



**STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION**

**Police Officer Standards and Training Council
Connecticut Police Academy**

POLICE OFFICER STANDARDS AND TRAINING COUNCIL

MINUTES OF MEETING

NOVEMBER 8, 2012

CONNECTICUT POLICE ACADEMY

MERIDEN, CONNECTICUT

Council Members Present: Chairman Anthony J. Salvatore, Sr.; Commissioner Reuben Bradford, DESPP; Officer William Brevard, Jr.; Chief Joseph Dooley; Chief Douglas Dortenzio; Chief Christopher Edson; First Selectwoman Laura Francis; Special Agent In-Charge Rhonda Glover for Kimberly Mertz; Chief State's Attorney Kevin Kane; Chief Duane Lovello; James Tallberg, Esq.; and Town Administrator John Ward

Other Attendees: Thomas Flaherty, Police Academy Administrator; POSTC Certification Manager William Klein; POSTC Accreditation Manager Ted LeMay; POSTC Director of Field Services Susan Rainville; and Assistant Attorney General DeAnn Varunes for Assistant Attorney General Stephen Sarnoski

Council Members Absent: Richard Boccaccio; Howard Burling, II; Kurt Cavanaugh; Dr. Amy Donahue; Chief Louis Fusaro; Chief Lisa Maruzo-Bolduc; and Jack Moshier

CALL TO ORDER

Chief Anthony Salvatore, Sr., Council Chairman, called the meeting to order at 9:30 AM. At this time he announced that an amended agenda was placed in the members' day packs which indicated that Item #1 under New Business on the original agenda had been moved to Item #1 under Action Items. That item is, Request Council Adoption of a Mandatory Uniform Policy – Eyewitness Identification Procedures Pursuant to Public Act No. 12-111.

ACTION ITEMS

REQUEST COUNCIL ADOPTION OF A MANDATORY UNIFORM POLICY – EYEWITNESS IDENTIFICATION PROCEDURES PURSUANT TO PUBLIC ACT NO. 12-111

Justice Borden, Chairman of the Eyewitness Identification Task Force, was invited by the Chairman to attend this meeting and give a brief overview of the work done by the Task Force. The Judge gave the background of the Task Force and its recommendations in order to give a context and history. The Task Force consisted of members from all professions involved with this subject. The two main issues confronting the Task Force were the body of science vs. the body of law in eye witness identification.

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POSTC mtg.
11-8-12

The Task Force met every two weeks from September through January. The beginning of January the group voted on the recommendations unanimously. A report was drafted and adopted unanimously. Legislation was drafted in accordance with the report and was forwarded to the General Assembly. The legislation went through unanimously in both houses of the General Assembly. The point of the legislation was to set the framework but leave as much as possible open to POSTC for setting the policies and procedures. The Task Force will oversee the training process. They will also be responsible for data collection. Copies of the following were included with the members' packets that were mailed: Public Act 12-111--An Act Concerning Eyewitness Identification Procedures; Public Act 11-252--An Act Concerning Eyewitness Identification; Eyewitness Identification Procedures for Mandatory Uniform Policy; and the Witness Instructions-Identification Procedures and Model Standards Identification Procedure Record and Form. Chief Flaherty added that the legislation gave the Council the authority to establish the mandatory policy for the Council and the Division of State Police. Lt. Rush-Kittle and Lt. Mark Sticca of the CSP were a part of the working group to help develop the policy.

Chief Edson moved that the POST Council adopt the model policy for Eye Witness Identification as presented and explained by Justice Borden, it was seconded by Chief Dortenzio. The motion carried.

MINUTES

At this time the Chairman introduced Assistant Attorney General DeAnn Varunes who will be filling in for Assistant Attorney General Stephen Sarnoski who is on military leave.

Mr. Ward moved to approve the minutes of the September 6, 2012 meeting, it was seconded by Chief Dooley. The motion carried.

