ATTACHMENT Z.2

Ortiz's

Appeal Brief

KRON 4

MY KRON 4 STORY: Military Man Uses Training to Catch Thief

By Brian Shields

Fri Jul 4th, 2014 10:26pm America/Los_Angeles

RELATED COVERAGE

- My KRON4 Story

SAN FRANCISCO (KRON) — Military training can be useful in civilian life as we find out in our latest My KRON 4 Story. KRON 4's J.R. Stone talks with a servicemember who used his experiences in uniform to help a woman who was the victim of a thief in San Francisco.

Mobile App users click here to view the video

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I. Email from Terry Rousseve

*"The course is a requalification for the POST **certificate**. We **must** (for POST **and** The Academy) verify that the student **qualifies** for the course so that a certificate can be issued upon successful completion of the course"*

J. 2007-2008 Civil Grand Jury Report South Bay Regional Training Center

*Civil Grand Jury conducted an extensive investigation alleging improprieties of four areas one being college course compliance which ties in with JLE 107 not being allowed to be taken three times as mentioned in the Gavilan Course Catalog and course **catalog** approved through Commission on POST.*

K. Requalification Course Class #30 Roster, and POST regulation

Required Documents to submit upon Completion of Presentation POST IAW Section B, POST Regulation 1005 POST-2111 class Roster which states:
"A completed Course Roster, POST 2-111 (Rev 02/2015) shall be prepared and submitted to the Commission after completion of each certified course presentation"

L. AG Kamala Harris Support to Military Veterans

"Providing Our Veterans What They Earned" by AG Kamala Harris

M. Assembly Bill No. 1588 Chapter, 742 GAO Report

The bill allows 6 month EXEMPTION on certificates after registrant leaves military active duty.

N. "Tolling" of the Statute- "Tolling of statute" Title 50 of the United States Code

App. § 526(a)- The period of a service member's military service may not be included in computing any period limited by law, regulation.

O. Profile Report with handwritten comments

P. POST DENIAL LETTERS

Q. Unable to Assist Letters:

Unable to Assist Letters-

1. Governor Jerry Brown
2. Senator John McCain
3. Senator Mark Leno
4. Office of Veteran's Affairs Committee Jenny Callison
5. Assemblyman Phil Ting

R. CERTIFICATION OF EMPLOYMENT-

GUAM POLICE DEPARTMENT 8 Years, 4 months, 5 days

Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

September 11, 2016

RE: Appeal of former Executive Director Decision Pursuant to Regulation 1058

Dear POST Commission Members,

The foregoing facts, and conclusion to include all relevant documentation enclosed in the binder is in support of my appeal of the former POST Executive Director's Denial to extend my certificate in violation of Title 50 Federal US Code 3936. Statute of limitations, Section was formerly codified to section 526

FACTS

- **15 July 2000** Assigned with to the 95th Civil Support Weapons of Mass Destruction Team California Army National Guard
- **15 NOV 2001** 95TH CST WMD (twenty-two member Team) began the Sheriff Alameda County Regional Training Center located in Alameda, CA.
- **23 April 2002** I completed the 852 Hours ALSCO Training (6 months) 116th Training Cycle and was given a Regular Basic course POST certificate, **(See TAB A).**
- November 4, 2004 I began my 18 month deployment to the Middle East in support of Operation Enduring Freedom **(See TAB B Deployment orders).**
- **2006** June returned from Operation Enduring Freedom, and contacted the Commission Peace Officer Standards and Training to request for a Completed POST certified Training profile report. No Records available I was told by POST Technician Luanne Vasquez. Mrs. Vasquez reiterated to me that there are **NO** Training records entered in the P.O.S.T EDI to indicate that I've ever completed any Police Training in California.
- **2007- 2008** I began the painstaking effort to locate any Training records to prove my attendance through the Alameda County Sheriff's Academy Regional Training in 2002.
- **2011** unknown exact date Mrs. Luanne Vasquez informs me that she received my course syllabus, and other documentation that I sent her but it will take some time to enter all the information in the POST database to receive POST completed training credit.
- **13 March 2012** received credit for POST approved Training completed and on or about the same date I sent a formal request to POST Executive Director Paul Cappitelli explaining my circumstances due to my military service and requested an exemption to attend a requalification course in the near future to recertify my POST Basic Certificate. Several weeks or months later I received a response back from Mrs. Luanne Vasquez Staff Services Analyst Basic Training bureau instead and *NOT* from Mr. Cappitelli regarding my request. Mrs. Vasquez informed me in the letter that I would be required to complete another Regular Basic Course entire 6 month Academy should I wish to pursue a career in Law Enforcement in California. **(See TAB C Request denial letter, and POST Profile Report).**
- **02 August 2012** I met in person with the Vice Pres. of Academy Services Gregg Giusiana at South Bay Regional Training Center located within Evergreen Valley College San Jose, and explained to Gregg my situation. During the meeting with Mr. Gussina "approved" my Profile report *pending*

formal approval from P.OS.T. I paid the total fees deposit including uniforms and equipment totaling $ 1,945.00 **(See TAB D personal receipts provided by SBRTC).**

- 28 Sep 12 Completed the POST Re-qualification course **(See TAB E)**

- 2013-2014 Telephone conversation with Mrs. Luanne Vasquez Staff Services Analyst Basic Training bureau and explained to her my pending deployment, and heavy military POST 911 heavy military mission OPTEMPO whereby I also requested from Luanne on how I would be allowed to go through the re-approval process once again with POST to attend another requalification course. *She stated to me that she had no idea how I was provided an approval to attend the POST requalification course in 2012 nor that she aware that a certificate was issued to me from her office with a POST Control number.* Luanne informed me that my requalification course certificate is **NULL** and **VOID** since I was not allowed to go through the requalification course in the first place.
  I informed Mrs. Vasquez that she should have been aware since SBRTC Mr. Mike Yorks informed me that an unknown person at POST sent back an approval for me to attendance the course back in 2012, and I reiterated to Luanne that's what was told to me several times during my telephone conversation with Mike Yorks including an email and told me to contact Don Lane at POST for a copy of the email approval. **(See TAB F Mike Yorks email).**

- 07 Mar 2016- I spoke to South Bay Regional Training Center Instructional Staff Assistant Terry Rousseve and informed her that I have proof that there has been other students that have attended the POST requalification twice at SBRTC, and I am being told that I cannot attend twice due to State Law **(See TAB G),** and I also mentioned that the Gavilan Course school catalogs from 2011-2015 all states that the requalification course (JLE 107) could be repeated **three times** for credit. **(See TAB H).**

- 07 June 2016- I communicated via email with the South Bay Regional Training Center Consortium Staff Assistant, and she provided by the appropriate policy steps on accepting a person to the requalification course. The steps obviously were not adhered to by SBRTC when they accepted fees for the course, and POST then VOIDED my requalification certificate. **(TAB I)**

- POST provided me an exemption to State Law under Title 11, Division 2 CCR to attend the course by issuing a Requalification certificate with a Course Control number and POST Course Control number from through EDI.

- Gavilan Course College Catalog specifically states that the REQUALIFICATION COURSE JLE 107 COULD BE TAKEN UP TO **THREE TIMES FOR CREDIT** **(See TAB I)**

- *2007-2008 Santa Clara County Civil Grand Jury conducted an extensive investigation alleging improprieties of four areas one being college course compliance which ties in with JLE 107 not*

*being allowed to be taken three times as **mentioned** in the Gavilan Course Catalog and course catalog approved through Commission on POST **(TAB J).***

- *Required Documents to submit upon Completion of Presentation POST IAW Section B, POST **Regulation 1005 POST-211**1 class Roster which states:*

  *"A completed Course Roster, POST 2-111 (Rev 02/2015) shall be prepared and submitted to the Commission after completion of each certified course presentation" **(TAB K)***

- July 19, 2016 AG Kamala Harris article regarding foreign policy in support of "Providing Our Veterans What They Earned". **(TAB L)**

- Assembly Bill No. 1588 Chapter 742 was approved by Governor September 29, 2012 Section 114.3 (a) within Section 22 waives the renewal fees, continuing education requirements for any registrant called to active duty as a member of the United States Armed Forces or the California National Guard in order to engage in any activities for which he or she was licensed prior to Active duty. The bill also allows 6 month EXEMPTION on certificates after registrant leaves active duty. United States Government Accountability Office May 27, 2008 Subject: *Military Personnel: DOD study to determine if Active Service has had an impact on the Ability of Guard and Reservists to maintain Their Professional Certificates* **(See TAB M)**

- **14 June 2016-** After a considerable amount of effort and requests that it took on my part in trying to obtain a copy of whatever mysterious documentation/email that Mr. Mike Yorks was referring to enabling SouthBay Training Consortium to accept me into the requalification course in 2012. Mr. Guisinana provided me a copy of the approval email and handwritten note on my old POST Profile certificate. The only way that I was able to obtain these documents was for me to send Southbay Regional Training Center a DEMAND FOR REFUND request of the fees paid. This triggered Mr. Guissana to reply back to my request with the documentation that I have been searching for. Enclosed in the envelope was my POST profile Certificate dated 3/21/2012 with hand written annotation 8-2-12 DON LANE" OK TO ENTER REQUAL", and also included in the envelope was an email from POST Mr. Don Lane informing me **"tolling of the statute regarding my military service"** I did communicate with Mr. Don Lane via email on 31 July 2012, but never received any confirmation back from him informing me that it was alright to attend the requalification course. **(See TAB N)**
- It was not until I was informed by Terry Ressouve SBRTC back in early 2015 that I would need to contact Mrs. Luanne Vasquez at POST for permission to attend the requalification course AGAIN. Mrs. Luanne Vasquez Basic Training Analyst at that time informed me that I was never approved to attend the requalification course by POST and informed me that my requalification certificate was null and void. At the time that I was speaking to Mrs. Luanne Vasquez she told me "that I was never approved to attend the course".
- I was NOT yet aware that Mr. Don Lane approved me to attend on 8/2/2012.

The only source of documents I was provided on 8/10/2012 by the Academy was two receipts that with the annotation "GREGG APPROVED PROFILE, PENDING CONFIRMATION FROM POST. DAVID WILL RETURN W/PAYMENT.VCH" but this was on Wednesday, September 05, 2012 11:26 a.m. and a second receipt 5 days later on Monday September 10, 2012 at 10:40 a.m. with the same annotation.

- Apparently Mrs. Don Lane at POST already approved my attendance several weeks prior on 8/2/2012, but Luanne Vasquez at POST says "no one approved at POST and therefore the certificate is null and void "Re-attend the entire 6 month Academy, Is there anything else I can do for you?"

- Note: *Mr. Giusiana mentioned in his letter response a job offer at the SFUPD with swear-in date of 02 DEC 2012. He refers to the time after my completing of the requalification course in 2012 I was offered a final job offer with the San Francisco University Police Department. My former Battalion Commander advised me that since SFUPD payroll falls under State, and CALGUARD is also State it would be illegal to double dip from the same payroll. The job offer at UPD mentioned is really a moot point since I was running around with a Null and voided POST Re-qualification certificate according to Luanne Vasquez and would have been a waste of time to go through the final hiring process at UPD with a NULL Basic Course requalification certificate.* The offer would not have been approved through POST regardless **(See TAB O- letter Dated 14 June 2016).**

Conclusion

There is no basis for POST Commission to have nulled and invalidated my Regular POST Certificate. The facts are clear that Mr. Stresak was untruthful when he stated in his letter dated March 9, 2015 that he reviewed both California and Federal laws and that the current laws only apply for reemployment rights for existing military service members returning to employment as a peace officer. This is quite concerning to me since it is quite obvious with the facts presented that Mr. Stresak did NOT review a very important federal Law Title 50 USC § 3936 War and National Defense codified in section 526 Statute of Limitations that reads:

The period of a service member's military service may not be included in computing any period limited by law, regulation or order for the bringing of any action or proceeding in a court, or in any board, bureau, commission, department, or other agency of a State (or political subdivision of a State) or the United States by or against the service member.

This Law is also located on AG Kamala Harris website. Attorney General Kamala Harris is the ex-officio for the Commission on POST therefore not sure how Mr. Stresak could miss such an important piece of this Law geared towards military service members.

Mrs. Luanne Vasquez POST Basic Course Waiver and Requalification Analyst had no legal basis to null and void my requalification certificate received in 2012 when the facts could not be more evident that Mr. Don Lane Senior Consultant Region 5 Manager "tolled" the statute and even went as far as confirming with POST Attorneys according to his email. Mr. Don Lane is a Senior Consultant at POST and followed the federal statutes and confirmed with the "legal

beagles" at POST according to Don Lane's email. The biggest question now with all the facts presented "Did POST violate their own regulations?" Did Mr. Robert Stresak and Mrs. Vasquez violate the federal law? Why did Mrs.Vasquez and Mr. Robert Stresak sent me denial letters before and after Mr. Don Lane "tolled" the statute. Mr. Scott Loggins POST Bureau Chief email to me dated June 20th, 2016 informed me that "POST did not create an exception to policy for military members in 2012" How is this accurate? Mr. Don Lane and the "POST Legal Beagles" did provide me a waiver in 2012 based on the federal statute. It is noteworthy to mention that The Law Offices of Donald Dorfman Attorney that has represented Military service members since 1961 reached out to the Commission on POST just recently. Attorney Dorfman spoke to Mr. Scott Loggins Bureau Chief informing him that former Executive Director Mr. Stresak has violated his own regulation at POST and also POST is now in violation of the aforementioned federal statute. Attorney Dorfman stated to me that he informed Mr. Loggins during their telephone conversation that Mr. Don Lane and the so called "POST Legal Beagles" were correct in "Tolling the statute" the first time in 2012 and reminded Mr. Loggins that Mr. Ortiz has been and still currently serving on military active duty with a pending retirement early 2017.

Based on all the facts presented in my appeal I am sure that the Commission panel members will see that there were numerous blunders, administrative errors, and most importantly to mention a blatant violation of federal law that makes it impossible for Mr. Stresak nor anyone within the POST Leadership real legal justification to deny my extension and/or recertifying my POST regular requalification Certificate that I received after completing the requalification course in 2012, expired in 2015.

