



Jerry Clark <jerryclark178@gmail.com>

---

## Credibility

4 messages

---

Jerry Clark <jerryclark178@gmail.com>

Mon, Jun 15, 2015 at 11:56 AM

To: "roy.ragland@arkansashouse.org" <roy.ragland@arkansashouse.org>

To the Honorable Jeremy Gillam and Mr. Roy Ragland:

After receiving the phone call and given the reason the ASP said no because of credibility in court, I have prayed and thought about this a lot and here is what I have to say.

First off, I am really offended. In other words, according to the reason I was given, the last 22 years of service to my country and you was not credible? Was Governor Bebee, decisions on giving me a full pardon and gun rights back not credible? I think I have more than proven my credibility after my mistake over the last 22 years. I have fought in 3 combat zones, got hurt in Afghanistan, have Army Commendation medals, have a Army Achievement medal, held a clearance as a recruiter, was entrusted with millions of dollars of military equipment, have all good NCO evaluations, raised 6 law abiding successful children, saved lives or helped numerous people as a Medical first responder, etc.

I think all the above mentioned trumps the one mistake I made 20 plus years ago.

Also, I have the full support of the department I am trying to get reinstated to. From Chief Pollard, Asst. Chief Balentine all the way down to the brothers in blue I worked with. They all know about my past and think that its not right, that supposedly I have been given a pardon (that states forgiven for everything and restores ALL, not some or most rights), served our country, but can't be a police officer?

The messed up part about this is the fact I can run for Sheriff or Constable and because I'd be elected by the people then its ok for me to uphold the law, but I can't be a police officer?!

I hope and pray that this letter will get you to think and help me again. But, my thoughts are whether a little lie or a big lie.....it's still a lie correct? Well, same with a crime, whether a speeding ticket, a misdemeanor shop lifting to a felony, it's still a crime! If I'm not credible, then how are half the officers in this great State? Do you honestly know how many are recovering addicts, have misdemeanor charges on their records? How can that consciously be acceptable?

I worked for free.....FREE lol. How many officers love their jobs enough to do that? Not very many I'd bet. I love serving my community and I feel I'm letting my department down by not being there. All I ask is give me a chance, call Chief Pollard and let him tell you my work ethic and if he trusts me or not.

Thank you,  
Jerry T. Clark  
SSG, US Army retired

---

Jerry Clark <jerryclark178@gmail.com>

Mon, Jun 15, 2015 at 12:24 PM

To: Musicman120481@yahoo.com

**From:** Jerry Clark  
**Sent:** 6/15/2015 11:56 AM  
**To:** roy.ragland@arkansashouse.org  
**Subject:** Credibility

[Quoted text hidden]

---

**musicman120481** <musicman120481@yahoo.com>  
**To:** Jerry Clark <jerryclark178@gmail.com>

Tue, Jun 16, 2015 at 12:45 AM

This is what I sent

I was very disappointed when I heard the news of standards decision on Jerry Clark's case when I was told that you would do everything u could to make it happen if they did not change the wording you would try to get legislation to make a law to. Here is why I feel the way I do. This man SGT.Jerry Clark after his mistake of not telling on his fellow marines served our country for 22 more years with no problems and was awarded medals for his bravery and services in three combat zones and was wounded fighting for our country and was pardon by our governor Mike Beebe and now wants so serve are little community for free. I felt like maybe we could give back a little for him putting his life on the line for us and giving his all just like Jesus did for us. I know none of us are perfect but I would say that we have not given like he has and all he wants to do is give more. As far as credibility I think he has more than we do because of how he has served our country and still wants to. If the Governor of the state of Arkansas would give him a (FULL) Pardon and would sign it then standard is saying Governor Mike Beebe 's credibility is no good also. I am giving my recommendation that we continue to get his full rights back and let him serve where he wants to in our community.


SGT. SAM RILEY OF KPD.

[Quoted text hidden]

---

**Jerry Clark** <jerryclark178@gmail.com>  
**To:** musicman120481 <musicman120481@yahoo.com>

Tue, Jun 16, 2015 at 12:53 AM

Thanks brother  I am so indebted to you!

---

**From:** musicman120481  
**Sent:** 6/16/2015 12:48 AM  
**To:** Jerry Clark  
**Subject:** RE: FW: Credibility

[Quoted text hidden]

## **12-9-106. Selection and training requirements -- Exceptions.**

(a) (1) The Arkansas Commission on Law Enforcement Standards and Training shall provide by rule that a person shall not be appointed as a law enforcement officer, except on a temporary basis not to exceed one (1) year, unless the person has satisfactorily completed a preparatory program of police training at a school approved by the commission.

(2) (A) A law enforcement officer who lacks the education and training qualifications or background investigation required by the commission shall not have his or her temporary employment extended beyond one (1) year, by renewal of appointment or otherwise, unless extraordinary circumstances exist in the majority opinion of the executive body of the commission.

(B) If the executive body of the commission determines under subdivision (a)(2)(A) of this section that extraordinary circumstances exist, the commission may approve an extension of temporary employment for no more than an eight-month period.

(b) (1) In addition to the requirements of subsection (a) of this section and § 12-9-104(7), the commission, by rules and regulations, shall fix such other qualifications as it deems necessary.

(2) However, no person who pleads or is found guilty of a felony shall be eligible to be appointed or certified as a law enforcement officer.

(c) The commission shall issue a certificate evidencing satisfaction of the requirements of subsections (a) and (b) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in this or another state conforming to the content and quality required by the commission for approved education and training.

(d) Nothing in this section shall be construed to preclude any employing agency from establishing qualifications and standards for hiring, training, compensating, or promoting law enforcement officers that exceed those set by the commission.

(e) (1) Law enforcement officers already serving under full-time permanent appointment on December 31, 1977, shall not be required to meet the requirements of subsections (a) and (b) of this section as a condition of tenure or continued employment, nor shall failure of any such law enforcement officer to fulfill the requirements make him or her ineligible.

(2) Law enforcement officers employed prior to January 1, 1976, may continue their employment and participate in training programs on a voluntary or assigned basis, but failure to meet standards shall not be grounds for their dismissal or termination of employment. Subsequent termination of employment, whether voluntary or involuntary, shall not result in revocation of this exclusion status but such officers shall have the same powers, privileges, and rights and shall be subject to the same rules and restrictions as are applicable to officers whose certification is based on formal training.

(3) Personnel of law enforcement agencies whose status as to coverage under this subchapter is questionable on December 31, 1977, but who are subsequently determined to be subject thereto, shall have an effective date of compliance enforcement as set by the commission, and personnel employed prior to that date shall be excluded from mandatory compliance therewith.

Rick Swearingen,  
Commissioner
[Programs & Services](#)
[All Contacts](#)
[General Information](#)
[For Officers & Instructors](#)
[Our Publications](#)
[Training Resources](#)

## Professional Compliance (Disciplinary) Process

### Frequently Asked Questions

**Question: I have a prior felony arrest. Can I be certified as a law enforcement, correctional or correctional probation officer in the State of Florida?**

**Answer:** Pursuant to 943.13(4) Florida Statutes, If a person pleads guilty, no contest or is convicted of a felony, that person is ineligible to be certified as an officer in the State of Florida.

*If the felony charges are dismissed or nolle prossed then issues regarding the person's moral character are determined by the employing agency. The person is not barred by Statute from holding certification.*

**Question: I have a misdemeanor arrest involving perjury or false statements. Can I be certified as a law enforcement, correctional or correctional probation officer in the State of Florida?**

**Answer:** Pursuant to 943.13(4) Florida Statutes, If a person pleads guilty, no contest or is convicted of a misdemeanor involving perjury or false statement, that person is ineligible to be certified as an officer in the State of Florida.

*If the misdemeanor perjury or false statement charges are dismissed or nolle prossed then issues regarding the person's moral character are determined by the employing agency. The person is not barred by Statute from holding certification.*

**Question: If I am barred by Florida Statute from holding certification due to an arrest on felony charges or charges involving misdemeanor perjury or false statements, is there anything I can do?**

**Answer:** Yes. You can apply to the Governor's Clemency Board for a FULL PARDON. If you are granted a FULL PARDON, the statutory bar is removed. However, the employing agency still makes a determination as to moral character.

*(If the arrest was Federal, you would need to apply for a FULL PARDON through the Office of the President.) Local Out of State Arrests would go through the Governor of that State.*

**Question: Can I become certified if I have been convicted of misdemeanor charges of Battery Domestic Violence?**

**Answer:** There is no statutory bar; however, the Federal Gun Control Act bars a person convicted of this charge from possessing a firearm or ammunition, whether on or off duty.

**Question: If I have been a certified officer, but my certification has been revoked by the Criminal Justice Standards and Training Commission, can I ever become re-certified as an officer in the State of Florida?**

**Answer:** The CJS&T Commission may reconsider you for certification. You would first need to find a Criminal Justice Agency in the State of Florida that would be willing to hire you. They would need to conduct a background check pursuant to Florida Statute, then submit your application for certification to FDLE, as staff for the CJS&T Commission. The application for certification will be denied, due to the prior revocation. You will be sent a letter of denial with an election of rights form. You can select to have an Informal Hearing before the CJS&T Commission via the Election of Rights Form. Once this form is received by Staff, you will be scheduled for a reconsideration hearing before the next available meeting of the CJS&T Commission.

**Question: If I resign from my employing agency while under investigation for a moral character violation, does this end the investigation and prevent my certification from facing possible disciplinary action by the CJS&T Commission?**

**Answer:** No. Pursuant to Section 943.1395(5) Florida Statutes and Rule 11B-27-003(1) an employing agency must conduct and conclude an investigation when having cause to suspect that an officer employed by them has violated Sections 943.13 (4) or (7) Florida Statutes or Rule 11B-27-0011(4) Florida Administrative Code. The investigation shall be completed with an official disposition, even though the officer may be terminated, resign or retire.

**Question: If I have my law enforcement certification revoked or I voluntarily relinquish it due to a disciplinary case, can I become certified as a correctional officer in the State of Florida?**

**Answer:** No. If any Criminal Justice Certification is revoked or relinquished via the CJS&T Commission, it holds true for all other certifications that officer may hold or wish to hold with the CJS&T Commission.

