



STATE OF WISCONSIN
Law Enforcement Standards Board

*In the Matter of the Law Enforcement
Certification of Robert Van Hulst*

FINAL DECISION AND ORDER
Case No. LESB-24-0001

On December 5, 2023, the Law Enforcement Standards Board (the “LESB”) denied Robert Van Hulst’s request for waiver of the requirements to regain law enforcement employment.

Van Hulst filed a written request for a hearing on the LESB’s decision before the Executive Committee of the Law Enforcement Standards Board (the “Executive Committee”). The hearing was held on February 13, 2024, via Zoom videoconferencing. Assistant Attorney General S. Michael Murphy served as hearing examiner pursuant to Wis. Stat. § 227.46(1) and the Executive Committee’s written policies and procedures.

After receiving and deliberating on all the evidence, the Executive Committee voted to affirm the LESB’s December 5, 2023, decision. Pursuant to Wis. Stat. § 227.46(2), the hearing examiner then prepared a proposed written decision containing the findings of fact, conclusions of law, discussion, and a decision.

The proposed decision was served on the parties via e-mail and First-Class U.S. Mail. The parties were given the opportunity, under Wis. Stat. § 227.46(2), to present written objections. No objections were submitted for the Executive Committee to consider.

On June 4, 2024, the LESB convened and voted to adopt the proposed written decision as the final decision of the LESB in this matter.

WHEREFORE, it is ordered that the attached proposed decision is hereby incorporated by reference into this final decision and order and is formally adopted as the final written decision and order of the Board in this matter, in accordance with Wis. Stat. §§ 227.46(2) and 227.47(1).

NOTICE OF APPEAL RIGHTS

Set out below are the alternative methods by which a person may request review of the LESB's final decision and order in this matter. This notice is provided pursuant to Wis. Stat. § 227.48(2).

Any person aggrieved by the Board's final decision and order may petition for rehearing as provided in Wis. Stat. § 227.49. A petition for rehearing must be filed with the Board within 20 days after service of the final decision and order. The petition must specify in detail the grounds for the relief sought and supporting authorities. Rehearing may only be granted for the reasons set out in Wis. Stat. § 227.49(3). A petition for rehearing is not a prerequisite to judicial review under Wis. Stat. §§ 227.52 and 227.53.

Any person aggrieved by the final decision and order has a right to petition for judicial review in circuit court, as provided in Wis. Stat. §§ 227.52 and 227.53. The petition for judicial review must be filed in circuit court and must be served, either in person or by certified mail, on all parties designated as such in the final decision and order. The petition for judicial review must be served and filed within 30 days after service of the final decision and order. If a rehearing is requested as noted in the preceding paragraph, any party seeking judicial review must serve and file a petition for judicial review within 30 days after service of the order disposing of the rehearing application or within 30 days after final disposition by operation of law of the rehearing application. Persons wishing to petition for judicial review are advised to closely examine and strictly comply with all the requirements of Wis. Stat. §§ 227.52 and 227.53.

Dated this 6th day of June, 2024.

STATE OF WISCONSIN
LAW ENFORCEMENT STANDARDS BOARD

By: Todd Delain
TODD DELAIN
Chairperson

17 West Main Street
Madison, WI 53707-7070
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STATE OF WISCONSIN
Law Enforcement Standards Board

*In the Matter of the Law Enforcement
Certification of Robert Van Hulst*

PROPOSED DECISION
Case No. LESB-24-0001

PRELIMINARY RECITALS

On December 5, 2023, the Law Enforcement Standards Board (the “Board”) denied Robert Van Hulst’s request for an extension of the timeframe to regain officer employment. On December 18, 2023, Van Hulst filed a written request for a hearing on the Board’s decision before the Executive Committee of the Law Enforcement Standards Board pursuant to Wis. Stat. § 227.42. The hearing was held on February 13, 2024, via Zoom videoconferencing. Assistant Attorney General S. Michael Murphy served as hearing examiner pursuant to Wis. Stat. § 227.46(1) and the Board’s written policies and procedures.

Pursuant to Wis. Stat. § 227.47(1), the parties to this proceeding are certified as follows:

State of Wisconsin
Law Enforcement Standards Board
17 West Main Street, P.O. Box 7070
Madison, WI 53707-7070

Robert Van Hulst
403 Union Avenue
Oconto Falls, WI 54154

Training and Standards Bureau
Division of Law Enforcement Services
Wisconsin Department of Justice
17 West Main Street, P.O. Box 7070
Madison, WI 53707-7070

FINDINGS OF FACT

1. Van Hulst graduated from the 720-hour Preparatory Law Enforcement Officer Training Academy at the Northeast Wisconsin Technical College in May of 2019. Hearing Transcript (“Tr.”) 15:17-19; Hearing Exhibits (“Ex.”) 2, 9.)

