

**City of Canandaigua Police Department**  
21 Ontario Street  
Canandaigua, New York 14424

Investigative Division

Jonathan P. Welch  
Chief of Police

Internal Investigation  
001-~~0010~~ 2010  
CR# 1000760

Accused Member:  
Police Officer Lawrence Hoy

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In the Matter of a Disciplinary Proceeding  
Pursuant to Section 75 of the Civil Service Law

**CITY OF CANADAIGUA**

**STIPULATION  
AGREEMENT**

-against-

Lawrence Hoy, Employee.

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**WHEREAS**, I, the undersigned employee, have agreed to the results of the internal affairs investigation #01-2010

**WHEREAS**, I have been informed that the City has the right to initiate a Disciplinary Action against me under Section 75 of the Civil Service Laws of New York, wherein I would have the right to a hearing at which the City must prove any charges and I would be given an opportunity to be heard at the hearing and present evidence or witnesses on my behalf; and

**WHEREAS**, in lieu of a Disciplinary Action and hearing I am desirous of making an agreement with the City relative to my misconduct and/or incompetence.

**NOW THEREFORE**, it is stipulated by and between the parties as follows:


1. Employee acknowledges violating the following General Orders of the Canandaigua Police Department (summary attached).
  - General Orders 105 Rules and Regulations (7 Counts).
2. Employee hereby waives any rights and entitlements he has pursuant to Section 75 of the Civil Service Law and accepts the within discipline in satisfaction of a potential Disciplinary Action for incompetence and/or misconduct.

3. MY DISCIPLINARY ACTION SHALL CONSIST OF THE FOLLOWING:

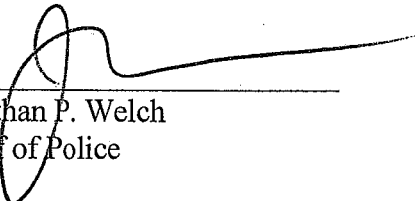
- Suspension without pay for 4 tours of duty, effective on February 22<sup>nd</sup> commencing at 0600 hrs and ending on February 28<sup>th</sup> at 0600 hrs.

4. Employee freely and voluntarily enters into this Stipulation Agreement. Employee consents and agrees to be bound by its terms and conditions and understands the contents thereof. Employee further understands that he is entitled to be represented by an attorney and hereby waives any such representation.

Dated: 2/21/10

  
\_\_\_\_\_  
Lawrence Hoy  
Employee

Dated: 2-21-10

  
\_\_\_\_\_  
Jonathan P. Welch  
Chief of Police

**I do not accept the above and wish to proceed at a Section 75 Hearing. I am fully aware that if I choose this hearing, termination may result.**

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

# CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET  
CANANDAIGUA, NEW YORK 14424  
(585) 396-5035 Phone  
(585) 396-5034 Fax  
Dial 911 for All Emergencies

Jonathan P. Welch  
Chief of Police

February 26, 2010

[REDACTED]

On January 28, 2010 Officer Lawrence Hoy was called to your residence regarding someone potentially entering your apartment unlawfully. It is my understanding that you were less than satisfied with the actions of Officer Hoy.

Since that time, the department conducted an internal affairs investigation surrounding all the facts, relating to the actions of Officer Hoy.

Although State Law prohibits my office from sharing the results of the investigation with you, be assured that your complaint was investigated and taken seriously.

If I can be of any further assistance, please do not hesitate to contact me.

Respectfully,



Jonathan P. Welch  
Chief of Police

Complainant: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Summary of Complaint

Officer Hoy is accused of not appropriately investigating a complaint involving [REDACTED] and then not accurately documenting the circumstances of the accusations.

On January 28, 2010, Officer Hoy was dispatched to a "suspicious condition" complaint. He was advised that the complainant had returned home to find their door open.

Officer Hoy arrived at the location and spent approximately six minutes on-scene before being rerouted to an in-progress complaint. Officer Hoy was at that complaint for several minutes and then coded both complaints with a code 1.