## Home

## A-Z Index

## About Us

Quick Facts  
Publications  
Audio & Video Content  
Organizational Chart  
Commissioner's Bio  
FAQ's

## Alerts

View Current Amber Alerts  
View Current Missing Child Alerts  
View Current Silver Alerts

## Search Our Systems

Sexual Offender Database  
Criminal History Records  
Missing Children  
Endangered Persons  
Wanted/Missing Persons  
Stolen Property  
Career Offenders

## Councils

## Contact Us

FDLE Contacts  
FDLE Regional Contacts  
Florida Fusion Center





Rick Swearingen,  
Commissioner

[Programs & Services](#) [All Contacts](#) [General Information](#) [For Officers & Instructors](#) [Our Publications](#) [Training Resources](#)

## Officer Requirements

### Home

### A-Z Index

### About Us

[Quick Facts](#)  
[Publications](#)  
[Audio & Video Content](#)  
[Organizational Chart](#)  
[Commissioner's Bio](#)  
[FAQ's](#)

### Alerts

[View Current Amber Alerts](#)  
[View Current Missing Child Alerts](#)  
[View Current Silver Alerts](#)

### Search Our Systems

[Sexual Offender Database](#)  
[Criminal History Records](#)  
[Missing Children](#)  
[Endangered Persons](#)  
[Wanted/Missing Persons](#)  
[Stolen Property](#)  
[Career Offenders](#)

### Councils

### Contact Us

[FDLE Contacts](#)  
[FDLE Regional Contacts](#)  
[Florida Fusion Center](#)



#### How To Become Employed in Florida

To become employed as a certified law enforcement, correctional or correctional probation officer in Florida individuals must:

- Be at least 19 years of age.
- Be a citizen of the United States.
- Have earned a high school graduate or equivalent (GED). (A bachelors degree is required for correctional probation officers.)
- Not have been convicted of any felony or of a misdemeanor involving perjury or false statement.
- Any person who, after July 1, 1981, pleads guilty or nolo contendere to, or is found guilty of a felony, or of a misdemeanor involving perjury or a false statement, shall not be eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication.
- Never have received a dishonorable discharge from any of the Armed Forces of the United States.
- Have good moral character.
- Have passed a Commission approved [Basic Abilities Test](#), if not certified and attending a Florida Basic Recruit Training Program \*
- Successfully completed the Florida Basic Recruit Training Program for the respective discipline or [equivalency for out of state officers](#).
- Achieved a passing score on the State Officer Certification Examination. \* (Exception: auxiliary officers do not need to take the SOCE).
- Have been fingerprinted by the employing agency with prints processed by the FDLE and the FBI.
- Successfully passed a background investigation, to include drug testing.
- Have passed a physical examination by a licensed physician.
- Completed a [CJSTC-68 Affidavit of Applicant Form](#)
- (If already a certified officer) Complied with [mandatory retraining](#) or educational requirements.

#### Statutory Authority

For specific Florida Statute references and additional information:

[943.13](#) - Officers' minimum qualifications for employment or appointment

[943.135](#) - Establishment of qualifications and standards above the minimum

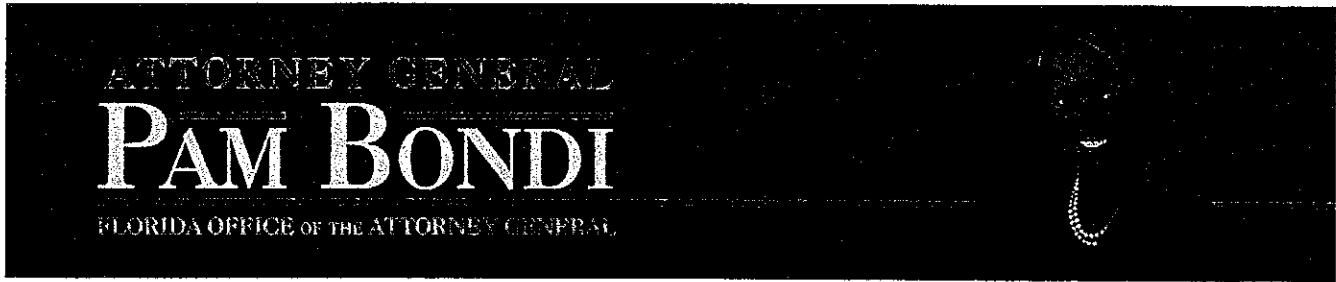
For Specific Florida Administrative Code references and additional information:

[11B-27.002](#) – Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers.

[11B-27.00211](#) – Fingerprint Processing and Criminal Record Results.

[11B-27.0022](#) – Background Investigations.

[11B-27.00225](#) – Controlled Substance Testing Procedures



**Contact Us**

For National Foreclosure Settlement inquiries or to file a complaint please visit our [complaints section](#).

**You may contact us by using any of the options below**

- [Email Attorney General Pam Bondi](#)
  - [Request Appearance by Attorney General](#)
  - [Online Form for General Inquiries](#)
- Mailing address**  
 Office of Attorney General  
 State of Florida  
 The Capitol PL-01  
 Tallahassee, FL 32399-1050

**Telephone Numbers**

- Switchboard: 850-414-3300
- Citizens Services: 850-414-3990
- Human Resources ADA Coordinator: 850-414-3900
- Florida Relay/TDD: 800-955-8771
- Florida Toll Free: 1-866-966-7226
- Fax numbers: [Find the fax number of the section you are contacting](#)

For information specific to a given subject area, please select from the list below:

**Branch Field Offices**

- [Addresses, phone numbers and fax numbers for divisions and branch offices](#)
- [Maps with directions for visiting our offices](#)

**Media Contact**

- All media inquiries should be directed to the Office of the Communications at 850-245-0150

In accordance with 28 CFR 35.107, person(s) wishing to file a complaint or grievance against the Office of the Attorney General for denial of access to services to the public, as defined by 28 CFR 35.130, may do so through the Office of the Inspector General by using the on-line contact form, selecting Inspector General, and following the contact link or by calling the Office of Citizen Services at 850-414-3990.

If you choose to provide information in a feedback form, conference registration form or other form on this site, unless specifically exempted by Florida Statutes, such information is a public record under Florida's Government in the Sunshine Laws and available for public inspection upon demand.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

---

**Florida Toll Free Numbers:**

- Fraud Hotline 1-866-966-7226
- Lemon Law 1-800-321-5366

# New Hampshire Police Standards & Training Council

## Administrative Rules adopted pursuant to RSA 541-A:3 under authority of RSA 188-F:22-32-d

Adoption Date: 01 August, 2008  
Expiration Date: 01 August, 2016



(c) The hiring authority shall include in its investigation a check of the following sources in order to determine the applicant's character, reliability and honesty:

- (1) Military records;
- (2) Documents, including driver license, high school diploma and birth, or naturalization records;
- (3) The National Crime Information Center;
- (4) All local police files, and police files in all communities where the applicant has lived or worked;

Adopted Rule July 22, 2008

31

(5) State motor vehicle records in each state where the applicant has lived or worked;

(6) Schools attended within the past 10 years;

(7) Past and present neighbors, spouses, and landlords; (8) Acquaintances and character references, and fraternal and social organizations the applicant belongs to or has belonged to;

(9) A personal inquiry with the applicant's present and past employers for the past 5 years; and

(10) Any other sources of information which the above contacts show to be important.

(d) One or more of the items specified in (c)(6), (8), and (10) above may be omitted when, in the opinion of the hiring authority the applicant's character and background are so well-known to the hiring authority as to render such action unnecessary.

(e) The agency shall retain in its files until 5 years after termination, a synopsis of the background investigation report. Such files shall be made available for inspection by the director of police standards and training or his/her authorized representative should an occasion arise where the accuracy of those files or compliance with these rules is in question.

(f) The hiring authority or designee shall conduct a personal interview of the applicant.

(g) The hiring authority shall evaluate the results of its background investigation and the agency shall not appoint or invest with authority an applicant who:

(1) Suffers from a mental disorder, as defined in Pol 101.27 for which he/she has not undergone effective rehabilitation, which would affect his/her ability to perform law enforcement or corrections duties;

(2) Has ever been convicted of a felony by a civilian court or by a military court, whether or not the charge had been annulled nor whether a suspended sentence was completed, and for which he or she has never received a pardon;

(3) Has been convicted of a misdemeanor by a civilian or military court and for which he or she has not received a pardon, which offense or the underlying circumstances surrounding the commission thereof was such that it would cause a reasonable person to doubt the applicant's character, honesty or ability;

(4) Has been convicted in a civilian or military court of multiple misdemeanors or violations for which he or she has not

received a pardon, and which would indicate to a reasonable person a pattern of disregard for the law;

(5) Has been convicted in a military or civilian court in the 10 years immediately before application for hire as a police or corrections officer of a misdemeanor for which he or she has not received a pardon, and which resulted in a serious bodily injury to another person;

(6) Has ever been dishonorably discharged from the military service;

(7) Has been discharged from the military service under other than honorable conditions, where the circumstances, in the opinion of a reasonable person, would cast doubt on his/her fitness to be a police or corrections officer;

(8) Has ever illegally manufactured, transported for sale, or sold a controlled substance as sale is defined in RSA 318-B:1, unless, upon review of the council at the request of a hiring authority, the council finds that:

Adopted Rule July 22, 2008

32

a. The conduct occurred at an age when the applicant would have been considered a juvenile under the laws of the state where the conduct occurred;

b. The behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as defined in Pol 101.28; and

c. Where a sale did occur, it was not for profit, meaning the conduct did not result in an excess of return over expenditure in a transaction or series of transactions.

(9) Within 36 months before the application for hire, has illegally used a controlled substance other than marijuana, unless the applicant was under the age of 21 at the time of using the controlled substance, in which case 24 months shall apply;

(10) Within 12 months before the application for hire, has used marijuana;

(11) While employed in a law enforcement capacity has ever illegally used a controlled substance;

(12) Has knowingly made a material false statement in the application process;

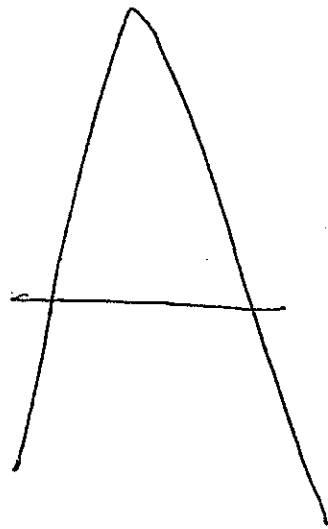
(13) Has been discharged or allowed to resign in lieu of discharge for reasons of moral character as defined in Pol 101.28 or Pol 301.05 (m) or moral turpitude as defined in Pol 101.29, from employment as a police, corrections or probation/parole officer for acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of this State or Nation;

(14) Has a history of illegal drug use which in the opinion of a reasonable person would cast doubt on his/her fitness to be a police, corrections or probation/parole officer;

(15) Uses any legal drugs or alcohol to excess; or

(16) Whose general character and reputation in the community are

such that a reasonable person would doubt that the applicant would conduct him/herself with honesty and integrity and uphold the rule of law.



