

The West Virginia Division of Justice and Community Services (DJCS) is seeking a licensed attorney in good standing with the West Virginia State Bar to serve as the Hearing Examiner (HE) for actions appealed from the course of business of the Law Enforcement Professional Standards (LEPS) Subcommittee, a subcommittee of the Governor's Committee on Crime, Delinquency and Correction (GCCDC). All standard business or other required licenses to conduct business as an attorney within the State of West Virginia must be current and in good standing.

The individual selected to serve as the Hearing Examiner will be under contract with the DJCS as a state vendor for a period of one year. The contract will be reviewed on an annual fiscal year (July to June) at which time a determination will be made to renew the contract or not and to make any necessary changes as needed by either the Hearing Examiner or DJCS.

The LEPS Subcommittee, by authority granted under West Virginia State Code, §30-29 et al, and Legislative Rules CSR §149-1 and §149-2, is responsible for matters pertaining to the entry level and ongoing training and firearms qualification and certification of law enforcement officers within the state.

Appeals by officers or individuals who are not satisfied with the decisions must be submitted to the Executive Director of the GCCDC for review and a determination as to the matter so being appealed. The Executive Director may then elect to set the matter to the Hearing Examiner for the purpose of a review being conducted to develop a record of the matter. The Hearing Examiner will develop and submit to the Executive Director a proposed finding of facts and circumstances and law that is to be developed and presented in accord with state statutes, legislative rules, legal decisions and personnel/administrative practices and standards concerning the matter under review.

The position is a part-time one with work scheduled as appeals are filed. The setting of the hearing on the appeal, the conduct of the hearing and the preparation of the proposed findings of fact and law must be completed as requested in the time frames required by the contract and the program's enabling legislation unless previously agreed to by the appealing officer/individual and the Executive Director. The individual contracted to serve as the Hearing Examiner will be only individual approved to act in that role unless agreed to by involved parties and the Executive Director.

Individuals desiring to serve as this Hearing Examiner must be willing to submit and receive payment in line with standard State of West Virginia purchasing and expenditure guidelines and practices. The Hearing Examiner will be paid at the conclusion of the submission of the proposed finding of fact and law unless previously agreed to by the Executive Director. The hourly contracted rate of the Hearing Examiner will cover all of his or her costs in relating to the scheduling of the hearing with the involved parties, receipt and action on motions and matters preceding the scheduled hearing, the conduct of the hearing itself, the review of the information presented in the hearing and the development of the proposed findings of fact and law.

No travel related or other expenses will be allowed unless approved by the Executive Director. The cost involved with the physical location of the hearing and a court reporter to take and transcribe the information presented in the hearing will be the responsibility of the DJCS. The person selected should have general familiarity with administrative

related reviews and applicable rules of evidence and conduct relating to such hearings. A Hearing Examiner not familiar with West Virginia Code §30-29, et al and CSR §149-1 and §149-2 will be approved to submit as part of his or her billing for the first conducted appeal time, the amount/length to be approved by the Executive Director, to familiarize himself or herself with these sections.

The hearings, unless agreed to by all of the parties involved, will be heard in the Charleston area. The hearing will be conducted in accord with recognized and accepted practices for an administrative/personnel related hearing/review and in accord, as applicable with the Administrative Procedures Act for the State of West Virginia and CSR §149-1. All records and information received and developed by the Hearing Examiner are to be maintained on file for a period of five (5) years after the issue/s at hand in the appeal are fully adjudicated. Once the contract with the DJCS is ended the Hearing Examiner will make all such records available to the DJCS.

The proposed finding of facts and law that are to be submitted to the Executive Director after the hearing by the Hearing Examiner are to be submitted pursuant to the following parameters and those to be set by the Executive Director as needed:

1. The findings are in a numbered paragraph format.
2. A copy is submitted in an electronic format, either Word or WordPerfect, that is not locked or password protected in a manner that would prohibit the editing of the document.
3. That the document is to be only submitted to the Executive Director.
4. That applicable safeguards are to have been taken concerning the inclusion of any personal identifying information or medical related records in accord with recognized handling of such information.
5. That the primary focus of the finding/s is to determine if the LEPS Subcommittee, in coming to the decision that it did on the matter, acted within the scope of its authority in reaching the decision that it did or that it acted in an arbitrary or capricious manner in doing so.

Individuals interested in serving as the Hearing Examiner for the GCCDC Executive Director are to submit a proposal outlining his or her qualifications to serve as such, the hourly rate to be charged and contact information to the below individual no later than 5:00 p.m. on Friday, 1 May 15.

Retired Captain Chuck Sadler  
LEPS Coordinator  
WV DJCS  
1204 Kanawha Boulevard East  
Charleston, WV 25301

Please do not hesitate to contact Retired Captain Chuck Sadler, LEPS Coordinator at 558-8814, ext 53315 or [Charles.A.Sadler@wv.gov](mailto:Charles.A.Sadler@wv.gov) if you have any questions concerning this position or its responsibilities.