On January 30, 2010, [REDACTED] called in a complaint to Sergeant Spsychalski. [REDACTED] was unhappy with the action/inaction of Officer Hoy. Specifically, [REDACTED] was upset that Officer Hoy did not speak to a suspect provided by [REDACTED] nor did Officer Hoy take any investigative steps in an attempt to ascertain who/how [REDACTED] door was opened. [REDACTED] claimed that Officer Hoy was only on-scene for a few minutes and never came back or followed-up in any manner after having been called away.

A review of the incident report completed by Officer Hoy does not mention any damage to the door or any possible suspect information. Officer Hoy closed the complaint by writing, "R/O inspected the door and found no evidence of forced entry."

## Potential Departmental Charges

I. GENERAL OBLIGATIONS: Unfounded Sustained

- A. Employees shall not commit or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the department, whether stated in this chapter, or elsewhere. *Specifically – Violating General Order 600 Patrol Investigations Section II-A subdivisions 4, 5, 7, and 8.*

4. Obtain and record a complete description of incident and property taken or damaged (make, model, color, serial # etc.)

5. Expend the appropriate amount of time required to conduct a thorough investigation, accounting for the immediate demand for performance of other police services.

7. Continue the preliminary investigation until:

1. All useful information has been obtained from all available sources.
2. All useful and pertinent evidence has been identified, recovered & secured or,
3. Until such time the On-duty Supervisor redirects your activity.
4. The investigation is turned over to the Investigative Unit.

8. Advise the complainant and/or victim of the current case status

- B. Any member or staff of the Canandaigua Police Department must immediately notify the office of the Chief of Police when charged with a crime of any New York State Law or a violation of the New York State Penal Law.
- C. Staff is accountable for any applicable Rules/Regulations, General Order, Administrative Order, Personnel Order and the City of Canandaigua Personnel Manual.
- D. Members and staff are also accountable to the City of Canandaigua Personnel Manual unless exempted by contractual means or otherwise.

**II. UNSATISFACTORY PERFORMANCE: Unfounded**

**Sustained**

A. Members shall maintain sufficient competency to properly perform and discharge their duties and assume the responsibilities that accompany their position of rank. They shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of this Department.

B. Unsatisfactory performance may be demonstrated by:

1. lack of knowledge of the application of laws required to be enforced
2. unwillingness or inability to perform assigned tasks
3. failure to conform to work standards set forth in this manual
4. failure to take appropriate action on the occasion of any incident or condition brought to the attention of the member.

C. In addition to other indications of unsatisfactory performance, the following will be considered prima-facie evidence of unsatisfactory performance; written records of repeated infractions of Departmental rules, regulations, directives or orders.

**III. ENFORCEMENT OF LAWS: Unfounded**

**Sustained**

A. It shall be the duty of every police officer/supervisor/command officer of the Canandaigua Police Department to actively enforce all city, state and federal laws.

B. Members shall:

1. Prevent crime
2. Protect life and property
3. Regulate the movement of vehicular and pedestrian traffic
4. Detect, apprehend and if appropriate arrest all violators in accordance with the law and Departmental procedures or at the direction of a supervisor/command officer.

**IV. UNBECOMING CONDUCT: Unfounded**

**Sustained**

All members and staff shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming a member shall include that which:

1. Brings the Department into disrepute
2. Reflects discredit upon the member as an employee of the Department

3.

Impairs the operation or efficiency of the Department or the member.

V. **DEPARTMENTAL REPORTS: Unfounded**

**Sustained**

A. Members shall submit all reports before the end of their respective tours of duty unless specifically directed or otherwise excused by a supervisor. All reports submitted by members of this Department shall be truthful and complete.

B. No members or staff shall knowingly enter or cause to be entered any false, inaccurate or improper information on any document filed in the performance of their duties.

VI. **REQUESTS FOR ASSISTANCE: Unfounded**

**Sustained**

A. When any member of this Department receives a request for assistance, advice, complaints or report, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Departmental procedures.

VII. **TRUTHFULNESS: Unfounded**

**Sustained**

Members and staff shall truthfully answer all questions specifically directed and related to the scope of that member's employment and operations of the Department, which may be asked of them.

