

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING
December 12, 2013

The Arkansas State Police Commission met on Thursday, December 12, 2013 at the Arkansas State Police Headquarters, Little Rock, Arkansas.

Commission Chairman Christenson called the meeting to order at 10:10 a.m.

MEMBERS PRESENT:

Commissioner Jane Christenson, Chairman
Commissioner Woody Futrell, Vice-Chairman
Commissioner Wallace Fowler, Secretary
Commissioner Frank Guinn
Commissioner Bob Burns
Commissioner Dr. Lewis Shepherd

MEMBERS ABSENT:

Commissioner John Allison

STATE POLICE PERSONNEL ATTENDING:

Colonel Stan Witt	Lieutenant Charles Watson
Donna Humphries	Sergeant Brad Spurlin
Lieutenant David Moore	Major Shawn Garner
Captain Leonard Hogg	Sergeant Eric Agee
Trooper Ben Hoyt	Major Mike Foster
Lieutenant Bryan Davis	Lieutenant David Lafferty
Sergeant Kim Warren	Lieutenant Scott Woodward
Lieutenant Stacie Rhoads	Captain Wesley Smithee
Lieutenant Darran Austin	Emma French
Jenna Castleberry	Lieutenant Brant Tosh
Sergeant Matt Miller	Sergeant Charles Hubbard
Corporal Ronnie Stewart	Sergeant Roby Rhoads
Corporal Philip Hydron	Trooper First Class Jason Martin
Corporal Mark Gregory	Corporal Scott Russell
Sherry Woods	Lieutenant Mike Kennedy
Janet Chappelle	Caitlin Sparks
Corporal Kevin Webb	

OTHERS PRESENT:

Bennie Preston	Michael Krenn, DF&A
Randy Lann, ASP Foundation	Elizabeth Spurlin
Mark Spurlin	Lindsey Spurlin
Meredith Rebsamen, AG's Office	Britney Austin
Rook Austin	Marcai Hunter
Micah Hunter	Rorie Hydron
Sherry Russell	Jamie Vernon
Joe Thielke, ASP Foundation	

PLEDGE OF ALLEGIANCE:

Commissioner Guinn led the pledge of allegiance.

NOTIFICATION OF MEDIA:

The media was notified of this meeting on December 3, 2013.

Commission Chairman Christenson welcomed all the trooper's families who are attending and Meredith Rebasmen with the Attorney General's Office, Michael Krenn with DFA Budget, Greg Hatcher and Dottie Hightower, Joe Thielke and Randy Lann with Arkansas State Police Foundation, and Jamie Vernon. We're glad to have you here today.

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MINUTES:

Commissioner Fowler made a motion to approve the minutes the November 14, 2013 monthly Commission Meeting. Commissioner Futrell seconded the motion. The motion passed.

PROMOTION CERTIFICATES:

Colonel Stan Witt presented a promotion certificate to Captain Wesley Smithee promoting him to Captain in the Highway Patrol Division, Troop I.

Colonel Stan Witt presented a promotion certificate to Lieutenant Darran Austin promoting him to Lieutenant in the Highway Patrol Division, Troop A.

Colonel Stan Witt presented a promotion certificate to Lieutenant David Moore, promoting him to Lieutenant in the Highway Patrol Division, Troop D.

Colonel Stan Witt presented a promotion certificate to Lieutenant Charles Watson promoting him to Lieutenant in the Highway Patrol Division, Troop F.

Colonel Stan Witt presented a promotion certificate to Sergeant Charles Spurlin, promoting him to Sergeant in the Highway Patrol Division, Troop E.

Colonel Stan Witt presented a promotion certificate to Sergeant Ramey Lovan, promoting him to Sergeant in the Criminal Investigation Division, Company F.

Colonel Stan Witt presented a promotion certificate to Sergeant Roby Rhoads, promoting him to Sergeant in the Administrative Services Division, Training Section.