I am very hopeful that the Commission on POST panel members most especially the Police Commission's ex-officio AG Kamala Harris whom has expressed the importance of supporting our serviceman and woman returning back to the civilian life from their honorable service to our country will provide me a favorable response to my appeal.

Thank You for your time, and favorable consideration.

Sincerely,

David Armando Ortiz

A

Certificate of Achievement

The Alameda County Sheriff's Office Regional Training Center
hereby confers this Certificate to

David A. Ortiz Sr.

for successful completion of the

Basic P.O.S.T. Modular Academy
852 Hours

Awarded this 23rd day of April, 2002

CHARLES C. PLUMMER, SHERIFF
ALAMEDA COUNTY
SHERIFF'S OFFICE

RICHARD BOND, CAPTAIN
COMMANDING OFFICER
REGIONAL TRAINING CENTER

B

"Document Removed.
As per Mr. Ortiz's Request
October 3, 2016."

C

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

MUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

March 13, 2012

David Ortiz

Dear Mr. Ortiz:

This letter is in response to your request for an exemption from the six-year exception to the three-year requalification requirement under Commission Regulation 1008 (b) (2) (B) (1).

An individual who successfully completed a Regular Basic Course on or after July 1, 1999 but who never served in a California peace officer position for which a Regular Course is required, may requalify by successfully completing a POST certified Requalification Course one time within six years from the date of the basic course. After six years, an individual must successfully complete the appropriate basic course to requalify, regardless of when the Requalification Course was completed. Our records indicate you completed the Regular Basic Course April 23, 2002, and there is no record that you have worked in a qualifying peace officer position as defined under Regulation 1008. Therefore it will be necessary for you to successfully complete another Regular Basic Course should you wish to pursue a career in law enforcement. As this is a matter of state law the Commission does not have the authority to grant any type of exemption.

If you have any questions regarding this action, please contact Staff Services Analyst Luanne Vasquez, Basic Training Bureau at (916) 227-3900.

Sincerely,

Luanne Vasquez

Luanne Vasquez
Staff Services Analyst
Basic Training Bureau

1601 ALHAMBRA BLVD • SACRAMENTO • CA 95816-7083 • 916 227-3909 • FAX 916 227-3895 • www.post.ca.gov

POST PROFILE NAME:

ORTIZ, DAVID ARMANDO

CALIFORNIA COMMISSION ON :

CONFIDENTIAL PROFILE REI

AKA: N/A

DATE: 01/18/2016

A. PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Sex	R
		--	M	

B. CERTIFICATES AWARDED

Total Number of Certificates: 0

C. EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/H

***Reason for Separation:** 1 = Resignation 2 = Discharge 3 = Retirement 4 = Death 5 = Felony 6 = Other 7 = Promotion

D. POST CERTIFIED TRAINING

Comp Date	Cat.	CCN	Hrs.	Rmb	Comp	Agency	School	H	Course Name
09/01/2000	O	3240-80100-00-002	64		Y	60000	CHABOT C		ARREST & FIREARMS
09/08/2001	A	1010-00130-01-001	98	X	Y	60020	ALAMEDA SO		LEVEL III MODULAR TRNG-PART 2
11/03/2001	A	1010-00140-01-001	232	X	Y	60020	ALAMEDA SO		LEVEL II MODULAR TRAINING
04/23/2002	A	1010-00150-01-001	398	X	Y	60020	ALAMEDA SO		LEVEL I - MOD FORMAT (EXT)
01/04/2011	K	1025-24271-10-003	16		Y	60050	I.T.R.		SEARCH WARRANT/ARREST-HIGH RIS
09/28/2012	K	2540-25000-12-001	136		Y	60020	SOBAYRTC		REQUALIFICATION-BASIC COURSE

***Meets Perishable Skills**

F. FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

A. PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)

POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date / Sex:	Self-explanatory.
Race:	A = Asian B = African American (Black) N = Native American S = Spanish/Hispanic W = White O = Other

B. CERTIFICATES AWARDED

Cert:	Certificate serial number.
Type:	B = Basic I = Intermediate A = Advanced S = Supervisory M = Management E = Executive R = Reserve D = Public Safety Dispatcher SX= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Educ Pts:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T2:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

C. EMPLOYMENT: Subject's employment history as indicated in POST database

Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: F = Full time P = Part time
P/U:	Wage status: P = Paid U = Unpaid
Seas:	Provisional or seasonal employment.

D. POST TRAINING: Courses attended or completed as indicated in POST database

Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: R = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* J = Job specific * = Job specific, SALARY NOT PAID Blank = None or no data available
Cmp:	Completion indicator: Blank or Y = Course completed N = Course not completed ? = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

E. NON-CERTIFIED COURSES

This section will only appear if applicable.

F. FOOTNOTES

This section reserved for additional information.

D

South Bay Regional
Public Safety Training Consortium

Receipt # 74656

Ortiz, David | **RECEIP**

SSN				**Agency**	Self-Sponsored
Course	BASIC ACADEMY REQUAL #30			**Contact**	David
Agency/Location	EVERGREEN			**Phone**	
Job Code	BR30	**Units**	3.00	**Fax**	
Start Date	9/10/2012	**End Date**	9/28/2012	**Pager**	
E-mail				**Cell**	

Payments

8/2/2012	Visa	$230.00
8/20/2012	Visa	$470.00

Total Payments	**$700.00**
Total Class Fees	$700.00
Deadline Date	8/20/2012
Notes	8/20/12 David called to pay balance. tr 8/5/12David called in payment of deposit $230.00, working on paperwork. Emailed receipt-lls 8/2/12-Gregg approved profile pending confirmation from POST. David will return w/payment.vch

Received By _____ **Date** _____

South Bay Regional
Public Safety Training Consortium

Receipt # 7

Ortiz, David

RECI

SSN				**Agency**	Self-Sponsored
Course	BASIC ACADEMY REQUAL #30			**Contact**	David
Agency/Location	EVERGREEN			**Phone**	
Job Code	BR30	**Units**	3.00	**Fax**	
Start Date	9/10/2012	**End Date**	9/28/2012	**Pager**	
E-mail				**Cell**	

Payments

8/2/2012	Visa	$230.00
8/20/2012	Visa	$470.00
9/10/2012	Cash	$45.00

Total Payments $745.00

Total Class Fees $745.00

Deadline Date 8/20/2012

Notes
9/10/12 paid bal w/cash. tr
8/20/12 David called to pay balance. tr
8/5/12David called in payment of deposit $230.00, working on paperwork. Emailed receipt-lls
8/2/12 Gregg approved profile pending confirmation from POST. David will return w/payment.vch

SEP 10 2012

Received By _____ **Date** 9/10/12

South Bay Regional
Public Safety Training Consortium

Receipt # 74

Ortiz, David

RECE

SSN				**Agency**	Self-Sponsored
Course	BASIC ACADEMY REQUAL #30			**Contact**	David
Agency/Location	EVERGREEN			**Phone**	
Job Code	BR30	**Units**	3.00	**Fax**	
Start Date	9/10/2012	**End Date**	9/28/2012	**Pager**	
E-mail				**Cell**	

Payments

8/2/2012	Visa	$230.00

Total Payments	**$230.00**
Total Class Fees	**$700.00**
Deadline Date	8/20/2012
Notes	8/2/12-David called in payment of deposit $230.00, working on paperwork. Emailed receipt-lis 8/2/12-Gregg approved profile pending confirmation from POST. David will return w/payment.vch

Received By [illegible] **Date** 8/9/12

E

The ACADEMY

SOUTH BAY REGIONAL PUBLIC SAFETY TRAINING

This is to certify that

DAVID A. ORTIZ

has successfully completed

BASIC ACADEMY REQUAL #30

September 10, 2012 - September 28, 2012

TRANSCRIPTING COLLEGE

Gavilan College (408) 848-4733
Course # JLE 107 / Section # 11036
136 Hours / 3 Units
P.O.S.T. Control # 2540-25001-12-001

Steven T. Cushing
President/CEO
South Bay Regional Public Safety Training Consortium

EVERGREEN VALLEY COLLEGE · COLLEGE OF SAN MATEO · Gavilan College · MPC · OHLONE · De Anza College

F

Ortiz, David A SSG USARMY NG CAARNG (US)

ɔm:	Loggins, Scott@POST <Scott.Loggins@post.ca.gov>
ent:	Monday, June 20, 2016 10:42 AM
To:	Ortiz, David A
Subject:	RE: [Non-DoD Source] Re: ETP- Due to Military Service

Mr. Ortiz,

POST did not create an exception to policy for military members in 2012.

Scott Loggins, Bureau Chief
Basic Training Bureau
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Email: scott.loggins@post.ca.gov
Desk line: (916) 227-4261

-----Original Message-----
From: Lane, Donald@POST
Sent: Monday, June 20, 2016 9:28 AM
To: Ortiz, David A
Cc: Loggins, Scott@POST <Scott.Loggins@post.ca.gov>
Subject: RE: [Non-DoD Source] Re: ETP- Due to Military Service

David,

Please forward all your requests from POST to Scott Loggins, at 916-227-4261

Thank you,

Don

DONALD G. LANE
Regional Manager, Area 5
Training Delivery and Compliance Bureau
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Desk: 916-227-3918
Mobile: 916-214-6848

From: Ortiz, David A

Sent: Monday, June 20, 2016 9:13 AM
To: Lane, Donald@POST
Subject: FW: [Non-DoD Source] Re: ETP- Due to Military Service

.r. Lane,

Good morning. Apparently there is a waiver/Exception to Policy for my military service that was approved by POST in 2012 for me to attend Class #30 requalification course.

Do you have a copy of that waiver that you would be able to provide me? Thanks in advance.

David Ortiz

-----Original Message-----
From: Mike Yorks [mailto:myorks@theacademy.ca.gov]
Sent: Friday, June 17, 2016 11:05 AM
To: Ortiz, David A
Subject: [Non-DoD Source] Re: ETP- Due to Military Service

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Hello David. You will have to contact Don at POST and get a copy of his email that he created for your waiver. Mike

On Wed, Jun 8, 2016 at 11:57 AM, Ortiz, David
Caution-mailto:

Mike,

Good afternoon Sir. Would you be able to provide me a copy of that waiver for my military service approved by POST that you informed me about to attend the requalification course in 2012 Class# 30? Thanks in advance.

Respectfully,

Dave Ortiz

G

Gmail

Re-qualification Course

DAVID Ortiz Thu, Mar 17, 2016 at 9:25 PM
To:

Juan,
I hope you and the family are doing well. I just got back from the middle East deployment again. Almost retired though. Just had a quick question for you. Did you have to pay to go through the second time re-qualification course at Evergreen? I might need to go through again since my cert expired again. They raised the prices and I was told that I would need to p ay again. Please advise. Thanks.

David Ortiz

Thu, Mar 17, 2016 at 11:08 PM
To: DAVID Ortiz

Yo
Glad your back and safe... Yes you will have to pay again for your re-qualification unless you were able to sign on with an agency..

Sent from my iPhone
[Quoted text hidden]

David Ortiz Fri, Mar 18, 2016 at 8:21 AM
To

Thanks!
Did you have to purchase new uniforms when you went through twice or you were allowed to use the old ones?

Sent from my iPhone
[Quoted text hidden]

Fri, Mar 18, 2016 at 8:23 AM
To: David Ortiz

Old green ones

Sent from my iPhone
[Quoted text hidden]

David Ortiz Fri, Mar 18, 2016 at 8:29 AM
To:

Thanks brother!

Sent from my iPhone

H

JPA LAW ENFORCEMENT

See also Administration of Justice (AJ)

The application and registration process for JPA Law Enforcement classes are completed at the South Bay Regional Public Safety Training Consortium located on the Evergreen Valley College campus in San Jose. Classes are open to the public, however, the majority of courses are intended to support public safety training demands and serve the "already employed" student.

If you have questions about courses offered by The Academy, or would like additional information about public safety career training, please call (408) 270-6450 or visit the webpage at www.theacademy.org/jpa. For more information, see page 65.

JLE 100 Basic Police Academy

Units: 22.0 TO 27.0 Hours: 30.6 TO 36.3 Lecture, 19.6 TO 25.3 Laboratory
Transferable: CSU

This 880 - 1080 variable unit course satisfies all minimum required training mandates governed by the Commission on Peace Officer Standards and Training (POST) entry level Peace Officers. The course includes fundamental principles, procedures and techniques of law enforcement, including: Criminal Law, Patrol procedures, Cultural Diversity, Investigative procedures, Report Writing, Defensive Tactics, Firearms, Leadership, Ethics, Community Relations, Police Vehicles Operations, Traffic Enforcement, Accident Investigation and First Aid/CPR. This course is open to those students who meet and satisfy entry requirements including written examination, physical fitness examination, DOJ fingerprint clearance and medical clearance. This course requires significant time commitments and outside course work including uniform preparation, homework assignments and equipment maintenance. This course may be repeated for credit. PREREQUISITE: 1. POST approved pre-entry English skills assessment examination provided by the Academy. 2. Penal Code Section 13511.5 requires that each applicant for admission to the basic course of training certified by the Commission (including the P.C. 832 course) that includes the carrying and use of firearms, and who is not sponsored by a local or other law enforcement agency, or is not a peace officer employed by the state or local agency, department, or district, shall be required to submit written certification from the Department of Justice that the applicant has no criminal history background which would disqualify him or her, from owning, possessing, or having under his or her control a firearm. 3. Medical clearance by a licensed physician.