2. Van Hulst worked as a part-time law enforcement officer with the Wisconsin State Fair Park Police between July 18, 2019, and July 20, 2021, and worked 238 hours. Van Hulst resigned on August 2, 2021. Van Hulst was rehired on July 27, 2023, as a part-time law enforcement officer, and worked 111 hours and 30 minutes. (Tr. 15:19-25, 16:1-2; Ex. 2, 4.)

3. Van Hulst has never held full-time employment as a police officer in Wisconsin. (Tr. 22:6-9.)

4. Van Hulst applied for law enforcement employment opportunities during 2020 and 2021 and completed required training hours during that time. (Tr. 18:12-25, 19:1-4; Ex. 3.)

5. Between July 18, 2019, and May 18, 2021, Van Hulst completed 66 hours and 30 minutes of training. (Ex. 2-3; see Tr. 18:12-20:9.)

6. Between July 27 and February 4, 2024, Van Hulst completed 25 hours and 30 minutes of training. (Ex. 2-3; see Tr. 18:12-20:9.)

7. When Van Hulst was re-hired with the Wisconsin State Fair Park Police on July 27, 2023, he had been out of law enforcement employment, approximately two years, since August 2, 2021. (Tr. 13:20-25, 14:1; Ex. 2.)

8. On August 10, 2023, The State of Wisconsin Department of Justice Training and Standards Bureau sent an email to Van Hulst and the Wisconsin State Fair Park Police Chief explaining that Van Hulst’s law enforcement certification lapsed. (Ex. 2, 5.)

9. On November 17, 2023, Van Hulst applied for an extension of the timeframe to regain officer employment. (Tr.15:8-10; Ex. 2, 6.)

10. Board staff recommended against approving the extension because Van Hulst had never worked as a full-time law enforcement officer since completing the academy in May of 2019, had minimal experience between 2019

and August 2021, and had worked no hours as a law enforcement officer between August 2021 and July 27, 2023. (Tr. 15:13–25, 16:1-6; Ex. 7.)

11. On December 5, 2023, Van Hulst's waiver request was reviewed and denied by the Board. (Tr. 15:9–12, 16.1–9; Ex. 2, 8.)

12. The State of Wisconsin Department of Justice Training and Standards Bureau Compliance Officer sent Van Hulst notice of the denial on December 5, 2023. (Ex. 2, 8.)

13. On December 18, 2023, Van Hulst requested an appeal of the Board's decision to deny his application for extension. (Ex. 2, 9.)

DISCUSSION

Considering the February 13, 2024, hearing testimony and the exhibits admitted into the record, the Executive Committee **Affirms** the Board's December 5, 2023, Decision to deny Van Hulst's request for an extension of the timeframe to regain officer employment.

The Board is charged by statute with the responsibility of certifying and decertifying individuals as qualified to be employed as law enforcement officers, and establishing and enforcing educational and training standards for law enforcement officers in Wisconsin. Wis. Stat § 165.85(3)(b), 3(c), (3)(cm), (4)(a); Wis Admin. Code LES § 6.02.

An officer's certification is terminated when such officer leaves law enforcement employment. Specifically, "upon the termination of employment of any law enforcement . . . officer, that officer's certification shall be terminated until there is received by the bureau from a new employer the verification of employment standards form required by rules of the board. The board shall then determine the amount of training, if any, required of the officer for recertification." Wis. Admin. Code LES § 6.02.

A law enforcement officer who was previously certified and left employment, such as Van Hulst, may request recertification without additional training. Wis. Admin. Code LES § 3.05. As relevant here, if the officer left employment, and therefore lost certification, within the past two years, then the Board may, in its discretion, recertify the officer without additional training. Wis. Admin. Code LES § 3.05(2).

Consistent with the Board's authority, the Board maintains a Policy and Procedures Manual ("Manual") that discusses the circumstances under which training may, or may not, be required for recertification. As relevant here, the Manual provides:

A law enforcement or tribal law enforcement officer who holds law enforcement or tribal law enforcement employment for less than one (1) consecutive year full-time prior to termination of employment, has three (3) years from the date they successfully completed preparatory law enforcement officer training, or three (3) years from the date they last held law enforcement employment for at least one (1) consecutive year full-time, to regain employment as a law enforcement or tribal law enforcement officer. Failure to gain or regain employment within the time frames specified will require re-completion of the entire preparatory law enforcement officer training program to regain eligibility for certification as a law enforcement or tribal law enforcement officer.