AG  
Opinions

Opinion No. 94-148

June 2, 1994

The Honorable Mike Huckabee  
Lieutenant Governor  
State Capitol, Suite 270  
Little Rock, AR 72201

Dear Mr. Huckabee:

This is in response to your request for an opinion on whether an expungement and full pardon from a felony conviction restores a person's rights and privileges. You state that the individual in question wants permission to use a firearm and to apply for a job as a police officer, so I will address these issues first.

In response to your first question regarding use of a firearm, please refer to section 5-73-103 of the Arkansas Code, which addresses ownership and possession of firearms by convicted felons.[fn1] The relevant parts are as follows:

(a) Unless so authorized by and subject to such conditions as prescribed by the Governor, or his designee, or the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department, or other bureau or office designated by the Treasury Department, no person shall possess or own any firearm who has been:

1) convicted of a felony. . . .

\* \* \*

(b) A determination by a jury or court that a person committed a felony:

\* \* \*

(2) shall not constitute a conviction for purposes of subsection (a) of this section if the person is subsequently granted a pardon explicitly restoring the ability to

possess a firearm.

A.C.A. 5-73-103 (Cum. Supp. 1993).

The first issue is the full pardon and its effects on using a firearm. It is not clear from the facts in your request whether the individual in question has been granted a full pardon. The above statute provides that a pardoned felon may not own or possess a firearm under state law unless his pardon "explicitly" restores the ability to own or possess a firearm. In my opinion, the individual may not own or possess a firearm under state law, without specific language in a pardon giving him the right to do so. See Op. Att'y Gen. 94-080.

The next issue is the effect of an expungement order on the right of a convicted felon to own and possess a firearm. It is not clear under which act the individual's conviction was expunged.

With respect to expungements granted under Act 378 of 1975,<sup>[fn2]</sup> the right to own or possess a firearm is restored. See again, Op. Att'y Gen. 94-080. The statute states that "expunge" signifies "that the defendant was completely exonerated of any criminal purpose and that the disposition shall not affect any civil rights or liberties of the defendant." A.C.A. 16-93-502(7)(a) (Cum. Supp. 1993). The Arkansas Supreme Court cited this section of the Arkansas code in *Irvin v. State*, 301 Ark. 416, 784 S.W.2d 763 (1990). In *Irvin*, the court held that a conviction expunged under this act cannot be used as a felony, to support the charge of felon in possession of a firearm under section 5-73-103. *Id.*

Another expungement statute is Act 346 of 1975.<sup>[fn3]</sup> Like Act 378, under Act 346 expungement signifies "that the defendant was completely exonerated of any criminal purpose, and that the disposition shall not affect any civil rights or liberties of the defendant." A.C.A. 16-93-301 (1987).

Although there are no reported decisions regarding Act 346, it seems that the Arkansas Supreme Court would reach a conclusion about Act 346 similar to that reached in *Irvin* about Act 378. Therefore, it is my opinion that one sentenced under Act 346, who has fulfilled the terms and conditions of probation, is not prohibited from possessing a firearm under section 5-73-103.<sup>[fn4]</sup> See Op. Att'y Gen. 94-080.

Your second question is whether an expungement and/or full pardon restore the right to apply for or become a police officer. The Arkansas statute governing this issue is set out below:

No person who pleads guilty or is found guilty of a felony shall be eligible to be appointed or certified as a law enforcement officer.

A.C.A. 12-9-106(b) (1987).

In my opinion, an expungement does not generally operate to nullify the operation of section 12-9-106(b). See Op. Att'y Gen. 89-056. There are two reasons for this conclusion. First, ~~an expungement does not remove the fact of conviction for all purposes.~~<sup>[fn5]</sup> An entry is made upon the records, but the records are not destroyed. See A.C.A. 16-93-502, 16-93-301, 16-93-1207. Second, section 12-9-106 makes specific reference to law enforcement officers, and a special statute governing a particular issue will be given greater effect than a general law on the subject matter. See *Ridgeway v. Catlett*, 238 Ark. 323, 379 S.W.2d 277 (1964).

It is also my opinion that a pardon would not nullify section 12-9-106(b). See again, Op. Att'y Gen. 89-056. First, it should be noted that a governor's pardon can only take place after conviction. See *State v. Carson*, 27 Ark. 469, 471 (1972). Second, the Arkansas Supreme Court has previously stated that a "pardon does not obliterate the fact of commission of the crime and the conviction thereof." *State v. Irby*, 190 Ark. 786, 77 S.W.2d 456 (1935) (citing 46 C.J. 1192). Under section 12-9-106(b), one "who pleads or is found guilty of a felony" is precluded from being certified as a law enforcement officer. It seems to follow that a pardon granted after conviction, will probably not remove the basis for ineligibility under section 12-9-106(b).

One potential exception to section 12-9-106(b) is the "discharge and dismissal" statute. A.C.A. 5-4-311 (Cum. Supp. 1993). This exception will apply if the sentence is suspended or the defendant is placed on probation, and no judgment of conviction is entered. Since a "discharge and dismissal" nullifies all previous determinations of guilt, it is not really an exception. This is because section 12-9-106(b) only applies to one "who pleads or is found guilty of a felony."

For the effects of an expungement or full pardon on running for public office,[fn6] and voting rights, see Ops. Att'y Gen. 86-055, 91-342, 94-106, and 90-022, respectively (copies enclosed).

The foregoing opinion, which I hereby approve, was prepared by Deputy Attorney General Elana C. Wills.

Sincerely,

WINSTON BRYANT  
Attorney General

WB/ddm:cyh

Enclosures

[fn1] There are no local ordinances governing ownership or possession of firearms in Arkansas. See A.C.A. 14-16-504 (Cum. Supp. 1993).

[fn2] Act 378, called the "Alternative Service Youthful Offender Act," and later the "Alternate Service Act" was repealed January 1, 1994.

[fn3] Act 346 is sometimes called the "First Offender Act".

[fn4] I will not address Acts 637 and 800 of 1977, because the individual in question was eighteen at the time of the crime, making these statutes inapplicable to his situation. See A.C.A. 16-90-601 to -605 (1987). I also will not address Act 531 of 1993 as it does not appear to be applicable.

[fn5] In *Gosnell v. State*, 284 Ark. 299, 681 S.W.2d 385 (1984), the court held that an expunged conviction could be used to enhance the sentence of an habitual offender. This case was cited and distinguished in *Irvin*.

[fn6] The Arkansas Supreme Court has held that expunction under a federal statute removed the fact of conviction, making the felon eligible for public office. *Tyler v. Shackelford*, 303 Ark. 662, 799

S.W.2d 789 (1990). In a case that did not involve a federal statute, the court upheld the eligibility of an individual with an expunged felony conviction because the judge's order declared the conviction "null and void," and illustrated an intent to set aside the conviction as if it never happened. Powers v. Bryant, 309 Ark. 568, 832 S.W.2d 232 (1992). The court therefore held that the individual was not prohibited from running for public office under Arkansas Constitution, art. 5, 9.



Attorney General of Arkansas — Opinion

## OPINION NO

2008-104 (Ops.Ark.Atty.Gen. Aug 11, 2008)

Jerry Taylor

Attorney General of Arkansas — Opinion

Opinion Delivered August 11, 2008 \*1

---

DUSTIN McDANIEL, Attorney General

The Honorable Jerry Taylor State Senator 6203  
Ridgewood Drive Pine Bluff, Arkansas 71603-7738

Dear Senator Taylor:

I am writing in response to your request for an opinion on the following four questions:

1. Can a person who has an aggravated assault conviction, which has been *sealed* and *expunged* under the first offenders act, *with firearms rights restored* serve as constable?
2. If the answer to question one is "yes" — can that person *carry a gun* in the performance of his duties as constable?
3. If the answer to question two is "yes" — can that person attend ALETA and become a *certified police officer* for an Arkansas city, county or state police agency?
4. If the answer to question two is "no" — can that person perform the duties of constable *without carrying a gun*?

### RESPONSE

The answers to your questions would require specific reference to the exact facts surrounding the sentenc-

ing of the individual in question. I can set out some general conclusions concerning the relevant law, but that law would have to be applied to the specific facts in order to reach any definitive conclusions. I can state as general matter, in response to your first question, that a valid expungement \*2 generally restores the right to hold public office. I am somewhat uncertain regarding your reference to the restoration of firearms rights. There are procedures in place for the Governor to restore firearms rights. *See* A.C.A. § 5-73-103(b)(2) and (d) (Repl. 2005). I assume, by your reference to the individual's firearms rights being restored, that he has availed himself of one of these procedures. If so, the answer to your second question is "yes," assuming the individual has also satisfied the new statutory training requirements for constables to be able to carry firearms in the course of their duties. In my opinion the answer to your third question is "no." My predecessors, under prior law, have concluded that an expungement is not sufficient to restore eligibility to become a certified law enforcement officer. Although the surrounding law has changed somewhat since the issuance of these opinions, in my opinion that conclusion still obtains. An answer to your fourth question is unnecessary, assuming the individual has a valid restoration of firearms rights under A.C.A. § 5-73-103(b)(2) or (d), and assuming the applicable training has been received. If not, however, in my opinion the answer is unclear, but appears to be "yes." Current statutes appear to contemplate the possibility of a constable serving without carrying a firearm. The statutes authorize a constable to carry a firearm only if certain training has been received.

**Question 1 — Can a person who has an aggravated assault conviction, which has been sealed and expunged under the first offenders act, with firearms rights restored serve as constable?**

I must note as an initial matter that determinations of this character require reference to the facts surrounding a particular individual, including any relevant sentencing documents. *See, e.g.*, Ops. Att'y Gen.2002-098; 99-027 and 96-304. I cannot come to any definitive conclusions as to any particular individual in the absence of all the relevant facts. I can state, however, as a general matter, that a valid expungement generally restores the right to hold public office.

Arkansas law disqualifies persons with certain criminal convictions from holding public office. *See, e.g.*, Arkansas Constitution, art. 5, § 9 ("No person hereafter convicted of embezzlement of public money, bribery, forgery or other infamous crime, shall be eligible to the General Assembly or capable of holding any office of trust or profit in this State"); art. 19, § 3 ("No persons shall be elected to, or appointed to fill a vacancy in, any office who does not possess the qualifications of an elector); and A.C.A. § 16-90-112(b) ("Every person convicted of bribery or \*3 felony shall be excluded from every office of trust or profit and from the right of suffrage in this state"). It has been held that an "infamous crime" under the first provision includes all felonies, and certain misdemeanors. *See Powers v. Bryant*, 309 Ark. 568, 832 S.W.2d 232 (1992) and *State v. Oldner*, 361 Ark. 316, 206 S.W.3d 818 (2005). "Aggravated assault" is a Class "D" felony. *See* A.C.A. § 5-13-204(b) (generally) and § 5-26-306(b) (on a family or household member).