JLE 101 Supervision and Leadership - Recruit Training Officer

Units: 12.0 Hours: 1.7 Lecture and 38.3 Laboratory
Transferable: CSU

This twenty-four week course consists of 960 hours of practicum work. The course is designed to certify the completion of standards required of the Recruit Training Officer (RTO) as governed by the Commission on Peace Officer Standards and Training and/or Basic Course requirements. The course focuses on practicum skill development in the area of supervision and leadership including the RTO as role model, instructor, evaluator, counselor, problem solver, supervisor and agency liaison. This is a pass/no pass course. ADVISORY: POST certified as a California Peace Officer

JLE 102 Police Supervisor Course

Units: 2.0 Hours: 4.2 Laboratory
Transferable: CSU

Elements of supervision, teacher training, conference leadership, and related law enforcement subjects as outlined by Peace Officer Standards and Training. This is a pass/no pass course. Units earned in this course do not count toward the associate degree and/or certain certificate requirements. ADVISORY: JLE 100

JLE 103 Supervisor Course Update

Units: .5 TO 1.0 Hours: .3 TO .8 Lecture, .6 TO 1.5 Laboratory
Transferable: CSU

Provides law enforcement and correctional supervisors to develop and refine their leadership skills. Students will review how to apply basic leadership knowledge, communication skills, team building, conflict management, legal responsibilities, stress management, workplace diversity, sexual harassment, performance skills, briefing skills, and situational decision-making in order to obtain the highest level of performance and accountability. This course will be updated regularly for currency according to POST and California Corrections Standard Authority. This is a pass/no pass course. ADVISORY: JLE 102

JLE 104 Battle Staff Operations

Units: 1.5 Hours: 25.0 Lecture and 8.0 Laboratory
Transferable: CSU

This course is designed for the Peace Officer who carries out the responsibilities of a corrections officer and has completed the POST Basic Course. It consists of a minimum of 56 hours of instruction in specific performance/instructional objectives. ADVISORY: Eligible for English 250 and English 420.

JLE 105 Correctional Officer Basic Academy

Units: 4.0 TO 12.0 Hours: 8.3 TO 19.2 Lecture, 2.9 TO 6.2 Laboratory
Transferable: CSU

This 160-480 hour variable course is designed to meet the California Corrections Standard Authority (CSA) requirements for entry level training of Correctional Officers for adult institutions. The course includes lecture and practical application skills and knowledge including roles and responsibilities of the adult corrections officer, Title 15, Title 24, professionalism and ethics, and proper techniques to maintain the safety and security of inmates. May be repeated once for credit. ADVISORY: Eligible for English 250 and English 420.

JLE 107 Basic Academy Requalification

Units: 3.0 Hours: 3.3 Lecture and 1.5 Laboratory
Transferable: CSU

The Commission on Peace Officer Standards and Training (POST) certifies this 137 hour course of training. It meets the content and hour requirement established by POST for re-qualification of former officers who have not been working as full time enforcement officers in California for a period exceeding three (3) years. May be repeated three times for credit.

JLE 110 CIT Academy

Units: 1.0 Hours: .8 Lecture and 1.5 Laboratory
Transferable: CSU

This course will provide law enforcement officers with the proper techniques for safe and secure detainment and transport of individuals with mental disorders (Welfare and Institution Code section 5150) to appropriate designated mental health facilities. This is a pass/no pass course. Units earned in this course do not count toward the associate degree and/or certain certificate requirements. ADVISORY: JLE 100

JLE 111 Background Investigation

Units: .5 Hours: 36.0 Lecture
Transferable: CSU

A POST certified course designed to develop law enforcement officers with the skills to be an accomplished Background Investigator. This course includes the fundamentals of background investigation, interviewing, the use of psychological screening, Polygraphs, legal aspects of background investigation, and verbal/non-verbal communication.

JLE 112 Sexual Assault

Units: .5 TO 1.0 Hours: .5 TO .8 Lecture, .9 TO 1.5 Laboratory
Transferable: CSU

The course is a balance between a police officer's duties in handling sexual assault cases and being sensitive and aware of the victim's needs. Attention is given to the psychological as well as physical trauma a rape victim encounters. The legal aspects of the case will also be emphasized. Course may be repeated 3 times for credit once every 2 years due to significant updating of content as prescribed by changes in law, regulations and procedures. This is a pass/no pass course. ADVISORY: JLE 100

JLE 100 Basic Police Academy

Units: 22.0 TO 27.0 Hours: 5.1 TO 6.4 Lecture, 45.5 TO 57.1 Laboratory
Transferable: CSU

This 380 - 1080 variable unit course satisfies all minimum required training mandates governed by the Commission on Peace Officer Standards and Training (POST) entry level Peace Officers. The course includes fundamental principles, procedures and techniques of law enforcement, including: Criminal Law, Patrol procedures, Cultural Diversity, Investigative procedures, Report Writing, Defensive Tactics, Firearms, Leadership, Ethics, Community Relations, Police Vehicles Operations, Traffic Enforcement, Accident Investigation and First Aid/CPR. This course is open to those students who meet and satisfy entry requirements including written examination, physical fitness examination, DOJ fingerprint clearance and medical clearance. This course requires significant time commitments and outside course work including uniform preparation, homework assignments and equipment maintenance. This course may be repeated for credit. PREREQUISITE: 1. POST approved pre-entry English skills assessment examination provided by the Academy. 2. Penal Code Section 13511.5 requires that each applicant for admission to the basic course of training certified by the Commission (including the P.C. 832 course) that includes the carrying and use of firearms, and who is not sponsored by a local or other law enforcement agency, or is not a peace officer employed by the state or local agency, department, or district, shall be required to submit written certification from the Department of Justice that the applicant has no criminal history background which would disqualify him or her from owning, possessing, or having under his or her control a firearm. 3. Medical clearance by a licensed physician.

JLE 104 Recruit Training Officer (RTO) Training

Units: 19.0 Hours: 1.7 Lecture and 38.0 Laboratory
Transferable: CSU

This twenty-four week course consists of 960 hours of practicum work. The course is designed to certify the completion of standards required of the Recruit Training Officer (RTO) as governed by the Commission on Peace Officer Standards and Training and/or Basic Course requirements. The course focuses on practicum skill development in the area of supervision and leadership including the RTO as role model, instructor, evaluator, counselor, problem solver, supervisor and agency liaison. This is a pass/no pass course. ADVISORY: POST certified as a California Peace Officer.

JLE 105 Police Supervision Seminar

Units: 2.0 Hours: 4.8 Laboratory
Transferable: CSU

Elements of supervision, teacher training, conference leadership, and related law enforcement subjects as outlined by Peace Officer Standards and Training. This is a pass/no pass course. Units earned in this course do not count toward the associate degree and/or certain certificate requirements. ADVISORY: JLE 100

JLE 106 Supervisor Training Update

Units: 5.0 TO 10.0 Hours: 3.0 TO 8.0 Lecture, 5.0 TO 15.0 Laboratory
Transferable: CSU

Provides law enforcement and correctional supervisors to develop and refine their leadership skills. Students will review how to apply basic leadership knowledge, communication skills, team building, conflict management, legal responsibilities, stress management, workplace diversity, sexual harassment, performance skills, briefing skills, and situational decision-making in order to obtain the highest level of performance and accountability. This course will be updated regularly for currency according to POST and California Corrections Standard Authority. This is a pass/no pass course. ADVISORY: JLE 102

JLE 107 Correctional Officer Basic Academy

Units: 4.0 TO 12.0 Hours: 6.5 TO 19.2 Lecture, 2.9 TO 8.2 Laboratory
Transferable: CSU

This 160-480 hour variable course is designed to meet the California Corrections Standard Authority (CSA) requirements for entry level training of Correctional Officers for adult institutions. The course includes lecture and practical application skills and knowledge including roles and responsibilities of the adult corrections officer, Title 15, Title 24, professionalism and ethics, and proper techniques to maintain the safety and security of inmates, may be repeated once for credit. ADVISORY: Eligible for English 250 and English 420.

JLE 107 Basic Academy Requalification

Units: 3.0 Hours: 3.4 Lecture and 4.5 Laboratory
Transferable: CSU

The Commission on Peace Officer Standards and Training (POST) certifies this 137 hour course of training. It meets the content and hour requirement established by POST for re-qualification of former officers who have not been working as full time enforcement officers in California for a period exceeding three (3) years. May be repeated two times for credit.

JLE 110 SRT Academy

Units: 1.0 Hours: 3 Lecture and 1.5 Laboratory
Transferable: CSU

This course will provide law enforcement officers with the proper techniques for safe and secure detainment and transport of individuals with mental disorders (Welfare and Institution Code section 5150) to appropriate designated mental health facilities. This is a pass/no pass course. Units earned in this course do not count toward the associate degree and/or certain certificate requirements. ADVISORY: JLE 100

JLE 111 Background Investigation

Units: 3 Hours: 36.0 Lecture
Transferable: CSU

A POST certified course designed to develop law enforcement officers with the skills to be an accomplished Background Investigator. This course includes the fundamentals of background investigation, interviewing, the use of psychological screening, Polygraphs, legal aspects of background investigation, and verbal/non-verbal communication.

JLE 112 Sexual Assault

Units: 5.0 TO 10.0 Hours: 5.0 TO 8.0 Lecture, 3.0 TO 15.0 Laboratory
Transferable: CSU

The course is a balance between a police officer's duties in handling sexual assault cases and being sensitive and aware of the victim's needs. Attention is given to the psychological as well as physical trauma a rape victim encounters. The legal aspects of the case will also be emphasized. Course may be repeated 2 times for credit once every 2 years due to significant updating of content as prescribed by changes in law, regulations and procedures. This is a pass/no pass course. ADVISORY: JLE 100

JLE 114 Child Abuse Investigations

Units: 5 Hours: 5 Lecture and 3 Laboratory
Transferable: CSU

An intensive study in causes, recognition, identification of abuse, neglect and sexual exploration of children. Emphasis will be placed on laws, procedure of handling cases, effective interviewing/investigative techniques and action/referral. Course may be repeated 3 times for credit once every 2 years due to significant updating of content as prescribed by changes in law, regulations and procedures. This is a pass/no pass course. ADVISORY: JLE 100

JLE 115 Livestock Theft-Rural Crime

Units: 1.0 Hours: 3 Lecture and 1.5 Laboratory
Transferable: CSU

This 40 hour course includes instruction on basic livestock theft investigation, breed and brand recognition, individual case studies, rural crime, criminal law, expert testimony, crop and commodity enforcement, livestock killings and slaughter, fish & game and enforcement. This is a pass/no pass course.

JLE 116 Field Training Officer Supervisor

Units: 1.0 Hours: 32.0 Lecture and 3.0 Laboratory
Transferable: CSU

This course is designed for police officers that have been or will be accepted into field training officer programs in their respective law enforcement agencies. This course has certification from the California Commission on Peace Officers Standard and Training and follows the guidelines and standards under 832.3 of the Penal Code. It covers methods of teaching, training and evaluation of Police Officers. ADVISORY: JLE 100

The course is a requalification for the POST certificate. We must (for POST and The Academy) verify that the student qualifies for the course so that a certificate can be issued upon successful completion of the course.
Thank you, Terry

On Mon, Jun 6, 2016 at 11:30 AM, Ortiz, David

Terry,

Good morning and I hope you had a nice weekend.

Is there a regulation out there that details that South bay Regional Training Consortium " The Academy " needs to get approval from POST prior to attending the requalification course? I was just curious if this is a Law or just a Policy at the Consortium. Please advise. Thank You. :)

David Ortiz

J

2007-2008 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

SOUTH BAY REGIONAL PUBLIC SAFETY TRAINING CONSORTIUM: A COLLABORATION FOR THE COMMON GOOD

Introduction

The 2007-2008 Santa Clara County Civil Grand Jury conducted an extensive investigation of the South Bay Regional Public Safety Training Consortium (South Bay) as a result of a complaint received alleging improprieties concerning four areas: 1) the relationship between South Bay and public safety agencies; 2) the Field Training Program (FTP); 3) college course compliance; and 4) the possible falsification of transcripts and/or hours of attendance. The mission of South Bay is to provide leadership and excellence in public safety training through regional and community partnerships. The training responds to the needs of more than 70 law enforcement agencies (police and sheriff), 50 fire departments, as well as dispatch, probation, corrections, hazardous materials, and paramedic personnel.

In 1994, South Bay was created by Evergreen Valley and Gavilan Colleges through a California Community College Chancellor's Office Grant in order to pool resources, reduce costs, and eliminate duplication of efforts while at the same time committing to deliver high-quality training. In 1995, a Joint Powers Agreement (JPA) was established to provide governance between South Bay and the member Community Colleges. This partnership has resulted in benefits to the colleges, the public safety agencies, and the taxpayers, as it has reduced costs by eliminating a duplication of efforts among the member districts offering the same programs. Presently, the member college districts include: College of San Mateo, Hartnell, Foothill/De Anza, Monterey Peninsula College, San Jose/Evergreen, and Ohlone. The administrative offices of South Bay, which are located on the Evergreen Valley College campus, serve approximately 160 agencies at multiple satellite sites within the five-county service regions from San Mateo to Monterey Counties.

The Community College system has evolved as the primary training provider for public safety professionals who, by the nature of their jobs and in accord with legal mandates, must receive ongoing, specific training. South Bay provides such training to several public agencies within the counties of Santa Clara, San Mateo, Santa Cruz, San Benito, Monterey, and Alameda. Currently, South Bay provides training to more than 25,000 students each year.

Through the JPA, the colleges work with The Commission on Peace Officer Standards and Training (POST) that was established by the California Legislature in 1959 to set minimum selection and training standards for California law enforcement. POST Commissioners are appointed by the Governor and are responsible for the oversight of training standards that are uniform throughout the state. POST certifies the peace officer training courses offered by South Bay in order to ensure that the minimum course standards are being met. Additionally, POST audits South Bay once every three years to ensure program quality and implementation. The Community Colleges, in turn, serve as vehicles to establish course content and credit, manage apportionment of funds amongst the participating agencies, and issue transcripts to the students.

Discussion

South Bay is unique in the State of California with regard to the training of law enforcement personnel. Presently, community colleges in other parts of the state are working to replicate the JPA model as established by South Bay. In the South Bay region, there are multiple community college districts serving a growing population with increasing demands for public safety training. Portions of the state, however, have only one community college district serving a large geographical area and therefore would not benefit from such a model. Over time, the growing recognition of the advantages offered by unification has led to regional expansions of South Bay's delivery area.

Governance

South Bay is administered through the JPA's Board of Directors consisting of one representative from each member Community College District. The JPA manages the enrollment of students in each participating college, provides fiscal oversight, is responsible for staffing, evaluates the program, and recommends curriculum to be reviewed and approved by the colleges as required. The Board of the JPA employs the Executive Director who reports to, and is periodically evaluated by, the Board. Additionally, the Board has the authority to contract with member districts for the employment of faculty or staff or to directly employ non-teaching staff.