CONSIDERATION OF PROPOSED COUNCIL 2013 MEETING DATES

A memorandum dated November 8, 2012, from Chief Flaherty with the proposed Council meeting dates for the calendar year 2013 had been mailed to all Council members for review and consideration.

Chief Lovello moved to approve the proposed Council meeting dates for 2013, as indicated in the memorandum dated November 8, 2012, from Chief Flaherty, it was seconded by Officer Brevard. The motion carried.

CHIEFS/PUBLIC COMMENTS

There were no comments to report.

CERTIFICATION COMMITTEE

Request for Comparative Certification

Keith W. Baker – Rocky Hill Police Department – (Police Officer Position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief Michael D. Custer, Rocky Hill Police Department, on behalf of Keith Baker for a Certificate of Comparative Certification and Full or Partial Waiver of the POSTC Basic Training requirements. The request had been included in the packets mailed to Council members. He is currently serving with the Connecticut State Police, but was made a conditional offer by the Rocky Hill Police Department. His credentials were listed in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a certificate of comparative certification subject to the successful completion of the twelve topics listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief Michael Custer, Rocky Hill Police Department, specifying that Probationary Officer Baker be granted a Certificate of Comparative Certification subject to his successful completion of the 12 specific courses, it was seconded by Chief Lovello. The motion carried.

Andrew A. Green – Norwalk Police Department – (Police Officer Position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief Thomas E. Kulhawik, Norwalk Police Department, on behalf of Andrew Green for a Certificate of Comparative Certification and Full or Partial Waiver of the POSTC Basic Training requirements. The request had been included in the packets mailed to Council members. He is currently employed as a State Trooper with the Maryland State Police, but was made a conditional offer by the Norwalk Police Department. A brief background and credentials are included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a certificate of comparative certification subject to the successful completion of the twenty-three items listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief Thomas Kulhawik, Norwalk Police Department, specifying that probationary Officer Green be granted a Certificate of Comparative Certification subject to his successful completion of the 23 specific courses, it was seconded by Chief Edson. The motion carried.

Michael P. Guillot – Groton City Police Department – (Police Captain Position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief Thomas Davoren, Groton City Police Department, on behalf of Michael Guillot for a certificate of Comparative Certification and Full or Partial Waiver of the POSTC Basic Training Requirements. The request had been included in the packets mailed to Council members. He is retired from the Connecticut State Police after 27 years of service. His background and credentials are included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a certificate of comparative certification subject to the successful completion of the eleven items listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief Thomas Davoren, Groton City Police Department, specifying that probationary Officer Guillot be granted a Certificate of Comparative Certification subject to his successful completion of the 11 specific courses, it was seconded by Chief States Attorney Kane. The motion carried. Attorney Talberg abstained.

Mashantucket Pequot Tribal Nation Police Department

Chief Dortenzio, Chair of the Certification Committee, noted that William A. Rose listed in the original list of candidates for the Mashantucket's, should be withdrawn from the list. He has since resigned from the agency since the documents were prepared.

It was noted by Chief States Attorney Kane that on the first page of the request document for comparative certifications for the Mashantucket Pequot Tribal Nation an error was made in the first paragraph of the memorandum from Chief Dortenzio stating that a Memorandum of Understanding was entered into with the Connecticut State Police and the MPTNPD allowing them to arrest non tribal individuals for prosecution for certain crimes and motor vehicle violations in the jurisdiction of state courts previously entertained by the Connecticut State Police. This information is incorrect, as an agreement has not been finalized. It was also noted by the Chairman, that POST Council is only certifying the MPTNPD officers for the purposes of training and is not granting them any additional powers.