A valid expungement, however, restores the right to public office. *See Powers v. Bryant*, *supra*, relying on *Tyler v. Shackelford*, 303 Ark. 662, 799 S.W.2d 789 (1990). *See also*, A.C.A. § 16-90-902, commonly re-

ferred to as the "Uniform Expungement Act," which provides as follows:

(a) An individual whose record has been expunged in accordance with the procedures established by this subchapter shall have all privileges and rights restored and shall be completely exonerated, and the record which has been expunged shall not affect any of his or her civil rights or liberties unless otherwise specifically provided by law.

(b) Upon the entry of the uniform order to seal records of an individual, the individual's underlying conduct shall be deemed as a matter of law never to have occurred, and the individual may state that no such conduct ever occurred and that no such records exist.

Emphasis added. *See also*, A.C.A. § 7-6-102 ("... a person shall be qualified to be a candidate for ... township office and may certify that he or she has never been convicted of a felony if his or her record was expunged in accordance with §§ 16-93-301 — 16-93-303 ... provided, the candidate presents a certificate of expunction from the court that convicted the prospective candidate").

Section 16-93-301 through-303, mentioned above, is the "First Offender Act," which you reference in your first question. *See also*, A.C.A. § 5-64-413 (Repl. 2005) (discharge and dismissal for certain first time drug offenders). A 2007 amendment to A.C.A. § 16-93-303 states that after successful completion of probation under that act and expungement consistent with the Uniform Expungement Act, the "defendant is considered as not having a felony conviction except for: 1) [a] determination of habitual offender status; 2) [a] determination of \*4 criminal history; 3) "[a] determination of criminal history scores; 4) [s]entencing; and 5) "impeachment as a witness under Rule 609 of the Arkansas Rules of Evidence." A.C.A. § 16-93-303(d)(1) through (5).<sup>1</sup> Disqualification for public office is not mentioned. In my opinion, therefore, a valid expungement generally restores the right

to public office of a person sentenced under the First Offender Act. *See also, Powers v. Bryant, supra*, A.C.A. § 7-6-102; and Ops. Att'y Gen. 2002-317; 2002-310; 2002-152; 2002-098; 99-027; 96-387; and 96-304.

1. Subsection (e) also states that "The eligibility to possess a firearm of a person whose record has been expunged and sealed under this subchapter and § 16-90-901 et seq. is governed by § 5-73-103." That provision will be discussed in more detail in response to your second question.

***Question 2 — If the answer to question one is "yes" — can that person carry a gun in the performance of his duties as constable?***

As indicated above, and in n. 1, *supra*, the First Offender Act states at A.C.A. § 16-93-303 (e) (Supp. 2007), that "The eligibility to possess a firearm of a person whose record has been expunged and sealed under this subchapter and § 16-90-901 et seq. is governed by § 5-73-103." That statute is commonly referred to as the "felon in possession" statute. It criminalizes the possession of firearms by certain persons, including those who have been convicted of felonies. The relevant portions provide:

(a) *Except as provided in subsection (d) of this section or unless authorized by and subject to such conditions as prescribed by the Governor, or his or her designee, or the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice, or other bureau or office designated by the United States Department of Justice, no person shall possess or own any firearm who has been:*

(1) *Convicted of a felony;*

\* \* \*

(b)(1) A determination by a jury or a court that a person committed a felony constitutes a conviction for purposes of \*5 subsection (a) of this section even though the court suspended imposition of sentence or placed the defendant on probation.

(2) However, the determination by the jury or court that the person committed a felony *does not constitute a conviction for purposes of subsection (a) of this section if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm.*

\* \* \*

(d) *The Governor may restore without granting a pardon the right of a convicted felon or an adjudicated delinquent to own and possess a firearm upon the recommendation of the chief law enforcement officer in the jurisdiction in which the person resides, so long as the underlying felony or delinquency adjudication:*

- (1) Did not involve the use of a weapon; and
- (2) Occurred more than eight (8) years ago.

Emphasis added.

You have stated in your first question that the individual about whom you inquire has had his "firearms rights restored. The statute above authorizes the Governor to restore a convicted person's right to own and possess a firearm, either by virtue of a pardon explicitly restoring the right, or without granting a pardon under the circumstances listed in subsection (d).<sup>2</sup> I assume, because you state that the individual has had his "firearms rights restored" that he has received such a pardon under subsection (b)(2), or has otherwise had his "firearms rights restored" under \*6 subsection (d) of A.C.A. § 5-73-103 without a pardon. If so, he may own and possess a firearm under A.C.A. § 5-73-103. Section 5-73-103 would thus stand as no obstacle to his "carry[ing] a gun in the performance of his duties as constable." A recently-adopted statute,

however (A.C.A. § 14-14-1314), states at (a)(1)(B) that:

2. The statute, in subsection (a), also mentions certain federal offices as being authorized to restore firearms rights. Under current federal law, however, that is not an option. See Op. Att'y Gen. Opinion No. 2005-023 (citing *Black v. Snow*, 272 F.Supp.2d 21 (D.C.C. 2003), which discusses Congress' decision, first made in 1992 and continued each year thereafter, to prohibit the federal funds appropriated annually for ATF from being used "to investigate or act upon applications for relief from Federal firearm disabilities under 18 U.S.C. § 925(c)." See Treasury, Postal Service and General Government Appropriations Act, Pub.L. No. 102-393, 106 Stat. 1729, 1732 (Oct. 6, 1992)).

(B) For a constable to carry a firearm:

(i) He or she shall attend sixteen (16) hours of firearms training; and

(ii) Each year after completing the training required under subdivision (a)(1)(B)(i) of this section, he or she shall satisfy the firearm qualification standards for a law enforcement official.

Assuming the applicable restoration of rights has been secured and the applicable training requirements are met, in my opinion such a person would be able to "carry a gun in the performance of his duties as constable." See also, Ops. Att'y Gen. 2002-332 and 97-067. To that extent, the answer to your second question is "yes."<sup>3</sup>

3. If however, the person about whom you inquire has not received a pardon explicitly restoring his firearm rights, nor had firearm rights restored under subsection (d) of A.C.A. § 5-73-103, in my opinion his right to own and possess a firearm on the basis of an expungement alone is questionable. See A.C.A. 16-93-303(e); 5-73-103 (a)(1); 16-90-902; Act

595 of 1995; *State v. Warren*, 345 Ark. 508, 49 S.W.3d 103 (2001); *State v. Ross*, 344 Ark. 364, 39 S.W.3d 789 (2001) and Op. Att'y Gen. 2005-230. Again, the precise facts involving the particular individual may also be relevant.

**Question 3 — If the answer to question two is "yes" — can that person attend ALETA and become a certified police officer for an Arkansas city, county or state police agency?**

In my opinion the answer to this question is "no."

Your third question does not involve an individual's service as constable, but inquires instead whether the individual can attend the "Arkansas Law Enforcement Training Academy" and become a *certified law enforcement officer*. This question is governed by A.C.A. § 12-9-106 (b)(2) (Repl. 2003), which provides that: ". . . \*7 no person who pleads or is found guilty of a felony shall be eligible to be appointed or certified as a law enforcement officer."<sup>4</sup> The question presented is whether an expungement removes this disqualification. My predecessors have concluded that it generally does not. See e.g., Ops. Att'y Gen. 96-387; 94-148; and 89-056; and 83-217.<sup>5</sup> The law has changed in some respects since the issuance of these opinions, but in my opinion the conclusion barring persons with their records expunged from being certified as law enforcement officers still obtains.

4. This statute does not apply to elected constables because they are not within the definition of "law enforcement officer[s]" for purposes of the applicable subchapter. See Arkansas Constitution, art. 7, § 47 (providing for the election of constables); 14-14-1301(b)(2) (Supp. 2007) (same); and A.C.A. § 12-9-102(2) (Repl. 2003) (defining "law enforcement officer" as excluding "those officers who are elected by a vote of the peo-

ple"). See also, however, A.C.A. § 12-9-115 (Supp. 2007) (requiring the Arkansas Commission on Law Enforcement Standards and Training to develop a training course of one hundred and twenty (120) hours to one hundred sixty (160) hours for certifying new constables).

5. One exception was noted in three of these opinions — for defendants receiving a discharge and dismissal under A.C.A. § 5-4-311 — on the basis that that statute contained language "nullifying" a previous determination of guilt" and stating that the defendant "shall not thereafter be subjected to any disqualification or disability imposed by law upon conviction of the offense." That language has since been omitted from the statute, however.

The applicable prohibition, A.C.A. § 12-9-106(b)(2) was added by separate amendment to the subchapter of which it is now a part. See Acts 1983, No. 905, amending Acts 1975, No. 452, § 8(b). The 1983 Act added the sentence now found at (b)(2), ("... no person who pleads or is found guilty of a felony shall be eligible to be appointed or certified as a law enforcement officer"). The emergency clause to the 1983 act provided as follows:

With knowledge that there are law enforcement officers presently appointed or employed in this State who have been convicted of felony offenses and that there is ambiguity in the law with respect to what constitutes a conviction, and that the law enforcement officer is in a high position of public trust, and that this Act is necessary for the protection of the public peace, health and safety, this Act shall be in full force and effect from and after its passage and approval.

Acts 1983, No. 905, § 3 (emphasis added). \*8

The emergency clause reflects the clear intent of the Arkansas General Assembly, despite any disputes as to what does, or does not constitute a "conviction,"

that persons who have "pled guilty," or who have been "found guilty" of felonies, are not eligible to be certified as "law enforcement officers." In this regard, defendants sentenced under the "First Offender Act" are required to plead guilty or *nolo contendere*. A.C.A. § 16-93-303(a)(1)(A)(i).<sup>6</sup> In my opinion, this "pled guilty" or "found guilty" language is an exception to A.C.A. § 16-90-902's restoration of rights under the Uniform Expungement Act. Again, that statute states that a person with his record expunged "shall have all privileges and rights restored and shall be completely exonerated, and the record which has been expunged shall not affect any of his or her civil rights or liberties unless otherwise specifically provided by law." (Emphasis added). In my opinion, A.C.A. § 12-9-106(b)(2) "specifically provide[s]" otherwise.

6. With regard to the effect of a "*nolo contendere*" plea, as stated in Opinion No. 1996-387, n. 1:

Black's Law Dictionary (5th ed. 1979), defines this term as a: "Latin phrase meaning 'I will not contest it'; a plea in a criminal case which has a similar legal effect as pleading guilty. [Citation omitted.] Type of plea which may be entered with leave of court to a criminal complaint or indictment by which the defendant does not admit or deny the charges, though a fine and sentence may be imposed pursuant to it. The principal difference between a plea of guilty and a plea of *nolo contendere* is that the latter may not be used against the defendant in a civil action based upon the same facts. As such, this plea is particularly popular in antitrust actions . . . where the likelihood of civil actions following in the wake of a successful antitrust

and if you read further

prosecution is very great." See *Id.*  
at 945.