The Executive Director provides overall leadership to the JPA in addition to serving as a liaison between South Bay and State of California certifying authorities, the California Community Colleges Chancellor's Office, and the public safety agencies. The Executive Director, in turn, works with a number of personnel including the Dean of Public Safety Training who is responsible for overseeing instructors, curriculum, and standards and the Registration Coordinator who is charged with reporting hours and grades to the colleges.

cooperative agreements with a Virginia-based healthcare provider and a trucking association.

DOD has also introduced a program for military spouses to obtain or renew professional licenses. DOD implemented this program in light of the increased obligations assumed by the trailing spouse subsequent to increases in operational tempo and the extended tours of duty during the Global War on Terrorism. In June 2007, the Military Community and Family Policy office within the Office of the Under Secretary of Defense for Personnel and Readiness, in conjunction with the Department of Labor, established a program to support active duty military spouses in acquiring or renewing civilian professional licenses and certification. The goal is to help military spouses obtain and retain portable careers in "high-growth, high-demand" occupations in the fields of information technology, education, health services, financial services, and the construction trades. Under the program, military spouses receive grants to pay for expenses directly related to postsecondary education and training, including credentialing and licensing fees. The initiative targets military spouses with a general education diploma, high-school diploma, or some postsecondary education and who are married to active-duty servicemembers in junior enlisted or officer pay grades.[17] Military spouses who need to renew credentials upon relocating, such as nurses, also are eligible. DOD and the Department of Labor are jointly investing $35 million in eight states demonstrating this initiative (California, Colorado, Florida, Georgia, Hawaii, Maine, North Carolina, and Washington) targeting 18 military installations. In January 2008, the first account was granted; as of April 2008, 8,000 individuals had received the briefing regarding the availability of the account and 1,000 had been approved to receive the assistance.

Agency Comments and Our Evaluation

DOD reviewed a draft of this report. However, DOD did not provide formal agency comments because the report discussed action the department was already taking in response to our finding that DOD has not been collecting information on what impact active duty service may have on reservists' ability to maintain professional licenses or certifications in their civilian careers. DOD did provide technical comments, and we incorporated those changes where appropriate.

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We are sending copies of this report to the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force. We will also make copies available to others on request. In addition, the report will be available at no charge on the GAO Web site at http://www.gao.gov.

[17] Specifically, the initiative is directed to spouses who are married to servicemembers in pay grades E1 through E5 and O1-O3.

Should you or your staff have any questions on the matters discussed in this report, please contact me at (202) 512-3604 or farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this letter. GAO staff who made key contributions to this report are listed in enclosure I.

Brenda S. Farrell

Brenda S. Farrell
Director, Defense Capabilities and Management

The Honorable Carl Levin
Chairman
The Honorable John McCain
Ranking Member
Committee on Armed Services
United States Senate

The Honorable Ike Skelton
Chairman
The Honorable Duncan L. Hunter
Ranking Member
Committee on Armed Services
United States House of Representatives

GAO Contacts and Staff Acknowledgments

GAO Contact

Brenda S. Farrell, (202) 512-3604 or farrellb@gao.gov

Acknowledgments In addition to the individual named above, David Moser (Assistant Director), Grace Coleman, Nicole Harms, Charles Perdue, John W. Wheeler, Jr., and Ricardo Marquez made key contributions to this report.

(351175)

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THE FAST TRACK TO CIVILIAN EMPLOYMENT:

STREAMLINING CREDENTIALING AND LICENSING FOR SERVICE MEMBERS, VETERANS, AND THEIR SPOUSES

Executive Office of the President

February 2013

MILITARY PERSONNEL:

DOD Needs Data to Determine if Active Duty Service Has an Impact on the Ability of Guard and Reservists to Maintain Their Civilian Professional Licenses or Certificates

GAO-08-790R: Published: May 27, 2008. Publicly Released: May 27, 2008.

Since 2001, the Department of Defense (DOD) has relied on more than 600,000 members of the National Guard and Reserve components to support various operations abroad and at home. In particular, from September 2001 to July 2007, the department deployed more than 434,000 reservists to support operations in DOD's Central Command area of responsibility that includes Afghanistan and Iraq. Furthermore, DOD has modified its mobilization policy, which had previously limited the cumulative amount of time that reservists could be involuntarily called to active duty for the Global War on Terrorism. Under DOD's new policy, which went into effect in January 2007, involuntary mobilizations for reserve component service members are generally limited to no more than 12 months, and there are no cumulative limits on these involuntary mobilizations. While on active duty, reservists may be unable to take the required professional development courses or periodic tests needed to retain their professional currency in fields such as accounting or software engineering. The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects rights of qualifying National Guard members, reservists, and certain other members of the uniformed services returning to their civilian employment after being absent due to military service. The act, however, does not explicitly address issues related to licenses and certifications. In the National Defense Authorization Act for Fiscal Year 2008, Congress mandated that we examine the number and type of professional or other licensure or certification requirements that may be adversely affected by extended periods of active duty, and identify options that would help provide relief. Specifically for this report, our objectives were to examine (1) DOD's efforts to identify the extent to which active duty service has had an impact on the ability of reservists to maintain professional licenses or certifications in their civilian careers, and (2) current relief options for addressing these issues if needed.

The degree to which reservists serving on active duty have had difficulty maintaining professional licenses or certifications in their civilian careers is unclear, because neither DOD's Office of the Assistant Secretary of Defense for Reserve Affairs nor the reserve components collect the necessary data to track and monitor the issue. While all members of the Ready Reserve are required to provide their civilian employment information upon joining the reserves and to review and update that information each year, the required information includes employment status, the employer's name, the employer's mailing address, the civilian's job title, and the total number of years in the current occupation, but does not include information on the impact active duty service potentially has on maintaining licenses and certifications. Officials at DMDC, which administers DOD's departmentwide Status of Forces Survey, confirmed that surveys of reservists conducted to date have not inquired about the impact of active duty service on a reservist's ability to maintain civilian professional licenses and certifications. Without any initial information on the scope of the issue, DOD is unable to identify the extent, if any, of the impact of active duty on the ability of reservists to maintain professional licenses or certifications in their civilian careers. DOD's Office of the Assistant Secretary of Defense for Reserve Affairs has not established relief policies and practices specifically designed to assist reservists in maintaining their civilian credentials. However, relief mechanisms do exist that may be applicable or serve as a model if DOD determines that a need exists to address the issue of expired professional licenses and certification. Some states, for example, have enacted provisions to provide relief to reservists in certain circumstances. In addition, different entities within DOD have developed programs and initiatives to assist servicemembers in obtaining licenses and certification. Further, the Office of the Under Secretary of Defense for Personnel and Readiness administers a program for military spouses who have experienced similar challenges maintaining civilian professional licenses and certifications because of their partner's active duty obligations. Although the focus of that program is on providing assistance to military spouses to acquire new licenses and certifications, military spouses who need to renew their credentials upon relocating, such as nurses, are also eligible. DOD reviewed a draft of this report but did not provide formal agency comments. DOD did provide technical comments and we made changes to the report where appropriate.

N

David,

I analyzed your case. I am going for a 'tolling' of the run of the statute during your active duty deployment and hopeful the time would work out for a waiver.

Deployments notwithstanding, figuring the dates from the time you graduated from the academy and the months prior to deployment and the months since you've returned comes out to 66 months. If the regulation is 'tolled' for that particular situation, you will still have time to take the requalification course prior to hitting the 72 month deadline before you have to take the academy all over again. I've got some legal beagles looking at this thing and am still waiting for my answer. I will ping them again and ask that they get me an answer on this, one way or the other. You've only got 6 more months before you have to take the academy again if I'm right on my theory. If I'm wrong, you're going to be stuck with having to re-do the academy.

When I know, so will you. ASAP.

Thanks,

Don

DONALD G. LANE
Senior Consultant/Region 5 Manager
Commission on Peace Officer Standards and Training
1601 Alhambra Blvd.
Sacramento, CA 95816
916-227-3918 (desk)

From: Ortiz, David A
Sent: Tuesday, July 31, 2012 3:36 PM
To: Lane, Donald@POST
Subject: SITREP (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Don,

Hi. I hope you're doing well. Just wanted to follow up with you regarding and feedback you may have received yet. Thanks.

Dave

Classification: UNCLASSIFIED
Caveats: FOUO

§ 525. Duration and term of stays; codefendants not in service ***[Sec. 205]***

(a) Period of stay. A stay of an action, proceeding, attachment, or execution made pursuant to the provisions of this Act by a court may be ordered for the period of military service and 90 days thereafter, or for any part of that period. The court may set the terms and amounts for such installment payments as is considered reasonable by the court.

(b) Codefendants. If the servicemember is a codefendant with others who are not in military service and who are not entitled to the relief and protections provided under this Act, the plaintiff may proceed against those other defendants with the approval of the court.

(c) Inapplicability of section. This section does not apply to sections 202 and 701 [50 U.S.C. App. §§522 and 591].

§ 526. Statute of limitations ***[Sec. 206]***

(a) Tolling of statutes of limitation during military service. The period of a servicemember's military service may not be included in computing any period limited by law, regulation, or order for the bringing of any action or proceeding in a court, or in any board, bureau, commission, department, or other agency of a State (or political subdivision of a State) or the United States by or against the servicemember or the servicemember's heirs, executors, administrators, or assigns.

(b) Redemption of real property. A period of military service may not be included in computing any period provided by law for the redemption of real property sold or forfeited to enforce an obligation, tax, or assessment.

(c) Inapplicability to internal revenue laws. This section does not apply to any period of limitation prescribed by or under the internal revenue laws of the United States.

§ 527. Maximum rate of interest on debts incurred before military service ***[Sec. 207]***

(a) Interest rate limitation.

(1) Limitation to 6 percent. An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, before the servicemember enters military service shall not bear interest at a rate in excess of 6 percent –

(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

50 USC 3936: Statute of limitations
Text contains those laws in effect on August 30, 2016

From Title 50-WAR AND NATIONAL DEFENSE
CHAPTER 50-SERVICEMEMBERS CIVIL RELIEF
SUBCHAPTER II-GENERAL RELIEF
Jump To:
Source Credit
Codification
Prior Provisions

§3936. Statute of limitations

(a) Tolling of statutes of limitation during military service

The period **of** a servicemember's military service may not be included in computing any period limited by law, regulation, or order for the bringing **of** any action or proceeding in a court, or in any board, bureau, commission, department, or other agency **of** a State (or political subdivision **of** a State) or the United States by or against the servicemember or the servicemember's heirs, executors, administrators, or assigns.

(b) Redemption of real property

A period **of** military service may not be included in computing any period provided by law for the redemption **of** real property sold or forfeited to enforce an obligation, tax, or assessment.

(c) Inapplicability to internal revenue laws

This section does not apply to any period **of limitation** prescribed by or under the internal revenue laws **of** the United States.

(Oct. 17, 1940, ch. 888, title II, §**206**, as added Pub. L. 108–189, §1, Dec. 19, 2003, 117 Stat. 2844 .)

CODIFICATION

Section was formerly classified to section **526 of** the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section **206 of** act Oct. 17, 1940, ch. 888, art. II, as added Oct. 6, 1942, ch. 581, §6, 56 Stat. 771 ; amended Pub. L. 102–12, §9(7), Mar. 18, 1991, 105 Stat. 39 , related to maximum rate **of** interest, prior to the general amendment **of** this Act by Pub. L. 108–189. See section 3937 **of** this title.

O

POST PROFILE NAME:

ORTIZ, DAVID ARMANDO

AKA: N/A

DATE: 03/21/2012

CALIFORNIA COMMISSION ON POST
CONFIDENTIAL PROFILE REPORT

A. PERSONAL IDENTIFICATION

POST ID.	Agency	Birth Date	Sex	Race	Anniversary Date
[illegible]			M		N/A

B. CERTIFICATES AWARDED

Total Number of Certificates: 0

C. EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas

***Reason for Separation:** 1 = Resignation 2 = Discharge 3 = Retirement 4 = Death 5 = Felony 6 = Other 7 = Promotion

D. POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
09/01/2000	O	3240-80100-00-002	64		Y	60000	CHABOT C		ARREST & FIREARMS
09/08/2001	A	1010-00130-01-001	98	X	Y	60020	ALAMEDA SO		LEVEL III MODULAR TRNG-PART 2
11/03/2001	A	1010-00140-01-001	232	X	Y	60020	ALAMEDA SO		LEVEL II MODULAR TRAINING
04/23/2002	A	1010-00150-01-001	398	X	Y	60020	ALAMEDA SO		LEVEL I - MOD FORMAT (EXT)
01/04/2011	K	1025-24271-10-003	16		Y	60050	I.T.R.		SEARCH WARRANT/ARREST-HIGH RISK

***Meets Perishable Skills**

F. FOOTNOTES

NO FOOTNOTE ON FILE.

8-2-12

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

BASED ON POST RESPONSE
"DON LANE"
OK TO ENTER REQUAL
(88)

- AWAITING CALL BACK FROM DON LANE
TO CONFIRM - VM LEFT
8-2-12 @ 40 HRS. DON LANE CALLED
AND CONFIRMED ORTIZ OK FOR REQUAL
(88)

The ACADEMY

South Bay Regional Public Safety Training Consortium
3095 Yerba Buena Road, San Jose, CA 95135 ♦ **Phone** (408) 270-6458 ♦ **Fax** (408) 238-0286

July 14, 2016

David Ortiz

Dear Mr. Ortiz,

I have reviewed your letter dated June 28, 2016 requesting reimbursement for the cost of the requalification class you completed September 28, 2012. I have also reviewed your student file, along with having personal recollection of the circumstances surrounding your attending the class. There is no reason to refund you registration fees.

Facts

You completed the Level 1 basic police course at Alameda County Sheriff's office on April 4, 2002. Students have three years of certification upon completion of a basic course and are allowed to complete a Requalification Course to extend the certification an additional three years. After the six year window, unless hired by a California Law Enforcement Agency, the student must retake the entire basic course to renew their certification. Three years after graduation from the academy, the student must successfully complete a Requalification Course, which extends the certification to the end of the six year limit.

If a student does not get hired by a Law Enforcement agency, they are allowed to take the Requalification Course once. If their certification expires they must then retake the Basic Course.

If a student is hired by an agency, then leaves Law Enforcement, they remain certified for three years after their last date of employment. After that time, they must take the Requalification Course to be certified. The difference between a person who has worked for an agency and one who has not is that the person who has worked for an agency may take the Requalification Course every three years to remain certified. A student that has never worked for an agency can only take the Requalification Course once.