OFFICIAL COMMENDATIONS:

Lieutenant Stacie Rhoads gave an overview of the events for which S/A Philip Hydron, S/A Scott Russell, TFC Jason Martin, and Corporal Mark Gregory is being awarded an Official Commendation.

Lieutenant Rhoads stated there are 100 traffic stops made across the state every day, that initial traffic stop can go one of two ways. The offender can get their ticket or warning and go about their business or that trooper can take it a step further. That's what happened in February of 2013. Corporal Mark Gregory was working in Monroe County, and he obtained information of a person attempting to sell firearms at a local pawn shop. Mark Gregory knew this person to be a convicted felon. So he set out to look for this person, and he was able to find him. He made the initial traffic stop with the help of TFC Jason Martin. On that initial traffic stop they searched the vehicle and found a .22 rifle and they also found an ounce of methamphetamine. Since this was a convicted felon, they did initial interviews of all the occupants of the vehicle. They found out that these four people were known offenders in the area, and they found they were staying in a hotel in Brinkley.

They could have stopped, arrested the persons there in the vehicle, but they took it a step further, they took the initiative to call the State Police CID. Special Agents Philip Hydron and Scott Russell came to help. Knowing that these persons were staying in a hotel, and that there was potential for other evidence in the hotel, they went and asked for consent to search the hotel room. When they did that, they uncovered a lot of information related to several burglaries in the area. They got a search warrant and searched the hotel and from that it exploded into over 26 burglaries being resolved. They dismantled a methamphetamine distribution ring there in the area, and a total of eleven persons were arrested. A large amount of drugs and several thousand dollars of personal property that had been taken from the community was returned to the rightful owners. This happened

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over nine days of very intense investigation. It wasn't 8 to 5, it was 18 hour days and 9 days straight, because once you start that, you can't stop. It requires that once your momentum hits, you must stick with it. She stated she is very proud of the work these gentlemen did, and Monroe County is better for having them in their community. This also affected 7 other counties with homes burglarized and vandalized. For all the work and the initiative to continue with an investigation which started as a traffic stop, these gentlemen are nominated for Official Commendations.

Colonel Stan Witt presented S/A Philip Hydron, S/A Scott Russell, TFC Jason Martin, and Corporal Mark Gregory with Official Commendations.

Sergeant Charles Hubbard gave details of why Corporal Ronnie Stewart was nominated for an Official Commendation. He stated he would like to express his appreciation for the hard work and dedication of Corporal Stewart during the months of January and February of this year. Corporal Stewart made 24 criminal arrests during this timeframe. Of those arrests 11 were burglary or theft related and 13 were drug related. Several of the burglary and theft charges stemmed from a motorist assist in Fulton County. Corporal Stewart became suspicious of a male subject who had run out of gas early in the morning hours on a rural highway in a remote part of the county. Further investigation into the situation disclosed the man had burglarized several businesses during the night in Fulton and Baxter Counties. He had stolen over \$5000 in cash. Corporal Stewart found the cash inside the vehicle and continued assisting in the multi-agency investigation leading to the arrest of other suspects involved in the thefts. Corporal Stewart made 20 felony arrests during this time period and all were based upon his effort to investigate the subject.

Corporal Stewart makes every effort to take dangerous criminals off the road during all of his shifts. For this reason I would like to nominate Corporal Ronnie Stewart for an Official Commendation due to his tireless effort to remove criminals from the streets and his commitment to the Arkansas State Police.

Colonel Stan Witt presented Corporal Ronnie Stewart with an Official Commendation.