POSTC mtg.
11-8-12

Robert J. Witherspoon – (Major position, Second-in-Command)
Katy L. Tougas – (Detective Sergeant position)
Lance P. Brown – (Sergeant position)
Jonathan A. Greer – (Sergeant position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief William Dittman, Mashantucket Pequot Tribal Nation Police Department (MPTNPD), on behalf of Robert Witherspoon, Katy Tougas, Lance Brown and Jonathan Greer for a Certificate of Comparative Certification and Full or Partial Waiver of the POSTC Basic Training Requirements. The requests have been included in the packets mailed to council members. Their backgrounds and credentials have been included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the requests for certificates of comparative certifications subject to the successful completion of the eleven items listed for each candidate in the request documents. Their duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief William Dittman, MPTNPD, specifying that probationary Officers Witherspoon, Tougas, Brown and Greer be granted Certificates of Comparative Certifications subject to their successful completion of the 11 specific courses for each candidate, it was seconded by Mr. Ward. The motion carried.

Brett D. Mallon – (Police Officer position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief William Dittman, MPTNPD, on behalf of Brett Mallon for a Certificate of Comparative Certification and Full or Partial Waiver of the POSTC Basic Training Requirements. The request had been included in the packets mailed to council members. His background and credentials are included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a Certificate of Comparative Certification subject to the successful completion of the seventeen items listed in the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief William Dittman, MPTNPD, specifying that probationary Officer Mallon be granted a Certificate of Comparative Certification subject to his successful completion of the 17 specific courses, it was seconded by Mr. Ward. The motion carried.

Devon T. Dupuis – (Police Officer position)
Mark J. Boulanger, Jr. – (Police Officer position)
Michael T. Gouvin, Jr. – (Police Officer position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief William Dittman, MPTNPD, on behalf of Devon Dupuis, Mark Boulanger and Michael Gouvin for a Certificate of Comparative Certification and Full or Partial Waiver of the POSTC Basic Training Requirements. The requests had been included in the packets mailed to council members. Their backgrounds and credentials were included in the request documents. The Committee had reviewed the documents and recommends the full Council approve the requests for Certificates of Comparative Certifications subject to the successful completion of the twenty-three items listed in the request documents. Their duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief William Dittman, MPTNPD, specifying that probationary Officers Dupuis, Boulanger and Gouvin be granted Certificates of Comparative Certifications subject to their successful completion of the 23 specific courses, it was seconded by Mr. Ward. The motion carried.

John F. Suess, IV – Milford Police Department – (Police Officer Position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief Keith L. Mello, Milford Police Department, on behalf of John Suess, IV, for a Certificate of Comparative Certification and full or partial Waiver of the POSTC Basic Training Requirements. The request had been included in the Council day packets for this meeting. This individual began his career in Ocala, FL, left there and attended college. He then worked for the New Port Richey, FL Police Department. His background and credentials were included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a Certificate of Comparative Certification subject to the successful completion of the twenty-two items listed in the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief Keith Mello, Milford Police Department, specifying that probationary Officer Suess be granted a Certificate of Comparative Certification subject to his successful completion of the 22 specific courses, it was seconded by Mr. Ward. The motion carried. Attorney Tallberg abstained.

Revocation of Police Officer Certification

Michael Koistinen – Windsor Locks Police Department (Felony Conviction)

Chief Dortenzio, Chair of the Certification Committee, explained that Officer Koistinen's felony conviction has been well publicized in the media. He was involved in a motor vehicle accident on October 30, 2010. On August 12, 2012, Officer Koistinen pled Nolo Contendere to more than one felony and is now incarcerated. For due process purposes, the Council staff on August 31, 2012, sent by certified mail the notice of intend to hold a revocation process for his previously issued certification. He has 15 days to respond whether or not he wishes to exercise his due process rights. He has not responded indicating he has waived his right to a hearing. The Certification Committee recommends the full Council vote to approve the revocation of Officer Koistinen's police officer certification effective immediately for having been convicted of two felony crimes in violation of 7-294d (22)(2)(D).

Chief Dortenzio moved to approve the recommendation of the Certification Committee for the revocation of Officer Koistinen's police officer certification effective immediately for having been convicted of two felony crimes in violation of 7-294d (22)(2)(D), it was seconded by Chief Lovello. The motion carried.