In July 2012, you contacted POST (California Commission on Peace Officer Standards and Training) Senior Consultant Donald Lane regarding the possibility of your obtaining a waiver of the time period because of your being on active service in the military.

The reason for this request was that you were in a hiring process with the San Francisco University Police Department, and need recertification of your basic course in order to obtain the position. See email dated July 31, 2012. He was looking into a 66 month "toll" on the time that passed after graduation from the basic course. This tolling was based upon your active duty status in the National Guard.

Your graduation date from the basic course was April 23, 2002. There is maximum six year (72 month) period from the date of graduation before a graduate must either be hired by a law enforcement agency or retake the basic academy course. Normally, you would have needed to retake the academy after April 22, 2008.

Because Don Lane granted you a tolling of 66 months (5 years and 6 months) the date of expiration of your certification was extended to October 22, 2013. In order to revalidate your certification, you needed to complete the Requalification Course.

On August 2, 2012 at 1440 hours, Don Lane called me and confirmed the above information. See hand written note on your POST profile. This meant that if you completed a Requalification Course, you would still be eligible for hire by a California Law Enforcement Agency until Oct 22, 2013.

You attended the Requalification Course at South Bay from September 10 to September 22, 2012. Upon successfully completing this course, your POST certification was again valid for 13 months, until October 22, 2013. See the graduation certificate.

On December 2, 2012, you requested permission from the National Guard to accept a position with the San Francisco University Police Department. Included in the request, you stated you had been given a "job offer with a swear-in date of 28- December 2012." This verifies the certification was valid. See the memo dated December 2, 2012. On this memo is a hand written comment "disapproved job conflict."

Conclusion

There is no basis for any refund of the Requalification Course fees.

At the time you took the course, POST had approved your attendance in the class. Also at the time you took the course, successful completion of the course reinstated your basic academy for an additional 13 months. This is verified by fact that you were given a job offer with a California Law Enforcement agency in December 2012.

The fact that the National Guard refused to allow you to take the position offered, has nothing to do with the Requalification Course you attended. You were authorized by POST to take the class. We verified this fact before allowing you into the class. You went to considerable trouble to get authorization to take the class so you would be eligible for hire. We went out of our way to ensure you got into the class so you would be eligible for hire by SFUPD. Completion the class revalidated your basic course completion for an additional 13 months.

This class is designed to provide you with the revalidation of your basic course and it did. The failure on your part to be hired during the period your basic course was valid does not change that fact.

We have spoken several times on the phone and I know how important it was for you to get into the class so you could become eligible for hire. We all pulled together to give the best chance at that position. I am sorry it did not work out, but I cannot see how that falls on South Bay.

We all thank you for you service to our country.

Sincerely,

Gregory Giusiana
Director

Cc: Dr. Kathleen Rose, President, Gavilan College
Sherrean Carr, Dean, Gavilan College
Steve Cushing, President, South Bay Regional Training Consortium

P

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

MUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

March 13, 2012

David Ortiz

Dear Mr. Ortiz:

This letter is in response to your request for an exemption from the six-year exception to the three-year requalification requirement under Commission Regulation 1008 (b) (2) (B) (1).

An individual who successfully completed a Regular Basic Course on or after July 1, 1999 but who never served in a California peace officer position for which a Regular Course is required, may requalify by successfully completing a POST certified Requalification Course one time within six years from the date of the basic course. After six years, an individual must successfully complete the appropriate basic course to requalify, regardless of when the Requalification Course was completed. Our records indicate you completed the Regular Basic Course April 23, 2002, and there is no record that you have worked in a qualifying peace officer position as defined under Regulation 1008. Therefore it will be necessary for you to successfully complete another Regular Basic Course should you wish to pursue a career in law enforcement. As this is a matter of state law the Commission does not have the authority to grant any type of exemption.

If you have any questions regarding this action, please contact Staff Services Analyst Luanne Vasquez, Basic Training Bureau at (916) 227-3900.

Sincerely,

Luanne Vasquez

Luanne Vasquez
Staff Services Analyst
Basic Training Bureau

1601 ALHAMBRA BLVD • SACRAMENTO • CA 95816-7083 • 916 227-3909 • FAX 916 227-3895 • www.post.ca

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

April 19, 2012

David Ortiz

Dear Mr. Ortiz:

This is in response to your letter requesting a temporary exemption to the policy of the Six-Year Exception to the requalification requirement. This request is based your completion of the Regular Basic Course (RBC) on April 23, 2002 and your statement that you were unable to seek employment as a peace officer for the ensuing six-year period due to overseas deployments with the military.

As indicated in our correspondence concerning your previous request for an exemption, the Six-Year Rule is not a policy but a matter of state law under Title 11, Division 2 of the California Code of Regulations. More specifically it is codified in Commission Regulation 1008(b)(2)(B)(1) which reads as follows:

> **Six-Year Exception:** An individual who successfully completed a Regular Basic Course, Specialized Investigators' Basic Course or the Basic Course Waiver Process ***on or after July 1, 1999 but who never served*** in a California peace officer/Level I reserve officer position for which a Regular or Specialized Investigators' Basic Course is required, may requalify by successfully completing a POST-certified Requalification Course one time within six years from the date of basic course or waiver process completion. After six years, an individual must successfully complete the appropriate basic course (RBC or SIBC) to requalify, regardless of when the Requalification Course was completed.

The basic course requalification requirement was established because of the concern that individuals who have a three year or longer break in law enforcement service or training have diminished knowledge and skills which need to be refreshed prior to the exercise of peace officer powers. The six year rule was enacted to address those individuals who have not served as a California peace officer within the six year period following completion of the RBC by requiring them to repeat the entire course. In your case, the last law enforcement experience you had was in Guam and ended in 1999. The letter

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COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

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EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

March 9, 2015

David Ortiz

RE: REQUEST FOR EXTENSION OF TRAINING REQUIREMENT

Dear Mr. Ortiz:

The California Commission on Peace Officer Standards and Training (POST) received your inquiry regarding an extension of training requirement deadlines to accommodate your military service.

The purpose of regulation with respect to basic training mandates is to ensure the applicant's competency levels are contemporary. This is of critical importance due the fact that matters regarding law enforcement training, such as statutory and case law, investigative procedures, tactics and technology are continually evolving. Further, the manipulative/psychomotor skills learned during the Regular Basic Course (RBC) are perishable. Therefore, POST regulations require either a requalification course or completion of the entire RBC, depending on the applicable timeframe.

We cannot emphasize the tremendous level of appreciation we and the entire law enforcement community have for members of our armed services. However, there is no existing mechanism in current regulation to afford the extension you have requested.

Both California and federal law provide specific reemployment rights for persons who have been absent from their employers because of military service. These rights, however, only apply to reemployment, not matters regarding pre-service qualifications regarding law enforcement training.

Pursuant to POST Regulation 1008, an individual who successfully completed an RBC, on or after July 1, 1999, but who never served in a California peace officer/Level I reserve officer position for which an RBC or Specialized Investigators' Basic Course (SIBC) is required, may requalify by successfully completing a POST-certified Requalification Course one time within six years from the date of basic course. After six years, an individual must successfully complete the appropriate basic course (RBC or SIBC) to requalify, regardless of when the Requalification Course was completed. Given the fact pattern of your circumstances as described in your correspondence, you will need to complete another full RBC to qualify for employment as a peace officer in California.

Sincerely,

ROBERT A. STRESAK
Executive Director

RAS:sl

860 STILLWATER ROAD, SUITE 100 • WEST SACRAMENTO, CA 95605-1630 • 916 227-3909 • FAX 916 227-3895 • www

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

October 23, 2015

David Ortiz

RE: FOURTH REQUEST FOR EXTENSION OF TRAINING REQUIREMENT

Dear Mr. Ortiz,

The California Commission on Peace Officer Standards and Training (POST) received your most recent inquiry regarding an exception to regulation for specific training requalification requirement deadlines.

The applicable regulation regarding your request has not changed. As stated in earlier correspondence, this is a matter of state law under Title 11, Division 2 of the California Code of Regulations, specifically POST Commission Regulation 1008(b)(2)(B)1, which reads as follows:

> "An individual who successfully completed a Regular Basic Course, Specialized Investigators' Basic Course, or the Basic Course Waiver Process on or after July 1, 1999, but who never served in a California peace officer/Level I reserve officer position for which a Regular or Specialized Investigators' Basic Course is required, may requalify by successfully completing a POST-certified Requalification Course one time within six years from the date of basic course or waiver process completion. **After six years, an individual must successfully complete the appropriate basic course (RBC or SIBC) to requalify, regardless of when the Requalification Course was completed."**

This matter was addressed after considerable investigation on three previous occasions by POST staff. The results of these investigations were provided to you in formal correspondence on March 13, 2012, April 19, 2012, and most recently on March 9, 2015. I have attached copies of the previous correspondence for your review.

Neither I, nor any members of my staff have the authority to provide an exemption to existing law. Given the facts as described in your correspondence, you will need to complete an appropriate basic course (RBC or SIBC) to requalify, regardless of when the Requalification Course was completed.

Additional review of your situation will not result in a different decision.

Sincerely,

ROBERT A. STRESAK
Executive Director

Enclosures

RAS:sl

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COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

December 22, 2015

David Ortiz

RE: SECOND REQUEST FOR BASIC COURSE WAIVER

Dear Mr. Ortiz,

The California Commission on Peace Officer Standards and Training (POST) received your second request for a Basic Course Waiver (BCW). POST records indicate that you completed the California Regular Basic Course (RBC) in 2002. Therefore, you are not eligible for a waiver of a course you have already completed. This matter was addressed after considerable research by POST staff, and the result was provided to you in formal correspondence on March 13, 2012. I have also personally responded to you regarding this matter on March 9, 2015 and October 23, 2015.

As mentioned in the initial letter addressing this matter, the BCW waiver of attendance c the (RBC) is an option for meeting California's training requirement for individuals who have not completed the RBC. Neither the fact pattern of your request nor the applicable regulation has changed. Again, this is a matter of state law under Title 11, Division 2 the California Code of Regulations, specifically POST Commission Regulation 1008(a)(1), which reads as follows:

*"An individual who has completed training **comparable** to a POST-certified Regular Basic Course or Specialized Investigators' Basic Course may request a waiver of the basic course training requirement specified in Regulation 1005(a) or 1007(a)."*

Pursuant to Regulation, requalification is **required** for any individual who seeks appointment or reappointment to a position for which the Regular Basic Course (RBC) or the Specialized Investigators' Basic Course (SIBC) is required, if the individual has already successfully completed a POST-certified RBC or SIBC and has not previously served as a California peace officer. This applies to your circumstances.

Neither I, nor any member of my staff have the authority to override existing law. If you desire to become a California peace officer you will need to complete an appropriate basic course. As with your ongoing requests for an exemption to regulation regarding the Six-Year Exception, all levels of appeal directly to POST staff with regard to your BCW ineligibility have been exhausted.

This matter is closed. Continued requests for review given the same fact pattern will not change this decision. Therefore, future requests regarding your BCW ineligibility that have previously been addressed will not generate a response from this office.

Sincerely,

ROBERT A. STRESAK
Executive Director
RAS:sl

860 STILLWATER ROAD, SUITE 100 • WEST SACRAMENTO, CA 95605-1630 • 916 227-3909 • FAX 916 227-3895 • www

Q

JOHN McCAIN
ARIZONA

CHAIRMAN, COMMITTEE ON
ARMED SERVICES
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS
COMMITTEE ON INDIAN AFFAIRS

United States Senate

218 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0303
(202) 224-2235

2201 EAST CAMELBACK ROAD
SUITE 115
PHOENIX, AZ 85016
(602) 952-2410

122 NORTH CORTEZ STREET
SUITE 108
PRESCOTT, AZ 86301
(928) 445-0833

407 WEST CONGRESS STREET
SUITE 103
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(602) 952-0170

January 28, 2016

David Armando Ortiz

Dear David,

Thank you for contacting me regarding your Civilian Licensure and Certification for Veterans Request for Provision. I would very much like to be of assistance.

However, it is the customary practice of the U.S. Senate to allow a Senator from the constituent's home state to assist him or her. Therefore, I have forwarded your correspondence to Senator Dianne Feinstein. I am confident that she will provide you with the appropriate assistance.

Again, thank you for contacting me. I hope your situation can be favorably resolved.

Sincerely,

John McCain
United States Senator

JM/xmk

JOHN McCAIN
ARIZONA

CHAIRMAN, COMMITTEE ON
ARMED SERVICES
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS
COMMITTEE ON INDIAN AFFAIRS

United States Senate

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TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(602) 952-0170

SAN FRANCISCO OFFICE
FEB 08 2016
ACTION:

January 28, 2016

The Honorable Dianne Feinstein
United States Senator
Suite 915
1111 Santa Monica Blvd.
Los Angeles, CA 90025

Dear Senator Feinstein,

I wish to bring to your attention a letter from David Ortiz, who has a concern with his Civilian Licensure and Certification for Veterans Request for Provision.

Because David Ortiz is a resident of the State of California, I am respectfully deferring this matter to you for consideration. I feel that this issue would be better addressed by you and request that you respond directly to David Ortiz.

Thank you.

Sincerely,

John McCain
United States Senator

JM/xmk

DIANNE FEINSTEIN
CALIFORNIA

SELECT COMMITTEE ON
INTELLIGENCE—VICE CHAIRMAN
COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND
ADMINISTRATION

United States Senate

WASHINGTON, DC 20510-0504
http://feinstein.senate.gov

July 19, 2016

Mr. David Ortiz

Dear Mr. Ortiz:

I wanted to thank you for contacting Senator Feinstein's office regarding your concerns with the Commission on Peace Officer Standards and Training.

I know it may be difficult to hear, but the Senator's office is limited in taking any action on this matter because it appears that the concerns you have brought to our attention do not involve a specific federal agency, but rather a California state agency. I recommend you contact the office of Governor Jerry Brown, as his office set up to assist those with problems at the state level. At this point, I believe the Senator's office has exhausted every possible avenue to respond to your request for assistance.

I have strong feelings for those who have answered the call to duty and have selflessly sacrificed for our country. I firmly believe that legislation and other efforts that assist those who have served our country with honor, courage, and distinction deserves serious consideration. Furthermore, I understand how very important this issue is to you and all veterans and retired military.

