**

Bryan Holloway

### **DPSST Staff:**

Marsha Morin, Criminal Justice Certification Program Manager (Webex)  
Jordan James-Largent, Professional Standards Case Manager  
Melissa Lang, Professional Standards Case Manager  
Shelby Alexander, Executive Support Specialist

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### **1. Introductions**

Introductions of members, guest and staff were presented.

### **2. Approve October 27, 2021 Meeting Minutes**

*Mark Rauch moved to approve the minutes from the 10/27/2021, Applicant Review Committee meeting. Carol Dishion seconded the motion. The motion passed unanimously.*

### **3. Committee Membership – Chair and Vice Chair**

Presented by Jordan James-Largent

*Cody Smith moved to nominate Mark Rauch as Chair and Zachary Kenney as Vice Chair of the Applicant Review Committee effective 12/8/2021. Carol Dishion seconded the motion. The motion passed unanimously.*

#### 4. Committee Process Overview

Tabled for a future meeting.

#### 5. Application Review: Bryan Holloway (61910)

Presented by Jordan James-Largent

*Reason for Discretionary Review:*

DPSST received an Application for Training (F5) and a Criminal History Reporting form (F28) for Bryan Holloway, where he disclosed multiple criminal dispositions:

- 2000 *Inattentive Driving* in Payette, Idaho.
- 2015 *Driving Under the Influence (DUI)* also in Payette, Idaho.

Staff was unable to locate any records related the reported 2000 case for *Inattentive Driving*, however pursuant to Oregon Administrative Rule (OAR) 259-008-0290(5)(a), a case will not be opened for a criminal disposition that occurred prior to January 1, 2001.

When staff completed a review of Holloway's criminal history and an Idaho iCourt case search, they located the following additional criminal dispositions that were not disclosed on the F28:

- September 4, 2009, conviction for *Dog-Disturbances*, a misdemeanor, in Payette, Idaho;
- September 6, 2013, conviction for *Dog at Large* and *Dog-Harboring of Vicious Dog*, misdemeanor, in Payette, Idaho after his dog got out and chased and bit a youth riding a bike causing marks and abrasions on her left hip/buttocks;
- September 2, 2014, conviction for *Dog at Large*, a misdemeanor, in Payette, Idaho.

Staff interviewed Holloway to determine why he did not disclose the additional convictions. Staff determined that this was a non-malicious error that does not require further review as Holloway was not aware these were criminal convictions and forgot about them. Further, staff reviewed the misdemeanor dog charges and did not find, by a preponderance that Holloway's conduct was reckless, due to the lack of evidence. On November 20, 2021, Holloway submitted an amended F28 to report the additional convictions.

This review is limited to the *DUI* Holloway received on May 17, 2014. Holloway was arrested for *DUI* in Payette, Idaho. Holloway pled guilty and received a withheld judgment on July 11, 2014, which was revoked after he failed to complete the terms of his withheld judgment and he received a *Probation Violation-Misdemeanor*. Holloway was ultimately convicted of *DUI* and pled guilty to *Probation Violation-Misdemeanor* on March 18, 2015.

Staff found Holloway's conduct related to his *DUI* was reckless when he drove intoxicated in a crowded parking lot and almost struck others with his vehicle. Holloway's conduct violates the Board's pre-employment moral fitness standards.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Carol Dishion moved that the Applicant Review Committee adopt the staff report.	Cody Smith	5 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Holloway’s age at the time of arrest.</li> <li>○ Holloway’s actions were reckless when driving intoxicated through a parking lot.</li> <li>○ Holloway violated his probation, which resulted in another disposition.</li> <li>○ During Holloway’s verbal mitigation, he did not provide any additional information related to the probation violation or how alcohol is being handled now.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ Holloway has been hired by the Department of Corrections, who is aware of the criminal disposition.</li> <li>○ The disposition occurred prior to Holloway’s employment as a public safety professional.</li> <li>○ The time that has passed since the disposition and that there does not appear to be a pattern of conduct.</li> <li>○ Holloway’s verbal mitigation appeared sincere and genuine regarding continuing his career as a corrections officer.</li> </ul> </li> </ul>			
Cody Smith moved, after considering the identified violations of the Board’s pre-employment moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case that no action should be taken against Holloway’s application for training and subsequent certification.	Zachary Kenney	5 ayes; 0 nays	Motion Passed Unanimously

**6. Inquiry Closure – Information Only**

Presented by Jordan James-Largent

DPSST presented the list of applicants for public safety training/certification who had engaged in pre-employment criminal conduct that was determined to not require committee review. This information was presented as information only and required no action by the committee

**7. Next Applicant Review Committee Meeting: January 26, 2022 at 1:00 p.m.**

*Administrative Notes:*

*These minutes reflect the order of the discussion/voting items as they appear on the official meeting agenda. The actual order in which they were discussed may vary.*

*All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at [dpsst.records@dpsst.oregon.gov](mailto:dpsst.records@dpsst.oregon.gov).*