Lieutenant Jason Aaron gave an overview of events which led to him nominating Sergeant Mark Hollingsworth. Lieutenant Aaron reported this was due to Sergeant Hollingsworth's actions during a homicide investigation that began in June of 2006, approximately 7 years ago. The outcome of this investigation came to a conclusion on April 3, 2013. This investigation started on a night after Sergeant Hollingsworth had worked all day, traveled from Mountain Home to Little Rock in preparation for Troop School. He pulled into the gate about 10:30 and got a call from Mountain Home PD Investigator requesting assistance on a homicide that had taken place in their city. He turned around and drove home. In the case of most homicide investigations it's not unusual to work 36 to 48 hours with no sleep. When he got back to Mountain View he met with the Investigator and began the investigation. They had to obtain evidence at the scene. It was learned that the victim had suffered from 30 stab wounds. The suspect in this case had attempted to burn the evidence to destroy it. Through their investigative efforts, information was gathered over a 3 year period. Approximately 50 trips of running back and forth from Mountain Home to Little Rock dealing with cell phone tower engineers, tracking down witnesses from all across the country, arranging for transportation to the trial. Besides doing this, Sergeant Hollingsworth was also taking care of his everyday sergeant responsibilities. Throughout this investigation the suspect was developed and an arrest warrant was obtained for him. The trial was reset 4 different times and each time prior to the trial, Sergeant Hollingsworth would contact the witnesses himself even though some had moved or relocated out of the area, he would take the time to locate these witnesses. He made sure they had transportation to the trial doing whatever was necessary to get them to Mountain Home to testify. All this work resulted in the suspect pleading guilty to the murder on April 3, 2013. Lieutenant Aaron stated it is an honor for him to nominate Sergeant Hollingsworth for this Official Commendation.

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Colonel Stan Witt presented Sergeant Mark Hollingsworth with an Official Commendation.

Sergeant Eric Agee presented the information for which Trooper Benjamin Hoyt was nominated for an Official Commendation. He reported that on February 9, 2013 Trooper Hoyt was dispatched to the I-430 river bridge southbound. There had been several 911 calls of a subject looking over the bridge railing as if he was about to jump. Trooper Hoyt arrived on the river bridge and noticed a black male sitting on top of the bridge railing. A vehicle was parked on the shoulder of the bridge beside the railing. Captain David Redding with the North Little Rock Fire Department was on the scene and talking with the gentleman when Trooper Hoyt arrived. Trooper Hoyt walked up to the man on the railing and immediately took control of the situation. Trooper Hoyt grabbed him by the arm and walked him to a safe location behind the vehicle. Trooper Hoyt tried talking to him, but he would not talk to him, he would not obey any of his orders. Trooper Hoyt attempted to place handcuffs on the gentleman for the safety of both of them. The gentleman jerked back and fell against the guardrail. Trooper Hoyt then tackled him to prevent him from going over the rail. The gentleman wrapped his arms and legs around the railing and Trooper Hoyt and Captain Redding untwined his arms and legs from the rail and got handcuffs on him. Once MEMS arrived, he was strapped to a stretcher and later taken to Baptist Hospital and then to Bridgeway Psychiatric Hospital. Trooper Hoyt's quick decision making and disregard for his own safety undoubtedly prevented this gentleman from injuring and possibly killing himself. Trooper Hoyt's actions exemplify the dedication to duty associated with being an Arkansas State Trooper. For this he is worthy of an Official Commendation.

Colonel Stan Witt presented Trooper Benjamin Hoyt with an Official Commendation.

Commission Chairman Christenson stated it is a highlight of a Commission Meeting when we can present this many Commendation Awards. She congratulated all of those who had received an award today.

DIVISION REPORTS:

Fiscal Report – Emma French

Ms. French reviewed the reports which have been distributed to the Commission. She stated they should be operating at 42% and advised we are on track with our budget. She advised when we get into January we'll take a look at what kind of changes we will make for the year end. The only thing we have pending is, every two years each agency is required to do a Risk Assessment, where you evaluate all the potential risks your agency has and reevaluate your internal controls and processes that you have in place. We have begun that, and it is about a two month process. We will be working on it through February.

Administrative Services – Major Les Braunn

Major Braunn presented an oral summary of the written report distributed to the Commission. He began by reporting the Human Resources/Personnel transactions for the month of November; we had six civilian new hires, one civilian volunteer resignation, two promotions, two retirements, one extra help termination, and two lateral transfers. The Commission transactions included seven promotions and one disciplinary. Currently we have six military deployments.