I read your comments with interest and will keep your suggestions in mind as my staff and I review Senate legislation. Please feel free to contact me again in the future with any matter that is of importance to you. I value your opinion and appreciate your interest in actively contributing to the legislative process.

FRESNO OFFICE:
2500 TULARE STREET
SUITE 4290
FRESNO, CA 93721
(559) 485-7430

LOS ANGELES OFFICE:
11111 SANTA MONICA BOULEVARD
SUITE 915
LOS ANGELES, CA 90025
(310) 914-7300

SAN DIEGO OFFICE:
880 FRONT STREET
SUITE 4236
SAN DIEGO, CA 92101
(619) 231-9712

SAN FRANCISCO OFFICE:
ONE POST STREET
SUITE 2450
SAN FRANCISCO, CA 94104
(415) 393-0707

STATE CAPITOL
ROOM 5100
SACRAMENTO, CA 95814
TEL (916) 651-4011
FAX (916) 651-4911

DISTRICT OFFICES
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TEL (415) 557-1300
FAX (415) 557-1252

SENATOR.LENO@SEN.CA.GOV
WWW.SENATE.CA.GOV/LENO

California State Senate

SENATOR
MARK LENO
ELEVENTH SENATE DISTRICT

COMMITTEES
BUDGET AND FISCAL REVIEW
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ENVIRONMENTAL QUALITY
JUDICIARY
LABOR & INDUSTRIAL RELATIONS
LEGISLATIVE ETHICS
PUBLIC SAFETY

July 25, 2016

Sgt. David Ortiz

Dear Sgt. Ortiz:

Thank you for contacting Senator Leno's for assistance in obtaining an exemption from the POST Regulation 1008 so that you can continue your public service as a peace officer following your retirement from the US Army.

After exploring multiple options, we were unable to reach a successfully resolution to your issue.

If our office can be of further assistance, please do not hesitate to contact us at 415-557-1300.

Sincerely,

LaMonté Bishop

LaMonté Bishop
Deputy District Director

Thank you for contacting Governor Brown's office.

Due to the legal nature of your situation, the issue you wrote about falls outside of the Governor's jurisdiction. We encourage you to speak with an attorney who can inform you of the options available through the legal process.

If you cannot afford an attorney, the following associations offer resources that can help direct you to free legal services in your area:

American Bar Association
Caution-www.americanbar.org
(800) 285-2221

California Bar Association

Caution-www.calbar.ca.gov/aboutus/centeronaccesstojustice.aspx
(866) 442-2529

We hope you find this information to be helpful. Again, thank you for taking the time to contact Governor Brown's office.

Sincerely,

Constituent Affairs
Office of Governor Jerry Brown

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0118
(916) 319-3550
FAX: (916) 319-3551

Assembly
California Legislature

ASSEMBLY COMMITTEE ON
VETERANS AFFAIRS
JACQUI IRWIN, CHAIR
ASSEMBLYMEMBER, FORTY-FOURTH DISTRICT

August 1, 2016

David Ortiz

Dear Mr. Ortiz:

Thank you for contacting our office regarding your concern with the California Commission on Peace Officer Standards and Training.

As a staffer for the Assembly Veterans Affairs committee, I am privileged to make inquiries with government agencies on behalf of other constituents. Unfortunately, after carefully reviewing the details of your concern and contacting both POST and the office of Assemblymember Phil Ting, I have determined that our office is not able to provide you with further assistance on this matter.

Once again, thank you for contacting our office. Please feel free to contact our office in the future on any military/veteran related matter.

Sincerely,

Jenny Callison
Committee Secretary

R

"No attached document was received from Mr. Ortiz."

Funding

South Bay is funded by a commitment from each participating college to set aside a portion of their full-time equivalent students (FTES) apportionment funds. Community colleges in California are funded based on the number of FTES registered and classes attended. The State Legislature determines the amount of funding and the apportionment thereof. Only courses taught by certified instructors and which have been approved by the State Community College Board of Governors and meet the California Community College Curriculum Standards are eligible for funding and apportionment.

Funding/apportionment for in-service training courses for police, fire, corrections, and other criminal justice system occupations is calculated based on actual hours of attendance – commonly referred to as "positive attendance." The actual hours of attendance are based on the count of enrolled students present at each class meeting.

South Bay's revenue-sharing formula is best described in the recently approved Membership Prospectus for Monterey Peninsula College as approved by the South Bay Governing Board on Monday, August 27, 2007.

> During April of each year, a member college specifies an amount of FTES they wish the Consortium to generate for them during the upcoming fiscal year, commencing July 1. Upon discussion of the requested amount, the Consortium and the college agree on the final amount to be generated by the JPA for that college. From July 1 to June 30, the FTES is developed for the college who then is reimbursed for the FTES by the State of California. During this time, the Consortium bears the recruitment costs, the administrative costs of enrolling and collecting fees for the college, the costs for providing the administrative staff to conduct and service the classes and all instructional costs, including faculty. For these services and functions relative to the FTES generated by the Consortium, the member college agrees to share with the Consortium FTES apportionment dollars equal to 55% of their previous year's funded apportionment rate as described on Exhibit C of the P2 Apportionment notice. The member college retains the remaining 45% of apportionment dollars. In essence, the Consortium provides the majority of the work in producing each appointment dollar, but only collects 55 cents of each dollar.

South Bay contracts with two external auditing firms. One firm audits and reconciles accounts monthly, and the second conducts an annual financial audit. The monthly audit includes accounts payable and receivable, participant agency accounts, and special cost analysis projects such as the cost of ammunition. During interviews, the Grand Jury learned that South Bay has a revenue-sharing plan with participating public safety agencies wherein revenue that an agency earns is banked and can be used to offset future participation or can be withdrawn at any time. Participating agencies have access and can thus monitor these accounts.

South Bay's Dean of Public Safety Training and the Registrar work in tandem to monitor and reconcile the FTES on a monthly basis. At the end of each course, it is the Registrar's responsibility to "balance" the FTES. Once a student has completed a course, the Registrar transmits the information to the college, which then updates the student's academic record. The Grand Jury reviewed South Bay's documentation in an effort to determine if either transcripts or hours of credit generated had been falsified. No falsification was found.

Academic Programs

The focus of South Bay's program is the delivery of public safety training including the Basic Police Academy (BPA), which is regarded as the cornerstone of South Bay's operations. Many of the students who have graduated from the BPA return to their home agency to begin the Field Training Program (FTP). POST defines the FTP as "intended to facilitate a peace officer's transition from the academic setting or custody assignment to the performance of general law enforcement uniformed patrol duties of the employing agency." In essence, the new officers return to the home agency where the FTP provides additional "boots-on-the-ground" training working alongside experienced officers. POST requires agencies to provide a minimum 10-week FTP; however, some agencies require additional hours in training. The FTP exists in three areas (jails, courts, and patrol), and the number of credits assigned varies considerably between the programs due to the different demands in length of time training (with patrol being the longest).

Transcripts, however, do not distinguish between the FTP in these three areas, listing them all under the generic term, Field Training Program. Additionally, the Grand Jury was told that an FTP could show up multiple times as a result of: 1) lateral transfers, or 2) students repeating the same course if they were not successful the first time. Attendance in a course in which a student has previously received a grade may be repeated once for apportionment purposes.

The complaint submitted to the Grand Jury stated that students "never officially enrolled in the FTP college course and had no knowledge of a transcript with recorded units or grades." The Grand Jury found that past practice has been that one of South Bay's coordinators contacts the students prior to their graduation from the BPA to see if they are interested in obtaining academic credit for the FTP. If the answer is affirmative, students sign an enrollment form in advance. The rationale for the advance signature is that once the students are "in the field," they are working shifts and are not easy to contact. The aforementioned Coordinator then contacts the agencies to verify (via the social security number on the form) that the students are actually in the FTP. If the agency confirms that they are in the FTP, the enrollment forms are processed. If they are not, the enrollment forms are shredded. In spite of these procedures, the Grand Jury found that in the fall of 2007, five students from the Basic Academy Class #82 were registered in the FTP with their knowledge but without completing and signing a registration form. Further, it was stated that if the Coordinator does not receive an attestation from an agency indicating a successful completion of the program (via

phone, email, or hard copy), no grade/credit is assigned. The Coordinator is in contact with the Training Managers of the various agencies on an almost weekly basis and provided the Grand Jury with a list of FTP Agency Contacts. Subsequently, the Coordinator transmits information regarding course completion to the Registrar who forwards the information to the appropriate college.

The Grand Jury met individually with graduates of the BPA and concluded that each one of them had been satisfied with the quality of the training and preparation they received at the BPA. As a result of the aforementioned interviews, the complaint submitted to the Grand Jury, and through other anecdotal information, the Grand Jury determined that a significant source of confusion centered on the credits earned and the transcripts issued for the FTP. Additional confusion stemmed from several sources: 1) students' apparent lack of concern over the issue; 2) knowing which college issued the transcript; and 3) use of quarter or semester units and pass/fail credit as opposed to letter grades.

As a result of the interviews conducted, the Grand Jury came to the conclusion that the trainees (especially those who already had a four-year college degree) were not tracking their transcripts closely as they did not need the credits from the FTP training for advancement. Only when this matter was called to their attention did they seemingly become aware of it.

South Bay is not a degree-granting institution and thus does not issue transcripts or credits. Consequently, one or more of the member colleges issues the transcripts. The lack of a common transcript has caused some confusion, as has the fact that, depending on the college, credit may be reported as either semesters or quarters. Grading policies at the colleges also vary with some using pass/fail and others adhering to the A-F scale.

Status of Law Enforcement Agencies with South Bay

The initial and enthusiastic collaboration between the law enforcement community and South Bay was sundered in the early 2000s over the type of training and leadership that was being provided at the direction of the previous Executive Director. According to one source, South Bay entered into a "bumpy time." Grand Jury interviews with a number of interviewees indicated there was "historic concern over prior leadership." Some law enforcement agencies questioned the methods and leadership in place at the BPA and believed the previous Executive Director was not responsive to the needs of the clients who were seeking a more structured approach to the training. The Grand Jury learned through several interviews that the Executive Director of this organization must be able to bridge both the law enforcement and academic communities. As a result of this discord and other related issues, the Board of the JPA subsequently sought a change in leadership.

Morale and confidence at South Bay have shown marked improvement since the hiring of the current Executive Director in November 2006. During the investigative process, the Grand Jury interviewed administrators from several law enforcement agencies and member Community Colleges. Although they all indicated that while there had been issues during the previous administration, they now believe those issues have been corrected and are confident with the new direction. The Grand Jury also heard that the current Executive Director gave South Bay "instant credibility" and that "real change is under way." In 2006, South Bay was one of the first agencies in the state to receive an award from the POST Commission for its progressive work in the area of Instructor Certification. Further, the FTES generated at South Bay increased by seven percent in FY 2006–2007.

Conclusion

South Bay is a complex agency that provides critical service to public safety agencies in an innovative and cost-efficient manner. The earlier period of questionable leadership has been transcended, and due to a change in leadership and direction, public safety agencies are returning to South Bay. As a result of this investigation, the Grand Jury concluded that: 1) there is no evidence of any falsification of records or wrongdoing by South Bay; and 2) South Bay is now providing an appropriate level of training that is meeting the needs of both public safety agencies and the officers in the field.

Findings and Recommendations

The findings were reviewed with the subject agency.

Finding 1

The revenue-sharing formula between South Bay and the participating community colleges as defined in the JPA Bylaws, (Section IV), has not changed since the inception of the program.

Recommendation 1

The South Bay Board should review its current funding formula to ensure that the split between South Bay and the participating member colleges is based on a fair, equitable distribution as it relates to responsibilities and services provided. Similarly, the Board should review the revenue-sharing plan with participating public safety agencies.

Finding 2

Misunderstandings about the revenue-sharing plan exist between South Bay and some agencies even though South Bay provides quarterly revenue-sharing statements to each agency.

Recommendation 2

Agencies with training accounts need to take responsibility and request a review of the status of their account when so desired.

Finding 3

There is confusion regarding the use of one course title for all FTP courses offered and the transcripts as related to these courses.

Recommendation 3

South Bay needs to eliminate the generic FTP program titles.

Finding 4

In the fall of 2007, South Bay staff bypassed their standard enrollment procedures and registered five students from the Basic Academy Class #82 in a Field Training Program. Although these students had verbally agreed to the enrollment, official registration forms were never completed or signed by the students as required.

Recommendation 4

South Bay must ensure that all students enrolled in any courses must personally complete the appropriate registration forms.

Finding 5

Students are initially enrolled in a given college but South Bay may ultimately assign the class to a different college for purposes of apportionment and credit. Sometimes this causes confusion when students request transcripts.

Recommendation 5

South Bay needs to explain clearly to the students that the initial enrollment may ultimately be assigned to a different college and inform students accordingly. It is also the responsibility of the students to determine which community college is assigning the final credit.

Finding 6

The Grand Jury did not find any evidence that either transcripts or hours of credit generated had been falsified.

Finding 7

The current Executive Director understands the training needs of public safety agencies and has been able to bridge the public safety and higher education cultures. He has created a new sense of confidence in South Bay, and as a result, agencies are returning to South Bay.

References

California Commission on Peace Officer Standards & Training. www.post.ca.gov (accessed April 3, 2008).

South Bay Regional Public Safety Training Consortium. *Bylaws*, revised: June 21, 2001.

South Bay Regional Public Safety Training Consortium. *Governing Board Meeting Agenda*, August 27, 2007.

South Bay Regional Public Safety Training Consortium. *Joint Powers Agreement,* revised: October 16, 1996.

South Bay Regional Public Safety Training Consortium. *Membership Prospectus for Monterey Peninsula College,* Summer 2007.

South Bay Regional Public Safety Training Consortium, Memorandum. *State of the South Bay Regional Public Safety Training Consortium,* August 15, 1996.