In my opinion, a plea of "nolo contendere," because it has the same legal effect as a guilty plea, is also within the prohibition of A.C.A. § 12-9-106(b)(2).

A similar question was addressed in *Doe v. Arkansas Department of Human Services*, 357 Ark. 413, 182 S.W.3d 107 (2004). Doe involved a request by two persons for an injunction to prohibit the Arkansas Department of Human Services ("DHS") from enforcing its rule denying employment as certified nursing assistants to persons who had certain expunged criminal convictions. The Department had notified certain nursing homes and care facilities that it would begin receiving information from the Arkansas State Police as to the criminal histories of employees and applicants, including expunged criminal adjudications. Although that case turned upon procedural grounds (the court denied injunctive relief, finding no "irreparable harm"), the court went on to note that: \*9

In conclusion, we note Doe and Roe's argument that the State is clearly in violation of Ark. Code Ann. § 16-90-902 (Supp. 2001) [footnote omitted] and Arkansas public policy. Citing *McClish v. State*, 331 Ark. 295, 962 S.W.2d 332 (1998), they argue that it is obvious that Arkansas has adopted a "second chance" policy to provide certain, eligible individuals a clean slate to make a positive contribution to society. They further contend that there is nothing in § 22-33-205 that provides the OLTC authority to act contrary to this policy. Their argument, however, ignores the express purpose of § 20-33-205 of Arkansas's Elder Care law, which recognizes that sometimes persons providing care to the elderly or individuals with disabilities have criminal histories that impair their ability to provide adequate care. See Emergency Clause of Act 990 of 1997. Here, the General Assembly

specifically enumerated those criminal offenses that disqualify a person or ElderChoices provider; those offenses include theft of property, which was the offense committed by Doe and Roe. See Ark. Code Ann. § 20-33-205(a)(3)(A), (B) and (b)(24) (Supp. 2003). It is within the General Assembly's authority to change or amend laws and public policy in this matter.

*Id.* at 418-419. See also, Ops. Atty Gen. 2003-183; 2003-057; and 2002-141.

In my opinion, similarly, A.C.A. § 12-9-106(b)(2), as added by Acts 1983, No. 905, including the emergency clause to that Act, reflects an intent that persons who have plead guilty or who have been found guilty of felonies not be certified as law enforcement officers. In my opinion, therefore, the answer to your third question is "no."

**Question 4 — If the answer to question two is "no" — can that person perform the duties of constable without carrying a gun?**

To the extent the individual has obtained a valid restoration of firearms rights under either A.C.A. § 5-73-103(b)(2) or (d), and has received the required training under A.C.A. § 14-14-1314, the answer to Question 2 was "yes." An answer to your fourth question is thus unnecessary under those facts. \*10

If for some reason, the requisite restoration of firearms rights has not been received, or the required training has not been taken, in my opinion the answer to your question is unclear. I have not found any helpful case law in Arkansas or elsewhere on the question. In addition, the portion of A.C.A. § 14-14-1314 regarding firearms training for constables clearly requires the training if a constable is to carry a firearm in the course of his duties. It does not appear, however, to reflect any intent to disqualify an individual from

serving as constable if he does not take the required firearms training. Constables are created at Arkansas Constitution, art. 7, § 47, but no explicit qualifications are listed. In addition, A.C.A. § 14-14-1301(b)(2) (Supp. 2007) states that "[t]here shall be elected in each township . . . one (1) constable who shall have the qualifications and perform such duties as may be provided by law." I have not found any specific statutes setting the qualifications of constables or requiring them to be eligible to carry firearms. Various statutes in the Arkansas Code set out the law enforcement duties of constables. *See, e.g.*, A.C.A. § 16-19-302 ("Each constable shall be a conservator of the peace in his township and shall suppress all riots, affrays, fights, and unlawful assemblies, and shall keep the peace and cause offenders to be arrested and dealt with according to law"). Although, clearly, the exercise of these duties would be facilitated by the carrying of firearms, I cannot conclude that the applicable statutes make carrying firearms a job qualification.

In my opinion, therefore, if, under the particular facts, the individual you describe is disqualified from carrying a firearm due to his criminal conviction, state law does not appear to expressly prohibit him from serving as constable.

Deputy Attorney General Elana C. Wills prepared the foregoing opinion, which I hereby approve.

Sincerely,

DUSTIN McDANIEL, Attorney General

---

Opinion No. 93329

November 17, 1993

Ms. Paula G. Pumphrey, Director  
Department of Community Punishment  
Tower Building, Suite 1210  
323 Center Street  
Little Rock, Arkansas 72201

Dear Ms. Pumphrey:

This is in response to your request for an opinion on the following questions regarding adult probationers and expungement of their criminal records:

1. After an Order of Expungement is signed by a judge, who is responsible for notifying law enforcement agencies, the Arkansas Crime Information Center (ACIC), and the National Crime Information Center (NCIC) that the record has been expunged?
2. After expungement, is it appropriate to answer an agency requesting information that a record has been expunged, and if so, give the date of expungement?
3. How does the Arkansas Freedom of Information Act (FOIA) affect an expungement?
4. After expungement, how should an expunged record be safeguarded if it is not to be destroyed?

As an initial matter, it should be noted that there must be legislative authorization providing for the expungement of criminal records before such action may be ordered. The statutes currently providing for expungement of criminal records of adult probationers are A.C.A. §§ 1693301 to 304 (1987), A.C.A. §§ 1693501 to 510 (1987 and Cum. Supp. 1993),<sup>[1]</sup> and A.C.A. §§ 16931201 to 1210 (Cum. Supp. 1993). The sentencing alternatives contained in these provisions vary, as does the language regarding when a record becomes eligible for expungement and who is responsible for ordering and carrying out the expungement. See, e.g., A.C.A. § 1693303 (1987); A.C.A. § 1693510 (Cum. Supp. 1993); A.C.A. § 19931207 (Cum. Supp. 1993). With regard to your questions, I will assume that you are referring to adults who are sentenced to probation under Act 531 of 1993, also known as The Community Punishment Act, which is codified at A.C.A. §§ 16931201 to 1210 (Cum. Supp. 1993).

Pursuant to The Community Punishment Act, a court is authorized to place an offender on probation, pursuant to A.C.A. §§ 54104 to 311, if the court determines that an offender is an "eligible offender,"



as defined in the act. [2] See A.C.A. § 16931206(b)(1). The court also may order that a sentence of probation under this provision be accompanied by an assignment to a community punishment program for a designated period of time. See A.C.A. § 16931206(b)(1)(A). With regard to expungement of criminal records pursuant to the community punishment sentencing provisions, A.C.A. § 16931207 provides the following:

(b)(1) Upon the successful completion of probation ... the court may direct that the record of the offender be expunged of the offense of which the offender was convicted under the following conditions:

(A) That the offender was under the age of twenty-six (26) years at the time of the commission of the felony offense and had no more than one (1) previous felony conviction and that the previous felony was other than a conviction for a capital offense, or murder in the first degree, murder in the second degree, first degree rape, kidnapping, or aggravated robbery; or

(B) That the offender was over the age of eighteen (18) years of age and does not have a previous conviction for the offense of delivering controlled substances to a minor, as prohibited in § 564701(a)(2); or

(C) That the offender has no prior felony convictions. [Emphasis added.]

With regard to your first question, the community punishment provision pertaining to expungement of records, as set forth above, does not state who shall have the responsibility of notifying law enforcement agencies, ACIC, and NCIC that a record has been expunged pursuant to the statute. It is my opinion, however, that other statutes concerning expungement of records for probationers may be looked to by analogy in answering this question. For example, under A.C.A. §§ 1693301 to 304 (also known as the First Offender Act), an individual is entitled to have his criminal record expunged if he has entered a plea of guilty or nolo contendere prior to an adjudication of guilt, been sentenced to probation for not less than one year, has no previous felony conviction, and has fulfilled the terms of his probation. See A.C.A. §§ 1693303(a)(1) and (b)(1). When a record is ordered expunged pursuant to this provision, the judge of the circuit or municipal court is required to give notice of the expungement to the appropriate court officials and law enforcement agencies charged with keeping criminal justice records. See A.C.A. § 1693303(b)(4).

In sum, it is my opinion that the court which directs that an adult probationer's record be expunged, pursuant to A.C.A. § 16931207(b), is responsible for notifying law enforcement agencies, ACIC, and NCIC that the record has been expunged. As a practical matter, this determination seems reasonable since it is a court which decides if a record will be expunged pursuant to A.C.A. § 16931207(b), and thus, it has the knowledge regarding if and when a record has been ordered expunged.

With regard to your second question, I assume that you are asking whether it is appropriate for the Department of Community Punishment to respond to a law enforcement agency inquiry concerning an adult probationer by stating that the criminal record of the adult probationer has been expunged pursuant to A.C.A. § 16931207(b). If I am correct in this assumption, it is my opinion that no provisions within the community punishment statutes would prohibit such a response.

With regard to your third question, it is my opinion that criminal records which have been ordered expunged pursuant to A.C.A. § 16931207(b) are exempt from public inspection and copying pursuant to the Arkansas Freedom of Information Act (FOIA). The provision of the FOIA codified at A.C.A. §

2519105(b)(8) (Supp. 1993) states that documents which are protected from disclosure by order or rule of court shall not be available to the public under the provisions of the FOIA. A record which has been ordered expunged pursuant to A.C.A. § 16931207(b) would fall within this classification.

With regard to your fourth question, there are no provisions in the community punishment statutes which either define the term "expunge" or address how records ordered expunged pursuant to A.C.A. § 16931207(b) are to be safeguarded. It is my opinion, however, that the statute codified at A.C.A. § 1693301 may be looked to by analogy in answering this question. Arkansas Code Annotated § 1693301 is among the provisions of the First Offender Act, as discussed above in response to your first question. The term "expunge" is defined in that statute as follows:

~~"[E]xpunge"~~ means to make an entry upon the official records kept in the regular course of business by law enforcement agencies and judicial officials evidencing the fact that the records are those relating to first offenders as so determined by the court; that the records shall be sealed, sequestered, treated as confidential, and only available to law enforcement and judicial officials; and that the defendant was completely exonerated of any criminal purpose; and that the disposition shall not affect any civil rights or liberties of the defendant.

The term "expunge" shall not mean the physical destruction of any official records of law enforcement agencies or judicial officials.

See also A.C.A. § 1693502(7)(A) (defining "expunge" in a similar manner).<sup>[3]</sup>

Thus, it is my opinion that, following an order of expungement pursuant to A.C.A. § 16931207(b), the records should not be destroyed. Rather, they should be kept and safeguarded in a manner similar to the one described in A.C.A. § 1693301, as set forth above.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Nancy A. Hall.