Major Braunn announced Greg Hatcher would be reporting on the ASP Health Plan Update.

Greg Hatcher advised with the awards being given today, Trooper Travis Hale was cited by the Hatcher Agency for outrageous service this past week. We sent him a certificate because my daughter and another employee were coming back from Dallas late Thursday

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night, and they had a blow out. They called Hope late at night and got a recording, then called the sheriff's department and got a recording and so they called 911 who connected her with the Arkansas State Police. They answered immediately and in about 10 minutes they were there changing the tire and got them safely back on the road which was greatly appreciated.

He reported on the Health Insurance, stating this past year we had to go out for bid, it's required, and it went through Procurement and it turned out there were three bidders that would have been really good, United Health Care that we had and Blue Cross and Blue Shield and QualChoice. The way the bid specs worked, 2 of the 3 answered no to a question that QualChoice answered yes to, and because of that those 2 were eliminated and we were pretty much forced to go with QualChoice. I'm the top producer for all three of those carriers so I feel good about all of them. In this case we had to, not sure if even the question was answered correctly, that disqualified those 2, but once it was done it was done, and there's nothing that could be done, so this year we're changing from United Health Care with whom we've have a very good relationship with on cost savings, to QualChoice.

He then explained what he thinks the differences are going to be. QualChoice is a local carrier that only operates in the State of Arkansas, that's a good thing, so if we have problems, we just get in the car and drive down to talk to them and get things worked out. They've handled the state employees that handled UMS in the past. Both of those organizations recently switched to United, which is an interesting twist as we change, but they do a good job. I think we'll actually get better service on a day to day basis. The administrative cost was about the same. QualChoice was just a little bit higher. On the reinsurance, QualChoice is about 7% higher. Reinsurance is insurance premium that you pay that the claim goes over \$200,000 they eat the balance, so it's large claim reinsurance which is 7% or \$120,000 higher. On the aggregate reinsurance, which is insurance that pays if the claims go over this much on the whole group, QualChoice was lower. The biggest point of health insurance is the discounts, and this is the part that's very hard to understand in bid specs. People bid things based on how much is the administrative fees, let's just buy the lowest one. That's not wise in health insurance because the administrative fees might be 10 to 15% of your overall picture, and the claims are 85%. That's the part you want to focus on. It is very difficult to quantify, in the bid specs there was not a lot of focus there. We didn't go with QualChoice because they had a lower price, that wasn't the issue, the issue was nobody met the bid specs except for QualChoice because on the discount arrangements the question asked was, will you disclose all your discount arrangements and your contracts with all your providers? QualChoice said yes, Blue Cross and United said no. By contract they can't disclose those, but QualChoice said there was a way they could do it, so that in a nutshell is what happened. I don't think there will be a significant difference, but we want to watch it. If you ask me, I think it will be 8% more on claims this year due to the discount percentages. When we go out for bid in the future, we really want to get something in there that allows us to evaluate discounts in the bid specs. To be fair it was probably in the bid specs that way years and years and years ago and always has been that way.

The bottom line here is our plan will be exactly the same with QualChoice as it was with United from the troopers' perspective. The funding going forward really can be funded at the same amount because we won some and we lost some. We actually have lower exposure, which is good, but higher insurance premiums which are not so good, but they were going up a little bit with United anyway. The administrative costs we've got to watch. It will all get down to what the discounts are. Just like when we switched to United several years ago, I told you I thought United would save you a million dollars a year in discounts, and I was wrong it saved two million a year. The proof will be in the pudding, so we will be watching it closely in the next year or two. I think we are with QualChoice for two years under the contract. I think they will do a good job and we will be here to hold everybody's hand and make sure things go smoothly. I don't think there will be any problem. I have no problem with QualChoice on any of my other accounts.