Interviews

December 19, 2007	Member, Office of the Sheriff, County of Santa Clara
January 29, 2008	Director and Officer, South Bay Regional Public Safety Training Consortium
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Director and Officer, South Bay Regional Public Safety Training Consortium
February 13, 2008	Administrator, Santa Clara Police Department
February 13, 2008	Former Administrator, Gilroy Police Department
February 13, 2008	Administrator, San Jose Police Department
February 22, 2008	Staff, South Bay Regional Public Safety Training Consortium
February 22, 2008	Staff, South Bay Regional Public Safety Training Consortium
February 25, 2008	Former Member, Office of the Sheriff, County of Santa Clara
March 5, 2008	Administrator, Gavilan College
March 5, 2008	Administrator, San Jose/Evergreen Community College District
March 25, 2008	Independent Accountant

PASSED and **ADOPTED** by the Santa Clara County Civil Grand Jury on this 1st day of May, 2008.

_____
Raymond A. Blockie, Jr.
Foreperson

_____
Tim Cuneo
Foreperson pro tem

_____
Kathryn C. Philp
Secretary

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Section B - Regulations
Regulation 1055

Requirements for Course Presentation

1055. Requirements for Course Presentation

(a) Term of Certification

Course certification shall be made on a fiscal year basis, subject to annual review. A course shall be certified for a specific number of presentations during a fiscal year. It shall be subject to the restrictions or stipulations specified by POST.

(b) Certification Non-Transferable

A course that has been certified is valid for presentation only by the presenter receiving the certification and is not transferable to another presenter.

(c) Publicity

A certified course, if publicized, must use the exact title as certified by POST. No course may be publicized prior to course certification. The POST certification number shall be shown on all materials being publicized. Presenters shall clearly indicate on any course announcements, brochures, bulletins, or publications that POST has certified the individual course offering.

(d) Course Presentation Request

A course presentation request shall be submitted to POST via the Electronic Data Interchange (EDI) System for each proposed course presentation. POST must receive the course presentation request at least 30 calendar days prior to the course presentation.

The Course Presentation Request submitted via EDI shall contain the following information:

(1) Course certification number

(2) Certified course title/skills and knowledge module title

(3) Course presenter

(4) Address where training will be presented

(5) Course presentation starting date and time and ending date and time

(6) Total number of training days

(7) Maximum enrollment

(8) Tuition

(9) Driver training fee

(10) For travel required for off-site course instruction: Whether transportation is furnished by trainee/other, number of miles to other site from original site (round trip), number of required trips

(11) Second course site

(e) Limitations on Course Enrollments

The Commission shall designate the maximum number of students who may attend each course during a fiscal year.

(f) Cheating

As defined in Regulation 1001, cheating and cheating in basic courses shall not be tolerated in any POST-certified course. Students, trainees, peace officer trainees, course presenters, and employee/volunteers (e.g., proctors or agents of POST) who engage in cheating will be subject to sanctions which may include dismissal and possible civil prosecution.

All incidents of "cheating" and "cheating in basic courses" will be investigated by the training presenter and reported to the Commission for review within 10 calendar days of discovery of the incident.

The report of the incident investigation shall include the:

(1) Course certification number

(2) Certified course title

(3) Course presenter

(4) The name(s) of the individual(s) involved

(5) Date, time and location

(6) Circumstances

(7) Results of the investigation

(8) Disposition

(g) Required Documents to Submit upon Completion of Presentation

A completed Course Roster, POST 2-[illegible] (Rev 02/2013) shall be prepared and submitted to the Commission after completion of each certified course presentation. The following documents shall accompany each Course Roster:

(1) Any Training Reimbursement Requests, POST 2-273 (Rev 05/2010) that are provided to the presenter by trainees, and

(2) A written statement from the course coordinator explaining how a trainee successfully completed the course but missed more than five percent of the certified hours of all basic training courses, PAM Sections D-1-1 and D-10 or ten percent of the certified hours of any other POST-certified course

All documents must be submitted to the Commission no later than 10 calendar days following the ending date of the presentation. Subsequent to submission of these documents, the coordinator shall contact the Commission about needed corrections

(h) Retention of Certification Documents

For any POST-certified course a current copy of the documents required by Regulation 1053(a) and (b) must be kept on file at the presenter's facility for inspection by POST

(Revised 12/09/2015)

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The ACADEMY

EXCELLENCE LEADERSHIP PARTNERSHIP

REQUAL # 30 COURSE ROSTER 9/10/12 - 9/28/12

ACADEMY TRAINING STAFF COORDINATOR: Yorks

TEAM 1 # 614

ID	NAME	AFFILIATION	ID	NAME	AFFILIATION
1		Self-Sponsored	19		Self-Sponsored
~~2 CX~~		~~Colusa Co Prob.~~	20		Self-Sponsored
3		Self-Sponsored	21		Self-Sponsored
4		Self-Sponsored	22		Self-Sponsored
5		Self-Sponsored	23		Self-Sponsored
6		Self-Sponsored	24		Self-Sponsored
7		Self-Sponsored	25		Self-Sponsored
8		Dept of Ins	26	Ortiz, David [redacted]	Self-Sponsored david.armando.ortiz
9		Self-Sponsored	27		Self-Sponsored
10		Self-Sponsored	28		Self-Sponsored
11		Self-Sponsored	29		Self-Sponsored
12		Self-Sponsored	30		Self-Sponsored
13		Self-Sponsored	31		Self-Sponsored
14		Self-Sponsored	32		Self-Sponsored
15		Self-Sponsored	33		Self-Sponsored
16		Dept of Consumer Affairs	34		Self-Sponsored
17		Colma PD	35		Self-Sponsored
18		Self-Sponsored	36		Self-Sponsored

TOTAL NUMBER OF STUDENTS 35

L

- **The Smart Power Of Diplomacy & Rallying The World To Act:** So much progress can be achieved and so much pain and suffering avoided by working collaboratively with our friends and allies around the world to find solutions to our most pressing challenges, like global terrorism or climate change. As a career prosecutor and as Attorney General, Kamala has forged local and multilateral coalitions to fight international criminal organizations and dismantle human trafficking rings, while supporting their victims. She's built coalitions to refocus law enforcement on crime prevention, not just reacting to crime and dealing with its aftermath. A robust diplomatic corps and principled engagement throughout the world are necessary prerequisites to a strong, progressive foreign policy that keeps Americans safe at home and promotes our values abroad. We can work together through international organizations to confront regional and global challenges before they spread, whether it's working with our European allies to address the refugee crisis or partnering with our Latin American neighbors to take on transnational criminal organizations. We must strengthen our alliances and build new international coalitions to address our most pressing international challenges. And Kamala believes the United States must maintain the world's strongest military, while recognizing that military action should be a last resort, after all other options are exhausted.
- **Stand With Israel:** Both the United States and Israel are well served by our deep and indispensable friendship and alliance, a relationship fostered by our common values and a desire for peace and stability. Kamala believes that the United States must continue to stand beside Israel in the face of an increasingly volatile Middle East, with the new and emerging threats that Israel faces. The people of the Middle East need a durable peace, and one that protects Israel's security and interests. In the U.S. Senate, Kamala will be a staunch supporter of Israel.
- **Respond To The Global Refugee Crisis:** Kamala believes that we have a moral obligation to responsibly resettle refugees who flee violence and oppression in their own country. That's why as Attorney General she brought together California's top law firms and secured millions of dollars and thousands of hours worth of pro bono legal aid to help the unaccompanied minors fleeing violence in Central America in search of peace and stability in the United States. And now we should not turn our backs on those who are most harmed by ISIS. We don't have to sacrifice our compassion for our national security, and we shouldn't let the violent images from Paris blind us to the images of the child who washed ashore on a Mediterranean beach. Refugees should rightly submit to the most rigorous background checks and screenings possible, and we should prioritize the most vulnerable refugees for admission – survivors of torture and violence, those with severe medical conditions, and women and children.

STAYING STRONG AT HOME

- **Provide Our Veterans What They Earned:** With more than two million Veterans, California has more Veterans than any other state, and we owe them the support and care they earned while wearing our nation's military uniform. Over the years, the U.S. Department of Veterans Affairs has been plagued by scandal and budget crises, resulting in disgraceful levels of service and irresponsible delays in providing medical care and disability benefits. As Attorney General, Kamala formed a working group to fight scams and other predatory conduct uniquely targeting service members, and secured enhanced protections for active-duty and Veteran homeowners during the foreclosure crisis. In the Senate, Kamala will champion a robust VA for our Veterans. She will fight to ensure that when Veterans leave military service, they have the support they need to readjust to civilian life, including proper physical and mental health care. It's unconscionable that 22 Veterans take their own lives each day. Kamala will bring together federal, state, and local government leaders plus Veteran Service Organizations and non-profits to ensure that every Veteran knows what benefits they earned and how to access those benefits. Additional outreach should be directed to our rural, minority, women, and LGBT Veterans who often access VA care and benefits at lower rates than others, especially since the issues facing women and LGBT Veterans are changing with their inclusion in combat roles and the end of "Don't Ask, Don't Tell." Kamala will bring her prosecutorial drive to the Senate to help clean up the VA's scandals and make sure no Veteran waits unnecessarily for VA benefits. Kamala will continue her fight against the for-profit colleges that prey on Veterans, sapping their GI benefits and robbing taxpayers. Kamala opposes privatizing Veterans Affairs, and she will join President Obama's fight to reduce and end Veteran homelessness.

- **Support Those In Uniform & Their Families:** Our active duty military service members put their lives on the line to defend our way of life. We owe it to them to ensure they're paid a meaningful wage and their families are supported. Military families relocate, on average, once every three years, resulting in family upheaval. Military spouses have to change employment, and children are moved from school to school. In the Senate, Kamala will fight to bring military pay in line with inflation. She will also be an advocate for job training and placement programs for military spouses. And Kamala will seek ways to support military children, like streamlining the process for enrolling in new schools and working with teachers to keep students on track, and providing military children support services so they can adequately deal with the stress of having a deployed parent.
- **Support Local Law Enforcement:** Kamala has spent her entire career – including as California's Top Cop – working with local, state, and federal law enforcement agencies. She knows that when terrorists strike in America, it's local police, sheriffs, and firefighters who rush to the scene. Local law enforcement, together with the federal government, serve as the backbone of our nation's domestic defense against terrorist attacks. They are this country's first responders in emergencies and the first line of detection and prevention. As Attorney General, Kamala led a team that developed the first statewide mobile application for law enforcement to access criminal justice information, so officers would have more information at their fingertips when they're on patrol. Kamala firmly believes that protecting our national security requires making sure that local law enforcement has the resources they need to detect national security threats and coordinate and cooperate with state and federal agencies.
- **Protect Against Cyber Attacks:** Kamala created the largest e-crime unit in the nation and a privacy enforcement and protection unit within the California Attorney General's office. Together these units help focus law enforcement on crimes committed through the use of technology and the protection of consumer privacy online. Her Department of Justice wrote California's first reports on commercial and government data breaches and conducted trainings for California businesses to help them better secure consumer data. Kamala led a delegation of state attorneys general to Mexico to bolster bilateral collaboration on fighting cybercrime. Cyber attacks can harm not just the privacy of individuals, but also the integrity of our systems and vital infrastructure. Computer hacks and breaches thus pose a real threat to public health, safety, and national security. Increasingly, highly sophisticated criminal organizations and state-sponsored entities — located as far away as Russia, China, and Eastern Europe — are responsible for breaches. Kamala has been and will continue to be a national leader in finding smart, effective, and efficient ways to protect ourselves, and our allies, from cyber attacks.

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California LEGISLATIVE INFORMATION

AB-1588 Professions and vocations: reservist licensees: fees and continuing education. (2011-2012)

Assembly Bill No. 1588

CHAPTER 742

An act to add Section 114.3 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 29, 2012. Filed with Secretary of State September 29, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1588, Atkins. Professions and vocations: reservist licensees: fees and continuing education.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

This bill would require the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. The bill would, except as specified, prohibit a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect. The bill would require a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license. The bill would require a licensee or registrant to notify the board of his or her discharge from active duty within a specified time period.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 114.3 is added to the Business and Professions Code, to read:

114.3. (a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following

requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

GAO
Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

May 27, 2008

Congressional Committees

Subject: *Military Personnel: DOD Needs Data to Determine if Active Duty Service Has an Impact on the Ability of Guard and Reservists to Maintain Their Civilian Professional Licenses or Certificates*

Since 2001, the Department of Defense (DOD) has relied on more than 800,000 members of the National Guard and Reserve components[1] to support various operations abroad and at home. In particular, from September 2001 to July 2007, the department deployed more than 434,000 reservists to support operations in DOD's Central Command area of responsibility that includes Afghanistan and Iraq. Furthermore, DOD has modified its mobilization policy, which had previously limited the cumulative amount of time that reservists could be involuntarily called to active duty for the Global War on Terrorism. Under DOD's new policy, which went into effect in January 2007, involuntary mobilizations for reserve component service members are generally limited to no more than 12 months, and there are no cumulative limits on these involuntary mobilizations.

While on active duty, reservists may be unable to take the required professional development courses or periodic tests needed to retain their professional currency in fields such as accounting or software engineering. The Uniformed Services Employment and Reemployment Rights Act (USERRA)[2] protects rights of qualifying National Guard members, reservists, and certain other members of the uniformed services returning to their civilian employment after being absent due to military service. The act, however, does not explicitly address issues related to licenses and certifications.