Sincerely,

WINSTON BRYANT  
Attorney General

WB:cyh

[1]It should be noted, however, that the provisions codified at A.C.A. §§ 1693501 to 502, 1693504 to 507, and 1693509 to 510 will be repealed effective January 1, 1994.

[2]"Eligible offender" is defined in A.C.A. § 16931202(f) as "[a]ny person convicted of a felony who is by law eligible for such sentence and who falls within the population targeted by the General Assembly for inclusion in community punishment facilities." Additionally, "target group" is defined in A.C.A. § 16931202(l)(1) as "[a] group of offenders and offenses, initially determined to be, but not limited to, theft, theft by receiving, hot checks, commercial burglary, failure to appear, fraudulent use of credit cards, criminal mischief, breaking or entering, drug paraphernalia, and driving while intoxicated, fourth or subsequent offense, meeting the eligibility criteria determined by the General Assembly to have significant impact on the use of correctional resources."

[3]There is one statute, A.C.A. § 927309(b) (Cum. Supp. 1991), which states that "expunge" means to destroy. However, that statute applies to juvenile records, and it specifically states that the definition of "expunge," as described therein, applies only to that section. Accordingly, it is my opinion that the statute is inapplicable to the issues posed in your question.

B

Credibility Letters  
Petition with Signatures  
and comments to Reinstafe me  
to Kensett Police Department

## **TO THE ARKANSAS STATE POLICE AND ARKANSAS STANDARDS FOR LAW ENFORCEMENT:**

I am writing this letter to show Jerry Clark's character and what an asset he would be in a police uniform and protecting his community once again. I have known Jerry Clark for over six years now. He is the reason I changed my life for the better and joined the Army. Since then, he has done more than anyone that I know when it comes to serving his community and country. He has always upheld himself to a higher standard and has been a mentor to those that didn't have the mentoring needed to grow into young adults. I know personally how Jerry would take the shirt off his back for someone in need no matter what the cost is. Between multiple deployments, many awards and achievements and raising six amazing kids, there is nothing Jerry hasn't been able to achieve and better on. He has put his life on the line for this country multiple times, what is better for that same man to be able to, in turn, protect his community. There is no better man that I would prefer or feel safer to protect and serve than Jerry Clark. He needs to be reinstated back to the police force. I sincerely thank you for reading this letter, and I do hope you make a good, sound right decision on this.

Sincerely,

SGT Roger Burgett, MO ARNG

Letter about James Howard  
1/18

To: [unclear] [unclear]

[unclear] to recommend  
[unclear] has consistently proved  
[unclear] and dedicated  
[unclear] his personal and  
[unclear] having known him for a  
[unclear] can honestly say that he  
[unclear] by example. Both his  
[unclear] loved ones look up to Jerry  
[unclear] by his work ethic and

[unclear] professional and personal realms, Jerry  
[unclear] is able to communicate with people  
[unclear] and older than him and to be positive  
[unclear]. This adaptability makes him an ideal  
[unclear] for your organization. There is no project  
[unclear] that he cannot complete. Jerry is the perfect  
[unclear] or a go getter.

[unclear] Jerry to your team is a wise decision. He  
[unclear] always professional, kind, and generous. He is a  
[unclear] worker who will go the extra mile on all  
[unclear]. If you have any further questions, please feel  
[unclear] to contact me at (408) 257-2240 or Lashawna@  
[unclear]. Thank you for your time.

Sincerely, Lashawna Benick Mrs. Lashawna Benick

**change.org**

Recipient: Arkansas State Police and Arkansas Standards on Law Enforcement

Letter: Greetings,

Please Re-instate Jerry Clark to duty as a police officer at Kensett Police Department. I have the support of the Chief and Assistant Chief where I was employed. Also, have the support of numerous officers, and deputies I worked with, plus citizens.

\* Law enforcement who signed petition.

# Signatures

Name	Location	Date
Jerry Clark	, United States	2015-06-18
Candace Clark	Searcy, AR, United States	2015-06-18
Allison Clark	Searcy, AR, United States	2015-06-18
skylar walters	Orangeville, IL, United States	2015-06-18
Elizabeth Clark	Lawrence, KS, United States	2015-06-18
Roger Burgett	Monett, MO, United States	2015-06-18
Randall Homsley	Prior Lake, MN, United States	2015-06-18
* Joseph Gossett	Searcy, AR, United States	2015-06-18
Donald Riley	Calico Rock, AR, United States	2015-06-18
Marvin Mathis	Higginson, AR, United States	2015-06-18
paul overstreet	Searcy, AR, United States	2015-06-18
Danny Ables	Searcy, AR, United States	2015-06-18
* David Hubbard	Higginson, AR, United States	2015-06-18
Jennifer Hannah	Searcy, AR, United States	2015-06-18
* Jordon Smith	Judsonia, AR, United States	2015-06-18
nicole rohrscheib	Lexa, AR, United States	2015-06-18
Julia Burgess	Beebe, AR, United States	2015-06-18
Sarah Reynolds	Brinkley, AR, United States	2015-06-18
Kelly Fulks	Searcy, AR, United States	2015-06-18
Trey Alexander	Marianna, AR, United States	2015-06-18
Loyd Smith	Bald Knob, AR, United States	2015-06-18
Adrian Addington	Garner, AR, United States	2015-06-18
Jaden Whitfield	Calico Rock, AR, United States	2015-06-18
* Dalton Sawyer	Bald Knob, AR, United States	2015-06-18
Jeff Johnson	Searcy, AR, United States	2015-06-19
Randy Mayall	Conway, AR, United States	2015-06-19
* Joseph Godin	Searcy, AR, United States	2015-06-19
Brandon Parker	Heber Springs, AR, United States	2015-06-19
Ashley Hubbard	Higginson, AR, United States	2015-06-19
James Jones	Kensett, AR, United States	2015-06-19



<b>Name</b>	<b>Location</b>	<b>Date</b>
Cory Holmes	Searcy, AR, United States	2015-06-19
Anja Riley	Higginson, AR, United States	2015-06-19
Adam Weber	Hood River, OR, United States	2015-06-19
Jennifer Oliver	Tampa, FL, United States	2015-06-19
Hazel Dunham	Bella Vista, AR, United States	2015-06-19
tondra pope	Milton, FL, United States	2015-06-19
* David mullen	Higginson, AR, United States	2015-06-19
Deborah Hazlewood	Heber Springs, AR, United States	2015-06-19
brandy Mathis	Buffalo, MO, United States	2015-06-21
Donald Clark	Royse City, TX, United States	2015-06-22
Tina Chambers	Lowry City, MO, United States	2015-06-22
Bo Hannon	Humansville, MO, United States	2015-06-22
Sheila Noblitt	greenbrier, AR, United States	2015-06-22
Shelly Randolph	El Dorado Springs, MO, United States	2015-06-22
* Erik Balentine	Bald Knob, AR, United States	2015-06-22
Rob Ross	Bolivar, MO, United States	2015-06-22
Tonya Clark	Cabot, AR, United States	2015-06-22
Dennis Schrock jr	Stockton, MO, United States	2015-06-22
Michael Stonestreet	Bolivar, MO, United States	2015-06-22
Megan penix	Osseo, MI, United States	2015-06-22
Eddie England	Bolivar, MO, United States	2015-06-22
Jay Clements	Bolivar, MO, United States	2015-06-22
Amanda Timmons	Lakeland, FL, United States	2015-06-22
Ashley Ward	Collins, MO, United States	2015-06-22
Tiffani Price	Springfield, MO, United States	2015-06-22
Connie Pierce	Salem, AR, United States	2015-06-22
Ken Price	Springfield, MO, United States	2015-06-22
Jon Sanders	Springfield, MO, United States	2015-06-22
ryan hicks	Lawrence, KS, United States	2015-06-22
Jason Allen	Hattievile, AR, United States	2015-06-22
Timothy Clark	Bruceville, TX, United States	2015-06-22
Cristina Anderson	Bolivar, MO, United States	2015-06-23

<b>Name</b>	<b>Location</b>	<b>Date</b>
jEFF rOBISON	El Dorado Springs, MO, United States	2015-06-23
Marilynn Gehrlein	Bolivar, MO, United States	2015-06-23
Lynda Horton-Clark	Greenbrier, AR, United States	2015-06-25
William Fitzgerald	Grenada, MS, United States	2015-06-25
David Gillon	Carrollton, MS, United States	2015-06-25
michael hocutt	Grenada, MS, United States	2015-06-25
chelsey nugent	Tampa, FL, United States	2015-06-26
Linda Jackson	Oxford, MS, United States	2015-06-29
Jessica Brace	Lake Worth, FL, United States	2015-07-01
Nelson Schrock	Garden City, MO, United States	2015-07-01
Charles Cross	Humansville, MO, United States	2015-07-01
tima winfrey	Humansville, MO, United States	2015-07-01
Rosetta Thomason	Birch Tree, MO, United States	2015-07-01
Shanna Painter	Kingston, TN, United States	2015-07-01
bryar lancaster	Cedarcreek, MO, United States	2015-07-01
Joseph Maslonka	Brooklyn, NY, United States	2015-07-01
Terry Phelps	Birch Tree, MO, United States	2015-07-01
Sabrina Bradt	Humansville, MO, United States	2015-07-01
sheri ullrich	Springfield, MO, United States	2015-07-01
nikki gwin	Humansville, MO, United States	2015-07-01
Rhonda Mendiola	Humansville, MO, United States	2015-07-01
Robin Sawyer	Humansville, MO, United States	2015-07-01
Kelsey Cross	Humansville, MO, United States	2015-07-01
Felicia Prier	Springfield, MO, United States	2015-07-01
Annette Scott, RNC, BSN, MSN	Neptune, NJ, United States	2015-07-01
Kelso Ballantyne	Longmont, CO, United States	2015-07-01
John P Guy	Katy, TX, United States	2015-07-01
Jacob Ontiveros	Los Angeles, CA, United States	2015-07-01
Cynthia Armstrong	Manchester, CT, United States	2015-07-01
Joel Garza	Edinburg, TX, United States	2015-07-01
Rhonda Lunsford	Cleveland, GA, United States	2015-07-01
Tina Simmons	Humansville, MO, United States	2015-07-01