## Investigation Notes

(1) Reporting Officer spoke with Sergeant Spychalski, who fielded the initial complaint by [REDACTED] against Officer Hoy. According to Sergeant Spychalski, [REDACTED] said that he advised Officer Hoy that there was damage to the door that had been fixed prior to Officer Hoy's arrival. In addition, [REDACTED] explained to Sergeant Spychalski that he told Officer Hoy of problems he had recently with a subject that lives in the same building and that he believes that subject kicked his door open.

(2) Reporting Officer reviewed a copy of the incident report completed by Officer Hoy. There is no mention of the damage to the door or information relative problems [REDACTED] mentioned about his neighbor.



According to the report, Officer Hoy only spoke to [REDACTED] and did not conduct any further investigative activities.

A copy of the report is attached to this report.

(3) Reporting Officer spoke with [REDACTED], who expressed his discontentment with Officer Hoy. The following is a summary of what [REDACTED] said occurred:

He was at work when girlfriend [REDACTED] called and advised him that she came home to find their apartment door open. [REDACTED] told him there was a screw on the floor and the faceplate on the inside of the door was loose. She then reported the matter to the building management and to the police. However, because of a delayed police response the damage was fixed prior to Officer Hoy's arrival.

[REDACTED] was home when the Officer Hoy arrived and he told Officer Hoy about the damage and the problems with the neighbor. Officer Hoy then left to answer another call but never responded back to the scene or contacted [REDACTED] again.

[REDACTED] was displeased because he felt his complaint was ignored. He said Officer Hoy never spoke with [REDACTED] or with anyone else in the building. He simply looked at the door, and asked [REDACTED] to call him if he found anything missing.

In addition, [REDACTED] said he called and left a message on January 29, 2010, but never received a call back from Officer Hoy.

(4) Reporting Officer spoke with [REDACTED] who provided the following information: She came home and found the door to her apartment wide open and observed a screw on the floor and the faceplate loose. She notified [REDACTED], building management and the police. She was advised by a dispatcher that the police response would be delayed. Management responded before the police and the door was fixed prior to police arrival. She had to go back to work and was not home when Officer Hoy arrived, but she did confirm Officer Hoy never spoke to her regarding her the incident or her observations.

(5) Reporting Officer obtained a CD containing the radio transmissions related to this incident. The following is a list of the times and transmissions:

1327: [REDACTED] calls in initial complaint

1331: Dispatch calls [REDACTED] to advise of delayed police response

1443: Dispatch advises Officer Hoy of complaint – further advises complainant will be contacted to get an ETA to the scene

1446: Officer Hoy calls into dispatch and is advised that door was found wide open but nothing appears missing

1448: Officer Hoy dispatched to the scene and advised [REDACTED] will be there to speak to him

1454: Officer Hoy asks dispatch what the apartment number is – does not call 10-97

1500: Dispatch redirects Officer Hoy to an in progress call Clark Street

1504: Sergeant Spychalski calls himself and Officer Hoy on-scene at Clark Street

1510: Officer Hoy contacts dispatch and closes both jobs (Parrish Street and Clark Street) code 1

The CD provided by the 911 Center is attached to this report.

(6) On February 14, 2010, Reporting Officer interviewed Officer Hoy regarding this matter. PBA member Ryan Callin was present at Officer Hoy's request. Prior to the interview Officer Hoy was provided summary of the allegations against him and was advised of his Administrative Warnings. Both Officer Hoy and PBA member Callin signed a form acknowledging the same.

The following is a summary of the interview:

- Officer Hoy admitted there was evidence of a crime. He admitted he was advised by [REDACTED] that a screw was on the floor and the faceplate was loose. Officer Hoy further admitted that [REDACTED] mentioned a problem with a neighbor. On this point Officer Hoy altered his response several times throughout the interview. Officer Hoy at first said he was not advised about the neighbor but later admitted he was advised. Officer Hoy said he couldn't remember what [REDACTED] told him about the problems with the neighbor and admitted he did not ask [REDACTED] any questions in an effort to gather further information.

- Officer Hoy admitted he did not interview [REDACTED] after being redirected to another complaint. His explanation for not doing so was because he told [REDACTED] if he found evidence of a crime to call back and Officer Hoy further justified his inaction because he "surmised that the door was accidentally left open."

