BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
JAN 24 2008
ADMINISTRATIVE HEARING COMMISSION

MISSOURI STATE DEPARTMENT OF PUBLIC SAFETY, Mark James, Director, P.O. Box 749 Jefferson City, Missouri 65102 (573)751-4905	)	
Petitioner,	)	
v.	)	**Case No. 08-** 0165 **PO**
EDDIE C. BOYD III 5458 N. Euclid Avenue St. Louis, MO 63115	)	
Respondent.	)	

COMPLAINT FOR DISCIPLINE
OF PEACE OFFICER LICENSE

COMES NOW the Director of the Department of Public Safety, by and through Assistant Attorney General Christopher R. Fehr, and for his petition for peace officer discipline states:

1. The petitioner is the Director of the Department of Public Safety who has the authority to issue, suspend or revoke peace officer licenses as outlined in Chapter 590 of the Revised Statutes of Missouri and the Rules and Regulations of the Director of the Department of Public Safety.

2. Petitioner's office is located in the City of Jefferson, Cole County, Missouri.

3. Respondent is licensed as a peace officer by the Department of Public Safety, and the license number is his social security number. This license is current and active and was so at all times relevant herein. **Exhibit 1.**

4. Section 590.080.2 RSMo. provides that the petitioner has knowledge of cause to discipline a peace officer he may file a complaint with the Administrative Hearing Commission as provided by Chapter 621 RSMo

5. Section 590.080 provides the following:

> 1. The director shall have cause to discipline any peace officer licensee who:
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> - - - - - - - -
>
> (2) Has committed any criminal offense, whether or not a criminal charge has been filed; and
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> - - - - - - - -
>
> (3) Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person.
>
> - - - - - - - -

6. On or about April 12, 2006, Respondent struck J.T. (a juvenile) in the face without justification. This conduct violated §565.070(5).

7. On or about April 26, 2007, Respondent struck C.D. (a juvenile) in the face without justification and falsified his police report regarding the incident. This conduct violated §565.070(5).

8. Respondent's conduct as set forth in paragraphs 6 and 7 violates § 590.080.1(2) RSMo.

9. As used in § 590.080.1 RSMo, the phrase "committed any criminal act" includes a person who has pleaded guilty to, been found guilty of, or been convicted of any criminal offense and the Director has cause to discipline any peace officer who has pleaded guilty to, been found guilty of, or been convicted of any criminal offense. 11 CSR 75-13.090(2)(A) and 11 CSR 75-13.090(3)(C).

10. The license of respondent should be disciplined based on his violation of § 590.080.1(2) RSMo.

11. By the attached letter, marked as **Exhibit 2**, the petitioner notified respondent of this action to seek discipline of respondent as a peace officer.

12. Pursuant to Chapter 621 RSMo. and § 590.080 RSMo. this Commission has jurisdiction to receive this complaint and determine whether cause exists for the petitioner to discipline respondent's peace officer certification.

WHEREFORE, the director prays that this Commission find that respondent's peace officer certification is subject to discipline.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON
Attorney General

CHRISTOPHER R. FEHR
Assistant Attorney General
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Attorneys for Petitioner

MATT BLUNT
Governor

MARK JAMES
Director

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STATE OF MISSOURI
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR

November 28, 2007

Mr. Christopher R. Fehr
Attorney General's Office
Jefferson City, MO 65102

Dear Mr. Fehr:

This correspondence is in reference to the peace officer license of Eddie C. Boyd III.

Our records indicate Eddie C. Boyd III is the holder of a valid Class A Peace Officer License, which allows him to be commissioned as a peace officer by a county or municipal law enforcement agency anywhere in the State of Missouri.

Pursuant to 590.180.2 RSMo, all other records are closed.

Please note: 590.180.1 RSMo states, "No arrest shall be deemed unlawful solely because of the licensure status of a peace officer, and evidence on the question cannot be received in any civil or criminal case."

Sincerely,

Nena Snodgrass
Investigator
POST Program

Subscribed and sworn to before me this 28th day of November, 2007.

STATE OF MISSOURI)
)SS:
COUNTY OF Cole)

My Commission Expires:
1-4-08

Notary Public

LOIS A. ALEXANDER
Notary Public - Notary Seal
STATE OF MISSOURI
County of Cole
My Commission Expires: Jan. 4, 2008

EXHIBIT 1

MATT BLUNT
Governor

MARK JAMES
Director

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STATE OF MISSOURI
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR

December 20, 2007

Mr. Eddie C. Boyd III
5458 N. Euclid Avenue
St. Louis, MO 63115

Dear Mr. Boyd:

After careful review of the materials and information provided to me, I have determined that your license as a peace officer is subject to discipline. The specific reasons are:

§ 590.080.1(2), RSMo, Has committed any criminal offense, whether or not a criminal charge has been filed; and

§ 590.080.1(3), RSMo, Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person; and

§ 590.080.1(6), RSMo, Has violated a provision of this chapter or a rule promulgated pursuant to this chapter; and

11 CSR 75-13.090(3) (C) Has pleaded guilty to, been found guilty of, or been convicted of a criminal offense, whether or not a sentence has been imposed.

Pursuant to Section 590.080.2, RSMo, I have referred this matter to the Office of the Attorney General for a complaint to be filed with the Administrative Hearing Commission seeking discipline of your license as a peace officer. For additional information on the complaint that has been filed, the Administrative Hearing Commission may be contacted at (573) 751-2422.

Sincerely,

Brian Jamison
Deputy Director

EXHIBIT 2