<b>Name</b>	<b>Location</b>	<b>Date</b>
Angela Bailey	Stockton, MO, United States	2015-07-01
Nora Sheffield	Pineview, GA, United States	2015-07-01
christina watters	Stockton, MO, United States	2015-07-01
Vivian Clark	Lee's Summit, MO, United States	2015-07-01
Rachel Porter	Smithville, MO, United States	2015-07-02
susan solomon	Buffalo, MO, United States	2015-07-02
Lacretia Snell	Milton, FL, United States	2015-07-03
Karen Hargis	Heber Springs, AR, United States	2015-07-03
Charles Enebrad	Lewiston, ID, United States	2015-07-03
adam graham	Higginson, AR, United States	2015-07-03
Phyllis Johnson	Stockton, MO, United States	2015-07-03
terry graham	Higginson, AR, United States	2015-07-03
Joshua Pylant	Higginson, AR, United States	2015-07-03
Leslie Dickens	Searcy, AR, United States	2015-07-03
Nora Reynolds	Searcy, AR, United States	2015-07-03
Jonnie Shoemaker	Humansville, MO, United States	2015-07-03
Sarah Stuchlik	Searcy, AR, United States	2015-07-03
SHARON SOUTHARD	Searcy, AR, United States	2015-07-03
martha riley	Calico Rock, AR, United States	2015-07-03
Ernie Marter	Searcy, AR, United States	2015-07-03
Angel Duncan	Mayflower, AR, United States	2015-07-03
Ronald Faith	Searcy, AR, United States	2015-07-03
Victoria Tyree	Cobb, GA, United States	2015-07-03
Heather Hall	McRae, AR, United States	2015-07-03
Jeannie Hancock	Cabot, AR, United States	2015-07-03
Staci Walker	Beaufort, SC, United States	2015-07-03
Ryan Stuchlik	Searcy, AR, United States	2015-07-03
Kerrie Hofstad	Holmdel, NJ, United States	2015-07-03
Micah Adamson	Bogue Chitto, MS, United States	2015-07-03
Jessica Dudley	Searcy, AR, United States	2015-07-03
Scott Smith	Lafayette, LA, United States	2015-07-03
Davidde McIntosh	Judsonia, AR, United States	2015-07-03

<b>Name</b>	<b>Location</b>	<b>Date</b>
RANDY Wilson	Searcy, AR, United States	2015-07-03
Deborah Freestone	Conway, AR, United States	2015-07-03
Judy Parrack	Prior Lake, MN, United States	2015-07-03
* Kaitlin Ballek	Searcy, AR, United States	2015-07-03
Jennifer Hancock	Cabot, AR, United States	2015-07-03
Janell Moise	Searcy, AR, United States	2015-07-03
Jared Moise	Searcy, AR, United States	2015-07-03
Susan Kennedy	Olive Branch, MS, United States	2015-07-04
Mailanie Wilson	Searcy, AR, United States	2015-07-04
Renee Cordell	Bradford, AR, United States	2015-08-25
* Jesse Miller	Lowry City, MO, United States	2015-08-26
Deidra Jones	Palestine, AR, United States	2015-08-26
* Asst. Chief Robert Parsons	Judsonia, AR, United States	2015-08-26

# Comments

Name	Location	Date	Comment
Candace Clark	Searcy, AR	2015-06-18	I'm signing because I believe that if you served this country for as long as you did then you should be able to serve our community especially if your working for free.
Allison Clark	Searcy, AR	2015-06-18	I think since he had a full pardon and his crime was forgiven after so many years, he deserves to serve his community.
skylar walters	Orangeville, IL	2015-06-18	I have known jerry for a few years now and he is a very humble man that will do anything he can for the things he believes in. He is an honest man with morals and respect of the charis not to mention his decorated service records. He is also always in the best mood and finds the plus side of every situation. I feel that when jerry becomes a police officer he will bring much happiness and dedication to your precinct.
Marvin Mathis	Higginson, AR	2015-06-19	I am a retired Army Soldier, if he retired with honors and defended our freedom in combat then he can surly defend us on the streets of our towns and city's. Do the right thing for one of our veterans give him a chance to continue to serve. Our justice system is good at letting tugs out jail or prison who have raped or killed people because of some technical falt. Don't hold a man down that is willing to help better a community.
paul overstreet	Searcy, AR	2015-06-19	i believe in grace and forgiveness  everyone needs it
Danny Ables	Searcy, AR	2015-06-19	He has paid his dues to society and has fought for our freedom.
David Hubbard	Higginson, AR	2015-06-19	If he was good enough to serve our country he's good enough to police our streets in the states. And he's a great guy
Jennifer Hannah	Searcy, AR	2015-06-19	I support this officer and his rights.
Jordon Smith	Judsonia, AR	2015-06-19	I believe that he should be able to be a police officer, if he fought for our country he should be able to be a police officer I know this guy personally an he is an really nice guy an I would like to see him protect an serve a city at where he wants to be a police officer!
Lloyd Smith	Bald Knob, AR	2015-06-19	Former Marine. Forgiveness.
Dalton Sawyer	Bald Knob, AR	2015-06-19	I am a police officer at the Kensett police department. I believe Jerry Clark is a fine individual who would prove to be a great asset to law enforcement.
Joseph Godin	Searcy, AR	2015-06-19	Jerry Clark is Great person to have your back and he is extremely respect able we should have him on our team
Roger Burgett	Springfield, MO	2015-06-19	Jerry Clark is the reason that I completely changed my life around for the better and started serving in the military in 2008. This man has always held himself up to a higher standard since I have had the pleasure of meeting him. He has always been there for his neighbors, friends and community. If there is anyone that I would want to serve and protect my community, it would be Jerry Clark
Jennifer Oliver	Heber Springs, AR	2015-06-19	Jerry is a life long friend, whom I trust in.
Hazel Dunham	Bella Vista, AR	2015-06-19	Jerry is my son and I know he would serve his community we'll.
tondra pope	Milton, FL	2015-06-19	I've know jerry for 20 plus years and trust him!
David mullen	Higginson, AR	2015-06-19	if he was good enough to serve in the army then he deserves a second chance and be a law enforcement agent

Name	Location	Date	Comment
Deborah Hazlewood	Heber Springs, AR	2015-06-19	I believe people deserve a second chance. I believe that he has proved himself by his record of excellent service to his country.
Donald Clark	Royse City, TX	2015-06-22	Jerry has honorably served this country for our freedom, he has accepted his punishment for youthful actions, and has been exonerated. He is a good man and upstanding citizen that Loves his country. It is an injustice to prevent him from serving his community. I am a veteran of the U.S. Navy, and a former Detective with the Independence County Sheriff's Office. I would proudly serve by his side without reservation.
Tina Chambers	Lowry City, MO	2015-06-22	I agree with everyone on here if he can fight for our country and ALL in it how can you not think he is good enough to fight for your little town?...
Bo Hannon	Humansville, MO	2015-06-22	Jerry Clark is an excellent person and want to make the difference to people who need him.
Shelly Randolph	El Dorado Springs, MO	2015-06-22	If he wants to work let him
Erek Balentine	Bald Knob, AR	2015-06-22	If he can fight and protect our country then he should be able to protect and fight for our community!!
Rob Ross	Bolivar, MO	2015-06-22	i know Jerry personally and trust him with my life.
Megan penix	Osseo, MI	2015-06-22	I know Jerry as a friend. He is a great guy with a big heart!
Eddie England	Bolivar, MO	2015-06-22	Jerry is a good man with good intentions toward the public and is full of integrity. Whoever is overseeing this situation needs to take the time to investigate it and make the right decision to reinstate Jerry.
Ken Price	Springfield, MO	2015-06-22	Thank you for your service. Semper Fi Marine!
Cristina Snderson	Bolivar, MO	2015-06-23	Cristina Anderson Bolivar, MO 65613
JEFF ROBISON	El Dorado Springs, MO	2015-06-23	Jerry Clark is one of the most upstanding people I know.
michael hocutt	Grenada, MS	2015-06-25	He's a really great man.
chelsey nugent	Tampa, FL	2015-06-26	IM SIGNING BECAUSE ANYBODY THAT AFTER THEY HAVE MADE A MISTAKE CAN DO THAT MUCH FOR THEIR COUNTRY AND WANT TO SERVE THEIR COMMUNITY SHOULD HAVE A CHANCE!
Shanna Painter	Kingston, TN	2015-07-01	I strongly believe that if he is good enough to patrol the streets of Iraq and Afghanistan then he is more then capable of protecting and serving his community!!! Mr. Clark should be thanked very much!!! You definitely got my vote sir!!! AND thank you for all you have done for OUR COUNTRY & for still wanting to HELP OUT your COMMUNITY by PROTECTING and SERVING!!
Joseph Mastonka	Brooklyn, NY	2015-07-01	Supporting a fellow Veteran who has proven himself. If he is trusted to defend the country for 20+ years, why not be able to continue serving his community.
John P Guy	Katy, TX	2015-07-01	Countless people make mistakes in their youth. What you do after is what defines you. This man chose to serve and protect his nation, and his community. He was pardoned. He should be re-instated.
Jacob Ontiveros	Los Angeles, CA	2015-07-01	I hope he wins because if you can serve in combat zone why not let him serve his country further by serving his community.
Joel Garza	Edinburg, TX	2015-07-01	if he can serve my country as a military vet then he should be able to serve his community.
Nora Sheffield	Pineview, GA	2015-07-01	Any man who retires from the US Armed Forces with honors and twenty plus years of service has my trust. As a US citizen, I would and did put my life in this man's hands. If he can fight for me on a National level, he can damn well fight for me on a local level. Anything that hampers that is asinine.

Name	Location	Date	Comment
Vivian Clark	Lee's Summit, MO	2015-07-01	This man has paid his dues and shouldn't be condemned for a youthful mistake. People can learn and change.
susan solomon	Buffalo, MO	2015-07-02	i believe he made a mistake had his punishment and moved forward with a new life..he has been forgiven and all rights restored..he is a military man
Karen Hargis	Heber Springs, AR	2015-07-03	I've known Jerry since High School and I know what a Wonderful Man he is !!! He has always worked hard for what he wants and when he makes up his mind to do something he does NOT back down !!!!
Joshua Pylant	Higginson, AR	2015-07-03	Any man or woman that has served our country in this manner should be able to serve back home. There is no reason for him not to be using his skill set to protect us back home.
Sharon Southard	Searcy, AR	2015-07-03	He is worthy of being a Kensett Police Officer because he did serve as a Patrol officer over in Iraq and Afghanistan. We need the good men to patrol the streets in Kensett.
martha riley	higginson, AZ	2015-07-03	Mr.Clark is willing to Help control ,and protect the citizens of our state and town.
Heather Hall	McRae, AR	2015-07-03	This man shouldn't have to pay his whole life for a teenage mistake. He's been pardoned by the governor. And served our country continue to let him do what he loves and that's serve people.
Jeannie Hancock	Bradford, AR	2015-07-03	i know his co workers they say he is the guy they depend on to have their backs, and the Governor pardoned him, that's good enough for me .
Micah Adamson	Bogue Chitto, MS	2015-07-03	I believe he should be able to serve!!
Scott Smith	Lafayette, LA	2015-07-03	Taking this Officer off of the streets of Kensett is not only an injustice, but it could possibly put lives in danger. This man is willing to work for free! There is nothing to lose here and only makes sense to reinstate him. He served in three different combat zones for all of our freedom. I believe he's earned the right to do what he loves.
RANDY Wilson	Searcy, AR	2015-07-03	He needs to be reinstated
Katie Morkassel	Salem, IL	2015-07-03	We graduated class together! I'm officer Francis Ballek's wife. You deserve this. It's wrong to allow you to go through all of the training and hard work to rip the rug out from underneath you.
Jared Moise	Searcy, AR	2015-07-03	This man is an American Vet and I trust him serving on the Pd more than I do some foreigner.
Deidra Jones	Palestine, AR	2015-08-26	Jerry is a great person and deserves a second chance!
Andy Riley	Calico Rock, AR	2015-08-26	Forgiveness is a bible principle after restitution

C

Pardon





**STATE OF ARKANSAS**

**MIKE BEEBE  
GOVERNOR**

June 4, 2011

Jerry T. Clark  
106 W Patricia Street  
El Dorado Springs, MO 64744

Dear Mr. Clark,

This letter is to advise you that, after review of the information forwarded to me from the Arkansas Parole Board, I have granted you a pardon. Your pardon proclamation is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Beebe".