- Officer Hoy admitted he did not interview [REDACTED] about the problems with the neighbor. His explanation for this omission is that he was too busy

- Officer Hoy admitted he did not interview any possible suspects such as the neighbor. His explanation for this omission was that he "did not believe a crime had been committed."

- Officer Hoy admitted he did not conduct a canvass. His explanation for this omission was he was too busy and forgot to. *This explanation obviously does not reconcile with Officer Hoy's assertions that a crime had not been committed. Upon further questioning*

*on this point Officer Hoy admitted he was not going to conduct a canvass and that he was attempting to "make himself look better" by saying he would have.*

- Officer Hoy admitted he did not include the information of the screw, faceplate and neighbor dispute in his incident report. *His explanation for this omission was that he was "extremely busy" and forgot. It should be noted that Officer Hoy was dispatched to five complaints for his entire shift. However, he was only on-scene for two of the complaints for a total of twelve minutes.*

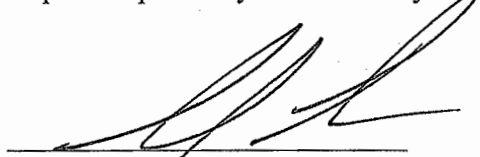
- Officer Hoy admitted that the information about the screw, faceplate and neighbor dispute is evidence of a potential crime.

- Two memorandums completed by Officer Hoy are attached to this report.

## **Conclusion**

After reviewing the above information, there appears to sufficient evidence to substantiate all of the above listed potential departmental charges as well other underlying violations of the General Orders.

Report respectfully submitted by:

A handwritten signature in black ink, appearing to read 'Scott J. Kadién', written over a horizontal line.

Scott J. Kadién, Sergeant

1. Agency CANANDAIGUA POLICE DEPARTMENT	2. Div/Precinct PATROL	New York State <b>INCIDENT REPORT</b>	3. ORI NY0342900	5. Case No. 1000760	6. Incident No. 26263
7,8,9. Date Reported (Day, Date, Time) THURSDAY 01/28/2010 13:28		10,11,12. Occurred On/From (Day, Date, Time) THURSDAY 01/28/2010 07:50		13,14,15. Occurred To (Day, Date, Time) THURSDAY 01/28/2010 13:00	
16. Incident Type SUSPICIOUS CONDITION-SUSPICIOUS			17. Business Name		
19. Incident Address (Street Name, Bldg. No., Apt. No.) [REDACTED]					
20. City/State/Zip CANANDAIGUA NEW YORK 14424					
21. Location Code (TSLED) CANANDAIGUA CITY 3529		23. No. of Victims 0	24. No. of Suspects 0	26. Victim also Complainant?	
Location Type MULTIPLE DWELLING					

### ASSOCIATED PERSONS

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt. No., City, State, Zip	Res Phone Bus. Phone
COMPLAINANT	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

WORK INN ON LAKE - KITCHEN

### NARRATIVE

Date of Action 01/28/2010	Date Written 01/28/2010	Officer Name & Rank HOY, LAWRENCE (PO)
Narrative		
<p>On 01/28/2009 at about 1445 hours, R/O was dispatched to [REDACTED] the suspicious condition. Upon arrival R/O spoke with [REDACTED]. He stated he left for work this morning at about 0750 hours. He said his girlfriend, [REDACTED] had already left. He stated he shut the front door as he left. He said at about 1300 hours, he received a phone call from [REDACTED], who had come back to the residence. She stated to him that the front door to their apartment was wide open. [REDACTED] stated he came home from work at about 1400 hours. He stated he searched to apartment and found nothing out of place or missing.</p> <p>R/O inspected the door and found no evidence of forced entry. Case closed.</p>		

### ADMINISTRATIVE

74. Inquiries	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank) PO LAWRENCE HOY	78. ID No. 811	79. Supervisor Signature (Include Rank) SGT DEAN SPYCHALSKI	80. ID No. 826
81. Status CLOSED BY INVESTIGATION	82. Status Date 01/28/2010	83. Notified/TOT	
			Solvability Total 0