In the National Defense Authorization Act for Fiscal Year 2008,[3] Congress mandated that we examine the number and type of professional or other licensure or certification requirements that may be adversely affected by extended periods of active duty, and identify options that would help provide relief. Specifically for this report, our objectives were to examine (1) DOD's efforts to identify the extent to which active duty service has had an impact on the ability of reservists to maintain

[1] For purposes of this report, the term reserve component, or reservists, refers to the collective forces of the Army Reserve, the Army National Guard, the Navy Reserve, the Air Force Reserve, the Air National Guard, and the Marine Corps Reserve.
[2] Pub. L. No. 103-353 (1994), as amended, codified at 38 U.S.C. §§ 4301-4334.
[3] Pub. L. No. 110-181, § 516 (2008).

professional licenses or certifications in their civilian careers, and (2) current relief options for addressing these issues if needed.[4]

For our first objective, we examined relevant policies and procedures governing the collection of reserve component demographic information and determined what, if any, data DOD collects on a routine basis. We also interviewed officials in the Office of the Secretary of Defense, the U.S. Air Force Reserve and Air National Guard, U.S. Army Reserve and Army National Guard, U.S. Marine Corps Reserve, U.S. Navy Reserve, National Guard Bureau, and Defense Manpower Data Center (DMDC) responsible for collecting reserve component demographic data, conducting surveys of personnel attitudes and concerns, and administering pre- and postmobilization processing. For our second objective, we met with and obtained documentation from the National Governors Association regarding state initiatives to provide relief to reservists experiencing challenges with maintaining state professional licenses and certifications subsequent to active duty. We also obtained information from the association about its 2007 survey instrument of state programs and services available to members of the National Guard, reserve, active forces, and their families, as well as its collaboration with DOD on the issue. In addition, we interviewed officials in the Office of the Secretary of Defense about any existing programs that are designed to provide similar relief to servicemembers. We conducted this performance audit from March 2008 through May 2008 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Summary

The degree to which reservists serving on active duty have had difficulty maintaining professional licenses or certifications in their civilian careers is unclear, because neither DOD's Office of the Assistant Secretary of Defense for Reserve Affairs nor the reserve components collect the necessary data to track and monitor the issue. While all members of the Ready Reserve are required to provide their civilian employment information upon joining the reserves and to review and update that information each year, the required information includes employment status, the employer's name, the employer's mailing address, the civilian's job title, and the total number of years in the current occupation, but does not include information on the impact active duty service potentially has on maintaining licenses and certifications. Officials at DMDC, which administers DOD's departmentwide Status of Forces Survey, confirmed that surveys of reservists conducted to date have not inquired about the impact of active duty service on a reservist's ability to maintain civilian professional licenses and certifications. Without any initial information on the scope of the issue, DOD is unable to identify the extent, if any, of the impact of active duty on the ability of reservists to maintain professional licenses or certifications in their civilian careers.

[4] We are reporting on these objectives because neither DOD nor the services were collecting, tracking, reporting, or tracking civilian professional license and certification data during the time of this review.

DOD's Office of the Assistant Secretary of Defense for Reserve Affairs has not established relief policies and practices specifically designed to assist reservists in maintaining their civilian credentials. However, relief mechanisms do exist that may be applicable or serve as a model if DOD determines that a need exists to address the issue of expired professional licenses and certification. Some states, for example, have enacted provisions to provide relief to reservists in certain circumstances. In addition, different entities within DOD have developed programs and initiatives to assist servicemembers in obtaining licenses and certification. Further, the Office of the Under Secretary of Defense for Personnel and Readiness administers a program for military spouses who have experienced similar challenges maintaining civilian professional licenses and certifications because of their partner's active duty obligations. Although the focus of that program is on providing assistance to military spouses to acquire new licenses and certifications, military spouses who need to renew their credentials upon relocating, such as nurses, are also eligible.

DOD reviewed a draft of this report but did not provide formal agency comments. DOD did provide technical comments and we made changes to the report where appropriate.

Background

Occupational credentialing is an official recognition of a process by which an individual meets a set of defined standards, generally through education, training, experience, and testing. Two primary types of occupational credentialing are licensure and certification.

1) Licensure: Licenses are granted primarily by state – but also federal and local –government agencies to individuals to regulate the practice of a specific occupation or profession, such as a physician, a cosmetologist, or an air traffic control tower operator. Federal, state, or local laws and/or regulations define the standards that individuals must meet to become licensed. Licenses are typically required and issued by a government entity, i.e., individuals are not authorized to practice an occupation in a location without first obtaining the required license.

2) Certification: Occupational certification can be broadly grouped into two areas: (1) certifications granted by organizations or professional associations, and (2) vendor or product-related certifications. Each certifying organization sets its own standards for certification. Certification requirements generally include one or more of the following: education, training, work experience, and examination. Certification is not usually required by law to practice an occupation except in cases where a licensing body or board for a particular occupation in a state includes certification as part of the licensing requirements.

Having complete civilian employer information has been important to DOD's reserve components because the data support outreach to employers and enhance the department's ability to make informed decisions concerning which reservists should be called for active duty to minimize the impact that mobilizations might have on areas with small populations or occupations such as law enforcement, and to

determine how businesses may be affected by reserve activation. In 2001, DOD established a database to collect reported employer information from reservists on a voluntary basis. More recently, the Under Secretary of Defense for Personnel and Readiness made the submission of employer information mandatory. We have issued several reports on DOD's programs to capture reservists' civilian employment information.[5]

DOD Has Not Been Collecting Data on the Impact Active Duty Service May Have on the Ability of Guard and Reservists to Maintain Their Civilian Professional Licenses or Certificates

Neither DOD nor the services have been collecting the necessary data to track and monitor what impact active duty service may have on reservists' ability to maintain civilian professional licenses and certifications. In March 2003, the Under Secretary of Defense for Personnel and Readiness issued a directive-type memorandum directing each military department to implement a civilian employment information program for the collection of employer information from members of the Ready Reserve and cited the need to use the information in accomplishing employer outreach.[6] In August 2004, the Office of the Under Secretary issued an instruction establishing employment-related information reporting requirements for each person assigned to the reserves.[7] In October 2005, we reported that the services had not enforced the requirement for reservists to enter required employer information. In that report, we recommended that the Secretary of Defense direct the service secretaries to take steps to enforce the requirement for reservists to report their civilian employment information and develop a plan to maintain current civilian employment information. In February 2007, we reported DOD had made progress capturing employment information on its reservists, but several challenges to collect complete information remained. Subsequent to a recommendation in that report, the office of the Under Secretary reissued the instruction in March 2008,[8] requiring each member to review and update his or her civilian employment information annually. This information is general, however, and does not include information on the impact of active duty service on maintaining licenses and certification.

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[5] GAO, *Reserve Forces: DOD Actions Needed to Better Manage Relations between Reservists and Their Employers*, GAO-02-608 (Washington, D.C.: June 13, 2002). GAO, *Military Personnel: Federal Management of Servicemember Employment Rights Can Be Further Improved*, GAO-06-60 (Washington, D.C.: Oct. 19, 2005). GAO, *Military Personnel: Federal Agencies Have Taken Actions to Address Servicemembers' Employment Rights, but a Single Entity Needs to Maintain Visibility to Improve Focus on Overall Program Results*, GAO-08-254T (Washington, D.C.: Nov. 8, 2007). GAO, *Military Personnel: Additional Actions Needed to Improve Oversight of Reserve Employment Issues*, GAO-07-259 (Washington, D.C.: Feb. 8, 2007).

[6] Under Secretary of Defense for Personnel and Readiness Memorandum on Civilian Employment Information Program (Mar. 21, 2003).

[7] Department of Defense Instruction 7730.54, Reserve Components Common Personnel Data System (RCCPDS), enclosure 10 (Aug. 6, 2004).

[8] Department of Defense Instruction 7730.54, Reserve Components Common Personnel Data System (RCCPDS), enclosure 10 (Mar. 31, 2008).

Presently, the DOD instruction requires reservists to provide only the following employment-related information:

- status as full-time, part-time, voluntary, student, or not currently employed;
- current position title;
- current position begin date;
- current position end date;
- the corresponding Department of Labor classification;
- status if self-employed;
- employer's name and address;
- status if considered a "first responder;" and
- date the information was reviewed or updated.

Civilian employment information is generally entered by reservists through an online Web application established and administered by DMDC. However, because the DOD instruction requires reservists to provide only the information listed above, the application does not include a field allowing reservists to provide information on their civilian professional licenses and certifications.

DOD and service officials told us that neither reservists nor existing studies examining the reserve components or military compensation have identified a lapse of civilian professional licenses and certifications as an area of concern. A director with the Employer Support for the Guard and Reserve said that this organization also has not received any requests or questions from reservists seeking assistance in addressing the challenges associated with the lapse of civilian professional licenses. Separately, an official at the Reserve Forces Policy Board, the principal policy adviser to the Secretary of Defense on matters relating to the reserve components, stated the matter of reserve component licensure and certification has never been an issue for the board to monitor and shared feedback from the Army Reserve and National Guard explaining that those components had not identified the matter as a significant issue either. DMDC officials responsible for developing and administering the Status of Forces Survey for the reserve components confirmed that the matter of reservists experiencing challenges maintaining civilian professional licenses and certifications due to active duty service obligations has never been included as part of the survey's inquiries.

To address the matters raised by our audit work, however, DMDC officials stated their plans to address the matter and provided us with their revisions to DMDC's upcoming June 2008 Status of Forces Survey. The survey will provide respondents an opportunity to identify whether their occupation required a license or certification, the occupational field that required the license or certification, and whether the status of their license or certification was affected by active duty service. By collecting such responses, DOD will be able to determine the extent to which active duty service has an impact on the ability of reservists to maintain professional licenses and certifications in their civilian careers. This will provide DOD and Congress the basis for determining whether active duty service has had an impact on the ability of reservists to maintain professional licenses or certifications in their civilian careers or the degree to which it has affected retention decisions. DOD needs this information before it can explore if potential modifications to existing relief mechanisms, or new ones, are needed.

Relief Opportunities Exist Both Outside and Within DOD

Relief mechanisms currently exist both outside and within DOD that may have applicability, or provide a model, if DOD determines that a need exists to provide assistance to reservists in maintaining their civilian credentials. Some of these programs are found within legislation issued by the states, which play the primary role in issuing occupational licenses. Other initiatives, which are primarily designed to help servicemembers obtain civilian professional credentials, are being administered by various entities within DOD.

According to a survey by the National Governors Association, a number of states have enacted provisions to provide relief for reservists experiencing challenges maintaining civilian professional licenses and certifications in certain circumstances. With the support of the Office of Deputy Under Secretary for Military Community and Family Policy, the National Governors Association publishes a report which compiles state and territorial responses to a survey addressing ways in which they provide support for members of the National Guard, the Reserves and their families, including descriptions of relief provisions.[9] These provisions provide relief ranging from waiving deadlines and fees for professional license renewals, to ensuring licenses or certifications remain valid while deployed, to providing grace periods of varying lengths for returning servicemembers whose professional licenses expire while serving on active duty, and deferring continuing education requirements until members return from active duty. The state of Virginia, for example, allows for a waiver of educational requirements for reactivation of a real estate license for any salesperson or broker, which has been inactive for more than 8 years when the holder of the inactive license is a member or the spouse of a member of the armed forces of the United States who was permanently assigned outside Virginia for a portion of the time the license was inactive. However, the holder must show, to the satisfaction of the board, currency in the field of real estate.[10] Under Ohio law, any holder of an expired license or certificate granted by the state or its subdivisions that was not renewed because of service in the armed forces, is granted a renewal at the usual cost without penalty or reexamination within 6 months of an honorable discharge or separation under honorable conditions.[11] Attorneys who are members of the North Carolina bar are exempt from their continuing education requirements for any calendar year in which they served full-time active duty in the armed forces.[12] Lastly, for those operating under a license or certification in the state of New York prior to being called to active duty, New York automatically extends their credentials during their period of active duty and for 12 months after release from active duty with certain exceptions related to limited permits and previous revocations or suspensions.[13]

Presently, the Army and Navy operate Web sites that provide information on credentialing opportunities and explain how servicemembers can obtain civilian

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[9] National Governors Association, *State and Territorial Support for Members of the National Guard, the Reserves, and their Families* (July 30, 2007).
[10] Va. Code Ann. § 54.1-2105.04.
[11] Ohio Rev. Code Ann. § 5903.10 (2008).
[12] N.C. Gen. Stat. Ann. State Bar Rules, Ch. 1, Subch. D, .1517 (2008).
[13] N.Y. Mil. Law § 308-b (2008).

certification and license requirements related to their military occupational specialties. The Army and Navy established these Web sites in April 2002 and June 2006, respectively. The Web sites identify the civilian credentials that relate to military occupational specialties, explain the steps to obtain the credentials, and identify available programs that will help pay credentialing fees.[14] In a related action, the National Defense Authorization Act for Fiscal Year 2006 gave the Secretary of Defense authority to pay for expenses for members of the armed forces to obtain professional credentials and necessary examinations as long as the credentials were not a prerequisite for appointment in the armed forces,[15] and the Office of the Undersecretary of Defense for Personnel and Readiness issued a memorandum[16] on February 12, 2007, establishing DOD policy and guidance for setting up discretionary programs for the payment of professional credentialing expenses to military members. According to the memorandum, military departments may pay credentialing expenses if the preponderance of a servicemember's assigned military duties are covered by the credential and the credential has been approved for those assigned duties. Furthermore, once the servicemember has obtained the required certification or license, the military department may pay the fees required for renewal of the certification or license. Paying for credentialing solely as a component of retention, recruiting, or transition programs, or to acquire an educational degree, however, is not allowed under this act. The policy also requires the military departments that desire to use this authority to provide their credentialing programs to the Under Secretary of Defense for Personnel and Readiness for review, but allows them to begin implementation upon receipt of the policy. In addition, departments using the authority are required to provide an assessment report to the Under Secretary of Defense for Personnel and Readiness no later than November 30, 2008. This assessment is to address areas set out in an attachment to the policy including things such as the methodologies used to determine eligibility and program effectiveness, a review of funds expended, and a corresponding assessment for the reserve component if assessment results differ significantly between the active and reserve components.

More recently, on April 14, 2008, the U.S. Army Reserve officially announced its Employer Partnership initiative with private industry organizations to align military and civilian credentialing and licensing. A principal objective of the initiative is to provide licensing reciprocity between private industry and DOD. For example, a reservist who has completed certain civilian occupation-specific training and experience could forgo initial military training in the same skill area. Similarly, a reservist who has completed certain skill-specific training in the military would be eligible, under this program, to receive the equivalent civilian licenses. The initiative's intent is to minimize training expenditures and duplication for individuals who hold both civilian careers and military service obligations. In addition, the intent of the program is to facilitate the recruitment and retention of individuals in both their civilian and military careers. Currently, the Army Reserve has entered

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[14] The July 2007 *Task Force on Returning Global War on Terror Heroes* report cited the Army and Navy Web sites as progress in improving civilian workforce and credentialing, but stated additional analysis needs to be conducted for the Air Force and the Marines to assist all members transitioning from the military.

[15] Pub. L. No. 109-163, § 538 (2006) (codified at 10 U.S.C. § 2015).

[16] Under Secretary of Defense for Personnel and Readiness Memorandum on Payment of Credentialing Expenses for Military Members (Feb. 12, 2007).