Request for an Extension of the One-Year Probationary Candidate Status

Jeffrey P. Lund – Stamford Police Department

Chief Dortenzio, Chair of the Certification Committee, explained that Stamford Police Department is looking for an extension of the police officer certification requirement for Jeffrey Lund. His first year of employment expired this year on October 4. Since his original graduation from the Academy he has had to complete the FTO program, and he has been hospitalized and had to have surgery on one or two dates during the course of this time frame. Since he has come back to work and started the program, he has had some difficulty in three of the areas covered by the FTO process. A fair assessment cannot be completed due to his interrupted service. Therefore, Stamford Police Department is seeking a 60 day extension of Officer Lund's probationary status scheduled to conclude on January 7, in order to properly assess his training and referral for certification. The Committee recommends the full Council approve the request of the Stamford Police Department.

Chief Dortenzio moved to approve the recommendation of the Certification Committee for the 60 day extension of the one-year probationary candidate status requirement for Jeffrey Lund to conclude on January 7, 2013, it was seconded by Chief Dooley. The motion carried. Officer Brevard abstained.

Application to Commence a Basic Police Recruit Training Academy

New Haven Police Academy – New Haven Police Department

Chief Dortenzio, Chair of the Certification Committee, explained that the New Haven Police Department is currently conducting a Police Academy class which was previously approved by the Council. That Department is seeking to conduct a second class as soon as the first one is completed. The POST staff is conducting inspections of curriculum, instructors' licensing and physical facilities. It is currently ongoing because of the current classes. The Committee recommends the full Council approve New Haven's request subject to the eight requirements listed in the request document dated November 8, 2012.

Chief Dortenzio moved to approve the recommendation of the Certification Committee to approve the request of the New Haven Police Department to conduct a second recruit training class as soon as the first one is completed subject to the completion of the 8 requirements listed in the request document, it was seconded by Chief Dooley. The motion carried.

Appeal to the Council to Extend a Provisional Law Enforcement Instructor Status for Failure to Attend a Methods of Instruction Course as Required

Officer Orlando Crespo – POST Law Enforcement Instructor ID 2504 – New Haven Police Department

Chief Dortenzio, Chair of the Certification Committee, explained that Officer Crespo sought provisional instructor certification to teach Area 624 regarding Gangs and Gang Violence back in 2009. He was granted a provisional certificate that expired May 31, 2012. During that time he was advised that one of the requirements to convert the provisional certificate to a full-fledged instructor certificate would be attendance at a, "Methods of Instruction," class which he never attended. New Haven did have another instructor for this class, therefore, Officer Crespo did not teach the class very often. The other instructor has retired, and New Haven is now interested in having Officer Crespo teach the class, but his certificate has expired because he lacks the credit of attending the MOI class. He is scheduled to be attending the class very soon. The Committee has reviewed the matter and recommends the Council grant the extension of Officer Crespo's probationary status until he completes the MOI class to be in compliance with the regulation.

Chief Dortenzio moved to approve the recommendation of the Certification Committee to grant Officer Crespo an extension of his probationary status of his instructor certification until such time as his MOI class requirements have been completed, it was seconded by Mr. Ward. The motion carried.

ACCREDITATION COMMITTEE

Norwalk Police Department – Re-Accreditation – Tier III

Chief Edson, Chair of the Accreditation Committee, explained that the Norwalk Police Department has submitted under Chapter IV of the State Accreditation Process Book to be re-accredited in the State program at the Tier III level. The Norwalk Police Department under Chief Kulhawik is currently a CALEA accredited program and has been since March of 1995. The most recent CALEA award was March 2012. They have submitted eight standards not found in the CALEA accreditation program. The Accreditation Committee recommends the full Council award Tier III State accreditation to the Norwalk Police Department. The new Chief, Thomas Kulhawik introduced himself as well as his new Deputy Chief David Wrinn. He acknowledged Sgt. Lapore, Lt. Zecker and their staff who were part of the accreditation team.