P.O. HOY-

1/30

[REDACTED] CALLED ABOUT THIS. HE SAYS THAT THERE WAS DAMAGE TO THE DOOR - SCREW ON FLOOR, KNOB & HINGES LOOSE. THE DAMAGE WAS FIXED BY MAINTENANCE BEFORE YOUR ARRIVAL, BUT HE SAID HE EXPLAINED IT TO YOU. HE THINKS HIS NEIGHBOR (WHO HAS HAD TROUBLE WITH) KICKED THE DOOR. - 826

**INCIDENT INVOLVING AN OPEN DOOR AT 69 PARRISH STREET APT.12  
CR# 1000760**

**TO: SGT. KADIEN**

**FROM: PO HOY** *PO Hoy*

**A list of questions I've asked you to respond too.**

**1, Was there evidence of a crime? If so, what was it?**

**There was a screw found on the floor next to the front door from the faceplate.**

**2, Why was a further interview of the complainant not conducted?**

**I informed the complainant that if any other evidence was found, to inform me. The girlfriend that also lives there was not home at the time. I had surmised that the door was accidentally left open.**

**3, Specifically why did you not interview the complainant about the problems with the neighbor?**

**I had to leave for a more serious complaint that was in progress. That with all the other complaints I was receiving that shift, the comment that he had a prior problem with a neighbor had been forgotten.**

**4, If you had learned that there was an order of protection against a neighbor, would that have raised your suspicion and how should I have learned that?**

**If I had known there was an order of protection it would have raised more suspicion. I would have known about the order of protection had he told me about it.**

**5, Did you perform a canvass and if not why?**

**I did not perform a canvass. I would have done one if I had not been called away to a more serious complaint. That with the other complaints I was dispatched too, I forgot to do it.**

**6, Did you interview any possible suspects and if not why?**

**No, I did not interview anyone. I did not believe a crime had been committed.**

**7, Why did you fail to add the information of the screw, faceplate, and neighbor in my report?**

**I was extremely busy with many other reports to write and follow ups at the time and forgot to include these into the report.**

**8, Do you think your report accurately and fully reflects the circumstances of the incident?**

**No.**

**9, what level of service do you think you gave the complainant?**

**Poor.**

**INCIDENT INVOLVING AN OPEN DOOR AT 69 PARRISH STREET APT.12  
CR# 1000760**

**TO: SGT. KADIEN**

**FROM: PO HOY** *MA*

**A list of questions I've asked you to respond too.**

**1. What other evidence existed at the time of the complaint?**

**A suspect**

**2. Who has the responsibility of collecting evidence and investigating crimes?**

**I do.**

**3. Explain how you surmised that the door was open?**

**I believed that there was a good possibility the door did not shut right because of the loose plate and reopened after the complainant left for work.**

**4. Define surmise?**

**What I believed to have happened.**

**5. What other ways could I have found out that there was an order of protection?**

**I could have asked the complainant or looked it up.**

**6. Explain the inconsistency between answers to 2, 5, and, 6.**

**In question 5, I should have said, I would think that I would have thought to do a canvass had I not been so busy. I understand that even a suspected kicked in door requires a canvass.**

**7. Do you agree that the screw, faceplate, and the neighbor dispute is evidence of a potential crime?**

**Yes.**

**8. Do you believe that the complainants belief that his neighbor kicked in the door should raise suspicion?**

**Yes.**

**9. Explain exactly what the complainant told you about the neighbor.**

**He told me that he had a problem with one of his neighbors.**

**10. Why did you not accurately and fully include the circumstances involving this incident.**

**I reported what I recalled of the incident at the time that I wrote it.**



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INTEROFFICE MEMORANDUM

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**TO:** OFFICER LARRY T. HOY  
**FROM:** SGT. SCOTT P. FERGUSON  
**SUBJECT:** EMPLOYEE ASSISTANCE  
**DATE:** 2/21/2010  
**CC:** CHIEF JONATHAN WELCH

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Larry,






The department offers an employee assistance program that is confidential and provided at no cost to you. Should you feel it necessary during this stressful time, counseling is available through the Corporate Care of the Finger Lakes [REDACTED] [REDACTED] is a brochure with information. For more information, you can go to their website at [www.theEAP.com](http://www.theEAP.com).

A handwritten signature in black ink, appearing to be 'J. Ferguson', is written below the text.



## Problems are part of life

We all face problems from time to time. Usually, we can handle them ourselves without the help of outside resources.