(Manual at 47.) The Manual containing the policy is publicly published and publicly available, including on the Board website.¹

Here, Van Hulst has never held full time law enforcement employment and he completed academy training over four years ago, in 2019. (Tr. 15:17–25, 16:1–2; Ex. 2, 4, and 5.)

Van Hulst, through his submissions and testimony, argues that the COVID-19 cancellation of the State Fair on May 28, 2020, and the limited expos in 2021 prevented him from continuing or obtaining employment. (Tr. 17:18–25, 18:1–13; Ex. 10, 11.) He also argues that he believed that recertification requirements did not apply to sworn officers and that he was unaware of any change to recertification practices. (Tr. 20:18–25, 21:1–14.)

The Executive Committee appreciates these arguments. However, Van Hulst completed his initial law enforcement officer training in 2019, has never held full time law enforcement employment, and has substantial gaps in his part-time employment and experience. These are considerations relevant to the Board's discretion to waive, or not waive, recertification requirements when a person who was previously certified seeks new law enforcement employment. Wis. Admin. Code. LES § 3.05. In this instance, the Board declined to waive the requirements.

That outcome is appropriate here, where it has been nearly five (5) years since Van Hulst completed initial training, he has never held full-time law

¹ <https://wilenet.widj.gov/training-standards/law-enforcement-standards-board-lesb> (last accessed March 21, 2024.)

enforcement employment, and he has periods of no law enforcement employment since his initial training. It is undisputed that he was not employed as a law enforcement officer for approximately two years between August 2021 and July of 2023. (Tr. 13:20–25, 14:1; Ex. 2, 4, and 5.) The Board is committed to ensuring that Wisconsin law enforcement officers have proper and current training. Here, that requires that Van Hulst complete a Law Enforcement Preparatory Training Academy before recertification as a law enforcement officer.

CONCLUSIONS OF LAW

1. Under Wis. Stat. § 165.85(3)(c), the LESB may certify persons as being qualified to be law enforcement officers.

2. Under Wis. Stat. § 165.85(3)(cm)2, the Board may decertify a law enforcement officer who fails to comply with a rule, policy, or order of the board relating to curriculum, training or recruitment.

3. Under Wis. Stat. § 165.85(4)(a)7, “no person may continue as a certified law enforcement or tribal law enforcement officer unless that person maintains law enforcement or tribal law enforcement employment and completes annual recertification training.”²

4. Under Wis. Admin. Code LES § 6.02(1), “upon the termination of employment of any law enforcement. . . officer, that officer’s certification shall be terminated until there is received by the bureau from a new employer the verification of employment standards form required by rules of the board. The board shall then determine the amount of training, if any, required of the officer for recertification.”

5. Under Wis. Admin. Code LES § 3.05(2), a law enforcement officer who was previously certified within the past two years may, in the Board’s discretion, be recertified without additional training. Such officer can request waiver of the training requirements for recertification. Wis. Admin. Code LES § 3.05. The Board may then make a discretionary decision on that request.

6. On December 5, 2023, the Board properly exercised its discretion to deny Van Hulst’s request for a waiver of training requirements including an extension of the time to regain officer employment. The Board properly advised Van Hulst that he is required to complete Law Enforcement Preparatory

² Wis. Stat. § 165.85(4)(a)(7) and (8) contain an exception for a Sheriff that is not relevant here.

Training before being considered for certification as a Law Enforcement Officer in Wisconsin.

7. Accordingly, the Board's December 5, 2023, decision is Affirmed.

DECISION

The Board's December 5, 2023, decision is **AFFIRMED**.

NOTICE OF RIGHT TO FILE OBJECTIONS

Any party adversely affected by the attached proposed decision may file objections to it with the Board as provided in Wis. Stat. § 227.46(2). The objections must be submitted in writing and must briefly state the reasons and authorities for each objection. The objections may be accompanied by written argument. The written objections and any accompanying argument must be submitted to Assistant Attorney General S. Michael Murphy, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin 53707-7857. Objections and arguments may also be submitted via e-mail to murphysm@doj.state.wi.us. All written objections and arguments must be received no later than May 16, 2024.

At its meeting on June 4, 2024, the Board will consider the proposed decision and any objections that may have been submitted and will thereafter issue a final written decision. The final written decision will be accompanied by a notice of appeal rights setting out the alternative methods by which a person may request administrative or judicial review of that decision.

Dated: April 2, 2024.

STATE OF WISCONSIN LAW ENFORCEMENT STANDARDS BOARD

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