Chief Edson moved to approve the recommendation of the Accreditation Committee to award Tier III State Accreditation to the Norwalk Police Department, it was seconded by Chief Dortenzio. The motion carried.

Informational - Darien Police Department Conditions Review

Chief Edson, Chair of the Accreditation Committee, explained that on March 15, 2012, Darien Police Department was awarded Tier II Re-Accreditation. The assessment team found the department in non-compliance with a couple of issues. Those issues have been re-examined by Certification Officer William Klein, and Accreditation Manager Ted Lemay. They have found the department to be in full compliance with all standards. Therefore, Darien can move forward with that accreditation.

INFORMATIONAL ITEMS

Executive Director's Report

Chief Flaherty reported that since the last Council meeting, he attended two Eye Witness ID meetings which resulted in the policy that was adopted today. He also attended Commissioner Bradford's Advisory Board meeting and Executive Staff meetings. Director Schultz and Chief Flaherty met with Deputy Commissioner Diaz for a briefing on the anticipated seven and eight digit license plate plan. A University of New Haven tour was hosted here for some high ranking police officials from the Polish National Police force. The Chief concluded a De Novo decertification hearing with Attorney Varunes attending. Chief Flaherty is in the process of preparing a report for the Council with a recommendation. Chief Flaherty and Training Officer Konesky attended a 1 ½ day conference on domestic violence in Rocky Hill. They are in the process of scheduling an in-service training class at no cost here for domestic violence liaison officers in law enforcement. It is a requirement included in the new model policy. An announcement will be published in the near future. In preparation for Hurricane Sandy, the two recruit classes were dismissed on Oct. 29 and 30 in order for them to report back to their own departments for service to their own communities. In-service training that had been scheduled for those days has been rescheduled. Full operations resumed on Wednesday, October 31. There were no issues here at the Academy due to the storm, and no loss of power.

Retirement of Training Officer Stanley Konesky

Chief Flaherty announced that Training Officer Stanley Konesky has submitted his letter of intent to retire. A copy of his letter had been distributed in the members' packets. He has been with the Academy for approximately 14 years, and has been a primary training officer. The Chief will be working with Commissioner Bradford's Human Resource staff to fill the vacancy as well as two other intended vacancies as soon as possible. Chairman Salvatore concurred that Mr. Konesky's retirement will be a huge loss to the Academy and the State of Connecticut in terms of his expertise in domestic violence. The Chairman asked Chief Flaherty to prepare a resolution for Mr. Konesky to be read at the next council meeting.

Directors' Reports

Basic Training

Mr. Schultz was not available because he was teaching a class. His written report was included in the packets mailed to the members.

In-Service Training

Mrs. Rainville had submitted a written report which had been included in the members' packets. She highlighted some of the items in her report. The Police Legal Update classes, noting 355 in attendance for the 2 sessions in September. A makeup session was held on November 2. Three domestic violence protective orders and GPS technology training sessions were held in September. Fifty-seven were trained, and two sessions will be held in November. A two-week basic firearms instructor train-the-trainer course was held, 28 attended. POST worked with Homeland Security (DEMHS) to provide a physical assessment training class with 31 in attendance. The funding was provided through a grant. Drug

POSTC mtg.
11-8-12

recognition expert training class is currently being posted with DOT Highway Safety. There are approximately 17 officers and some out of state for that two week session. A basic crime scene course was also conducted with 46 in attendance. Interview and interrogation and digital photography are currently being conducted. Some of those class hours will need to be made up due to the storm cancelations. The FOI Records Retention Class with 160 individuals signed up to attend had to be canceled because of the storm and has been rescheduled for December 12. Mrs. Rainville is currently working with CCADV to conduct the Domestic Violence for Trainers class. It should be scheduled for January. A community trafficking course has been scheduled for December 5. Identity theft course is scheduled for 2 days in December with 25 signed up. A Spanish class for law enforcement officers has been scheduled. It is a one week class in December. There is an officer from the UConn Police Department that has been providing this training at no cost to POST.