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Commissioner Futrell asked if Mr. Hatcher is satisfied that this is best for ASP. Mr. Hatcher responded by saying he did not say that. Commissioner Futrell asked if he was happy with this, and Mr. Hatcher said what he was saying with the rules we have to play with, he understands where we're at and we will make it work, and it's still a very, very good program. What we want to do is not get our hands tied so much in the future.

Mr. Hatcher explained there are a lot of things going on with health care reform. He said he has watched the news and watched the politicians. He advised he had only seen one person describe it accurately, very rarely do you see any insurance people on TV explain it. He said if they would like, he would give them a couple things to help clarify the situation. He stated one of the issues out there is grandfathered versus non-grandfathered. The ASP plan is a grandfathered plan because we've kept it the same, and it is also self-funded, in your group there are over 100 employees. All of those are very important things because if you stay grandfathered, you don't have to add on some of the benefits that are required when you become un-grandfathered. There's still a lot you've got to add on, but you don't have to add on all of them which can cost more. The second thing about being above 100 employees that's really important is that you'll be rated on your own experience instead of thrown in a barrel. The Arkansas State Police has been successful for the last few years building our plan reserve up, continuing the plan and trying to do things to keep our cost down so that we can continue to have our own plan. The third is if you're self-insured, you are exempt from some of the health care reform items and you are for sure, your rates are based on your claims, which is very, very important.

Some things you need to know that you hear out there in the public, there is a perfect storm coming in October, trust me. This health care reform law that was passed, hardly anybody understands it. I still don't think people understand it. It is too easy, and I'm not taking sides with Democrats or Republicans, I'm just making this point, if you're a politician and you can say, I believe in health care for all Americans, I believe in wellness for all Americans, I believe wellness saves money, and I believe in no pre-existing, and I believe everybody should have all their stuff covered. That is real easy to get votes and make everybody happy. If the other guy has to say I want to explain adverse selection, the law of large numbers, and community rating etc., that guy's got no chance because people can't concentrate that long. So they're not going to get it until their rates go through the roof. That's when they're going to wake up and understand what's going on.

Mr. Hatcher continued by saying, so in Arkansas by 2016 we will have a community rating for all Arkansas groups below 100 lives. This is one of the worst parts of health care reform, here's how it works: If I went with community rating January 1, 2014, each of you would get a letter stating that I see you have no speeding tickets, no DWIs, or no accidents but due to the new community rating model, we threw you in a pool with everybody else and your rates are going up 33%. Down the road another guy would get a letter saying I see you're in the high risk pool, I see you have a couple DWIs and 3 speeding tickets, we have rereated you under the new community rating model and your rates are going to drop 33%. This is what's going to happen in October of this year to all small groups because the law says that community rating has to take effect on the first anniversary date following January 1, 2014. All insurance companies took their young healthy drivers and moved their anniversary date to December 1, 2013 right before the law went into effect so they could postpone it until December 1, 2014. The letters will go out 30 days in advance, right before the election.

The second thing to understand is that people say silly things, they say wellness saves money. They say preventive healthcare saves money. It sounds good, I believe 98% of all Americans believe it, but it's not true. So they did a colonoscopy on everybody over 50 in the United States, which is a preventive measure. We would spend \$1000 on every colonoscopy and we would catch maybe two out of 100 who maybe had a polyp, and we could take those polyps out which would be good for those two. It would extend their life, it would give them their quality of life, which I'm for, and I would vote to spend that