But sometimes it makes more sense to  for help. That is why your employer provides you and your family with a  Employee Assistance Program, a benefit that provides  and solutions for the problems you encounter. Just as health insurance is designed to address your physical health, your EAP  is designed to assist your emotional and mental well-being. And because your employer has covered the entire cost of services, there is  to you.

## Getting the help you need

Call anytime for confidential assistance. To reach a counselor for any of your EAP needs, call toll free:



or log on to

[www.theEAP.com](http://www.theEAP.com)

- **Counseling Benefits**  
Help with personal issues from relationships to stress and substance abuse.
- **Work/Life Benefits**  
Assistance for other personal, financial and legal issues.
- **Information Resource Benefits**  
Access a vast collection of self-help tools and articles.
- **Lifestyle Benefits**  
Discounts and savings plans to help with fitness, smoking cessation, and retirement and college planning.
- **Personal Development Benefits**  
Help balancing your work, life and career.
- **Wellness Benefits**  
Information and resources to improve your overall wellness.

**CORPORATE CARE OF THE FINGER LINGS**



## Introducing your Employee Assistance Program



**To:** PO Lawrence Hoy

**From:** Sgt. Ryan Allen



**Re:** E.A.P

**Date:** February 21, 2010

Larry,

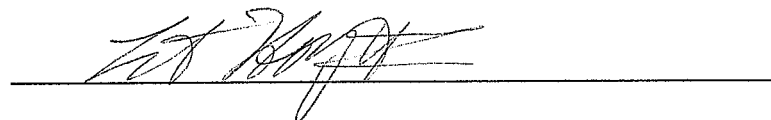
In case you were unaware, the city offers an employee assistance program, free of charge, to all its employees to assist with private matters, concerns, or other issues that may have an impact on your life that requires some type of professional counseling.

You have been exposed to several internal investigations over the past few months that I'm sure has effected you; not only physically but also mentally as well. Large amounts of stress can cause a person serious issues including health problems if it is prolonged and not dealt with on some level. People deal with stress in different ways. Some handle it with professional help while others choose to ignore it; which can lead to more serious issues.

Due to the level of stress that you have been exposed to over the past few months, I recommend that you contact the Employee Assistance Program to schedule an appointment and speak with a professional. I feel it can help you deal with the issues at hand as well as any private matters you may be experiencing at home.

This is only a recommendation; not an order. It is completely confidential and your choice to participate. I hope you make the decision to seek some type of professional counseling and take advantage of this free service. The name of the service is Corporate Care of the Finger Lakes and the phone number is [REDACTED]

I have been in receipt of this letter and understand it is my decision to participate in the Employee Assistance Program offered by the City of Canandaigua.



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INTEROFFICE MEMORANDUM

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TO: LT. MICHAEL COLACINO  
FROM: SGT. SCOTT P. FERGUSON  
SUBJECT: OFFICER HOY  
DATE: 2/22/2010

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Lieutenant,

This morning at approx. 0550hrs, I met with Officer Hoy and discussed his suspension. He appeared positive and said he was going to do his best to correct his performance. I obtained his issued firearm, identification and door key and secured them in the armory. He was advised of the Employee Assistance Program offered by the department and given literature on how to obtain services. A copy of the literature given to him is attached.



## Internal Affairs Investigation – 001-2010

*Officer Larry Hoy this is your notification that an internal affairs investigation has been initiated regarding allegations that you did not respond/investigate incident number 1000760 appropriately and that you were mendacious in your reporting of said incident in violation of the General Orders/Rules and Regulations.*

### ADMINISTRATIVE WARNINGS

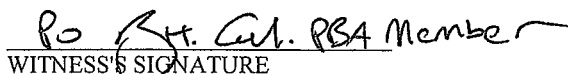
I wish to advise you that you are being questioned as part of an official investigation of the Canandaigua Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

However, I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges that may result in your dismissal from the Department. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

Any member being questioned in respect to possible disciplinary charges shall have the right to representation by the PBA President or his designee before making any written statement. The members shall be allowed reasonable time to procure such representation.

  
OFFICER'S SIGNATURE

  
WITNESS'S SIGNATURE

DATE: 2/14/10

TIME: 2158