Chairman Salvatore added that the last two recruit classes have had an enrollment of 50 per class. There is now a waiting list of candidates to enter the Academy. The Chairman has suggested to Commissioner Bradford that the Academy have 5 classes per year which had been a practice in the past. This practice would allow the POST Council to meet their statutory obligations for training police officers in Connecticut. He also mentioned the regulation change which is allowing officers to change departments, and those officer positions being filled by new officers. This change will have an impact on staffing within Police Departments. Chief Flaherty reported no problems with tuition payments to DESPP.

Accreditation Manager's Report

The Accreditation Report had been included in the packets mailed to members. Mr. LeMay added to the first paragraph of his report regarding a committee of accreditation managers and assessors to review the POST Council Standards. Copies of the committee's suggestions were given to the Chairman and PAC members. Mr. LeMay will work on revisions based on their suggestions that he will forward to Chief Edson, Chair of the Accreditation Committee.

Compliance Officers Report

William Klein had submitted his statistical report to Council members in their packets. He discussed the Council regulation change regarding the waiving of the Cooper level physical fitness standards for lateral police officers. He is working with Attorney Janet Ainsworth from DESPP on that regulation. The next hearing is scheduled for November 27, 2012. The process has already gone through the public comment phase. Attorney Ainsworth has advised Mr. Klein that by the end of that week, the regulations will be signed off. The Chairman requested Mr. Klein to follow up with Attorney Ainsworth to see if there would be an opportunity for chiefs to attend a hearing to voice their support or objection to this proposal.

Audit Reports

Mr. Klein also included his audit reports with the packets that were mailed to members.

OLD BUSINESS

Chief Christopher Arciero, Canton Police Department, was present to address the Council with an issue regarding Field Training Officers. The Chief distributed documents to Council members for reference. The documents consisted of copies of a memorandum from Chief Arciero to William Klein dated August 25, 2012, regarding FTO certification, a letter from Mr. Klein to Chief Arciero dated September 10, 2012, denying a Canton Officer the request for FTO certification and a memorandum from Chief Arciero to Mr. Klein dated November 7, 2012, regarding FTO certification. The Chief thanked the Council for allowing him to address them regarding the FTO issue. He explained the history behind the documents submitted. The issue he explained being that of an officer who is recognized to be a valuable FTO but does not have three years experience in a police department per POSTC regulations. He is requesting consideration for flexibility be given to viable candidates so that they may be able to participate in the class and allowed to take the examination at the end of the class. The other request being that the candidate not be used as an FTO until they have completed three years even though they have taken the class and the exam.

POSTC mtg.
11-8-12

There was a lengthy discussion regarding the FTO program. Chief Arciero had concerns about the amount of classes being held during the course of the year. It was noted that there are local FTO programs held, but they are not always widely publicized.

Chairman Salvatore suggested that the issue with the specific officer from Canton be re-evaluated by the Certification Committee when he reaches his 3 year seniority status. The Council concluded that the decision and motion made at the last council meeting remain in place that Officer Saucier of the Canton Police Department be denied a waiver of the POSTC eligibility requirements to become a Field Training Officer, and that when the officer reaches his 3 year seniority status with the Canton Police Department, he be required to retake the FTO class and exam.

NEW BUSINESS

Chief Lovello expressed his concerns with the staffing requirements of the Academy and its ability to fulfill its mission. The Chief asked about the status of the budget submission as it relates to staffing. Chief Flaherty explained that the budget request was submitted to the Fiscal staff at DESPP. He has not been informed of the status of that request, however, additional personnel were requested in that submission. Nothing has been denied. Commissioner Bradford reported that he will be going before the Appropriations Committee to request a deficit reduction option.

ADJOURNMENT

First Selectwoman Francis moved to adjourn the meeting, it was seconded by Chief Dortenzio. The motion carried. The meeting adjourned at 11:20 AM.

Thomas E. Flaherty
Police Academy Administrator

POSTC mtg.
11-8-12