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money, but it's going to cost us \$1000 on every one of those we run, and the truth of the matter is, that the longer a person lives the more they cost. So in 1913 the average Arkansan lived to be 52. In 2013 they lived to be 76. I'm all for that but those 26 extra years costs more. If wellness was cheaper or preventive healthcare was cheaper, the insurance companies would have given it to you 30 years ago, but what they know is that it's not cheaper. That's why when you add wellness on top of the plan, as required; the rates go up 3 to 5%. You cannot take healthcare and say we're going to have dependents stay on until age 26, have no annual maximum, no lifetime maximum, we're going to cover autism, we're going to cover preventive care, we're going to have no preexisting conditions, we're going to cover psychiatric drug and alcohol conditions with no limits. We're not going to ask any medical questions of anybody, we will take everybody and expect the price to be lower. This is what they've been telling people, which is absolutely not true. When you read that individual rates are going up, they will be going drastically up. These exchanges that you keep reading about, in Arkansas it says 65,000 people signed up for the exchange. I sit on the Exchange Board. A total of 64,000 of them are Medicaid people which is 138% of poverty level or below that we give them the coverage. They didn't sign up; we sent them an insurance card because they didn't know how to sign up. Maybe 1000 or 2000 signed up in Arkansas and decided to pay. This is all about how we subsidize the costs. We are now trying to figure out how much the government is going to subsidize to pay part of their costs for them, and it's so complicated trying to figure that out because there are so many variables.

The State Police is sitting as pretty as you can because you control your own health plan, you can design the benefits you want, you're self-funded so you won't be drawn into that pool. We've got the best discounts to work with.

He advised he had given the Commission a book on Health Care Reform which explains everything he just told you and then some. He said they could call him on any individual policy or your own company's policy if they have questions.

NEW BUSINESS:

Commission Chairman Christenson asked if there was any other new business. Colonel Witt advised they needed to go into Executive Session to discuss personnel issues.

Commissioner Futrell asked that they have a minute of silence in honor of Senator Jimmy Hill who was always there to help with whatever the State Police needed. Commissioner Futrell stated he knew Senator Hill for 70 years and he cannot remember a time when he called him for any assistance for the Arkansas State Police, that he did not offer his help. He helped in getting the DROP plan changed from 5 to 7 years and when the insurance was short of money, he was the one who helped get more funding, and anytime there were buildings that the Arkansas State Police wanted to build, he would help. He always supported the Arkansas State Police with any request Commissioner Futrell asked of him.

The Commission went into Executive Session at 11:05 and returned at 11:45.

Colonel Witt stated he had presented a list of 44 names for the approval of the Commissioners for the upcoming Troop School and they are:

Kyle Bost	Jacob Boswell	Brittany Byrd
Trey Chism	Patrick Claggett	Rodney Davenport
Brett Dorr	Travis Eddleman	Grant Elliott
Marty Ezell	Jason Fagan	Levi Fleming
David Fultz	Joseph Gilliland	Logan Hall
Joshua Hamilton	Justin Harmon	Kevin Helm
Anthony Henson	Ernest Hinojos	Nathan Holder
John Howington	William Hughes	Paul Hutcheson
Kyle Johnson	Roosevelt Johnson	Michael Lance

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Stephen Lee
Jacob Pack
John Reinold
Matthew Schanzlin
Christopher Short
Matthew West

Paul Meeks
Zachary Pachal
Matthew Ritchie
Randall Schwab
Timothy Starson
Keri Younts

Christopher Neathery
Justin Pool
Brecken Rushing
Ryne Shelton
Jerry Stowe

Commissioner Futrell made a motion to approve the complete list of applicants for Troop School. Commissioner Fowler seconded the motion and it passed.

Colonel Witt advised he needed a vote from the Commission on the reinstatement request from Shane Meyer. Colonel Witt advised that his recommendation to the Commission is to deny the reinstatement of Shane Meyer.

Commissioner Guinn made a motion to uphold the Colonel's recommendation and deny the reinstatement. Commissioner Fowler seconded the motion and it passed.

NEXT MEETING:

The next scheduled meeting will be Thursday, January 9, 2014, 10:00 a.m.

Commissioner Shepherd made a motion to adjourn, and it was seconded by Commissioner Futrell. With no new business to come before the Commission, Chairman Christenson adjourned the meeting at 11:50 a.m.

Commission Chairman

Commission Secretary