Mike Beebe

MB:rc

Enclosure

cc: Secretary of State  
Speaker of the House  
President of the Senate  
Parole Board  
Circuit Court of Benton County  
Arkansas State Police

**EXECUTIVE DEPARTMENT**

**PROCLAMATION**

TO ALL WHOM THESE PRESENTS SHALL COME.....GREETINGS:

WHEREAS, Jerry T. Clark of 106 W Patricia Street El Dorado Springs, MO 64744 has applied for executive clemency, specifically a pardon; and

WHEREAS, Jerry T. Clark was convicted in the Circuit Court of Benton County, Arkansas on 07/15/1994, of Theft Of Property (B Felony), Theft Of Property (C Felony) and Theft Of Property (B Felony) (CR-94-65-1B); and

WHEREAS, Jerry T. Clark was sentenced to 120 months supervised probation, \$227.25 court costs, \$2,500 fine and restitution to be determined; and

WHEREAS, Jerry T. Clark was discharged from his sentence on 07/15/2004; and

WHEREAS, Jerry T. Clark was age 22 at conviction and is now 39; and

WHEREAS, Jerry T. Clark has demonstrated that he has fully rehabilitated his life in that he has no subsequent felony nor misdemeanor convictions; and

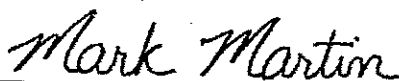
WHEREAS, the judicial and law enforcement officials of the 19th-West Judicial District have raised no objections to applicant's request since receiving the notice of intent; and

NOW THEREFORE, I, Mike Beebe, by virtue of the power and authority vested in me as Governor of the State of Arkansas, and pursuant to the recommendation of the Arkansas Parole Board, do hereby pardon Jerry T. Clark, and restore to him all rights, privileges, and immunities he enjoyed prior to conviction, including the right to own and possess firearms.

In Testimony Whereof, I hereunto set my hand and caused to be affixed hereto the Great Seal of the State of Arkansas in the Governor's Office, Little Rock, Arkansas, this 4th day of June, 2011



Mike Beebe  
Governor



Mark Martin  
Secretary of State



D

Police Certifications

Military Accomplishments,  
Awards, etc.

**AUXILIARY/RESERVE  
AND  
PART-TIME II  
POLICE TRAINING COURSE**

This is to certify that

**Jerry Clark**

Has successfully completed the above course  
Requirements set forth by the  
Arkansas Commission on Law Enforcement  
Standards and Training

On this 26<sup>th</sup> day of March, 2015

*Chief John Keeland*  
Keeland Police Chief

Standards Course  
# 2015-150

*[Signature]*

Police Department Instructor

# CERTIFICATE OF FIREARMS QUALIFICATION

This is to certify that

**Jerry Clark**

Has successfully completed the firearms qualification Course requirements set forth by  
the Arkansas Commission on Law Enforcement Standards and Training

On this 21<sup>st</sup> day of March, 2015

Asst. Chief Robert Parsons



State Certified Firearms Instructor

Judsonia Police Department

COURSE # 2015-150

# **St. Clair County Sheriff's Office**

Presents to

**Jerry Clark**

A

## **Certificate of Completion**

Of 2 hours of law enforcement in service training credit...

### **O.C. Spray**

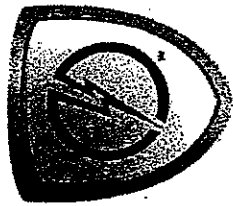
Held on 07/19/2014

360 Chestnut

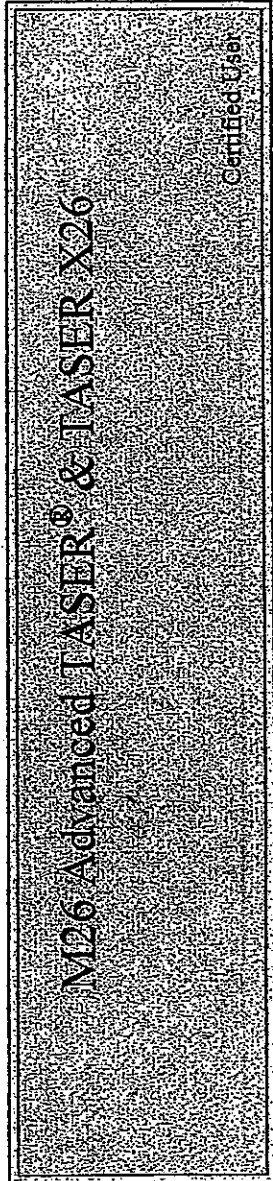
Osceola Missouri

Sgt William D. Adams

St. Clair County Sheriff Office



# TASER TRAINING ACADEMY



This Certifies that

**Jerry Clark**

is trained in the proper and safe use of the M26 Advanced TASER® and TASER® X26 Electronic Control Device has passed the requirements of the (St. Clair County Sheriff Office) M26 Advanced TASER® and TASER X26 training program under the supervision of a Certified Instructor.

In Witness Whereof, Certified Instructor

**Sgt. William Adams Sr.**

has certified the successful completion of the training requirements this day:

**05/15/2014**

Certified Instructor:

Certified Instructor ID:

*Sgt William Adams Sr*

040812058031412871346C

# Clark, Jerry

Has successfully completed

## Emergency Medical Responder

Meeting the objectives and lesson requirements established by  
NHTSA 1995 First Responder National Standard Curriculum

May 1, 2014

Completion Date

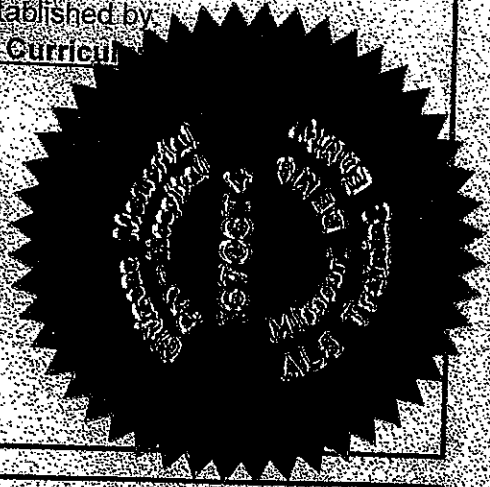
48.0

Contact Hours

Don Stockton

Lead Instructor

  
\_\_\_\_\_  
Approving Signature



CMH Pre-Hospital is a paramedic-level accredited training entity by the Missouri Bureau of EMS  
BEMS#: 16706T4

Citizens Memorial Hospital		Official Transcript		Pre-Hospital Services	
05/01/2014	NHTSA 1995 First Responder National Standard Curriculum	Emergency Medical Responder	Don Stockton		48
				2014 Total Hours	48





# Emergency Management Institute



## FEMIA

This Certificate of Achievement is to acknowledge that

**JERRY T CLARK**

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the independent study course:

**IS-00700.a**  
**National Incident Management System (NIMS)**  
**An Introduction**

*Issued this 31st Day of March, 2015*



A handwritten signature in black ink, appearing to read "Tony Russell".

Superintendent  
Emergency Management Institute

# Emergency Management Institute



## FEMA

This Certificate of Achievement is to acknowledge that  
**JERRY T CLARK**  
has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the independent study course:

**IS-00100.leb**  
**Introduction to the Incident Command System**  
**(ICS 100) for Law Enforcement**

*Issued this 30th Day of March, 2015*

A handwritten signature in black ink, appearing to read "Tony Russell".

Tony Russell  
Superintendent  
Emergency Management Institute



# CERTIFICATE OF TRAINING

## Arkansas Forestry Commission

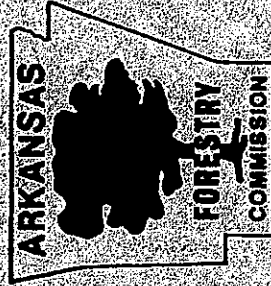
This is to certify that

JERRY T. CLARK

has successfully completed FOUR hours of  
instruction in the field of

WILDLAND FIRE SUPPRESSION

on this, the 23rd day of MAY, 02, 20



GARY PATTON

Instructor

Spth Shannon  
State Forester

**CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY**

This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

1. NAME (Last, First, Middle) CLARK, JERRY THOMAS		2. DEPARTMENT, COMPONENT AND BRANCH ARMY/ARNGUS		3. SOCIAL SECURITY NUMBER 432 49 8417	
4a. GRADE, RATE OR RANK SSG	b. PAY GRADE E06	5. DATE OF BIRTH (YYYYMMDD) 19710910	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) 00000000		
7a. PLACE OF ENTRY INTO ACTIVE DUTY TRENTON, MISSOURI		b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) 106 W PATRICIA STREET EL DORADO SPRINGS MISSOURI 64744			
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 0548TCT MDM TRK CO FC		b. STATION WHERE SEPARATED FORT RILEY TC, KS 66442-6663			
9. COMMAND TO WHICH TRANSFERRED USAR CON GP (RETRES) 1600 SPEARHEAD DIVISION AVE, FT KNOX, KY 40122			10. SGLI COVERAGE NONE AMOUNT: \$ 400,000.00		
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 88M30 MOTOR TRANSPORT OP - 2 YRS 8 MOS// NOTHING FOLLOWS		12. RECORD OF SERVICE			
		a. DATE ENTERED AD THIS PERIOD	2011	04	09
		b. SEPARATION DATE THIS PERIOD	2013	12	15
		c. NET ACTIVE SERVICE THIS PERIOD	0002	08	07
		d. TOTAL PRIOR ACTIVE SERVICE	0009	10	14
		e. TOTAL PRIOR INACTIVE SERVICE	0007	09	16
		f. FOREIGN SERVICE	0000	05	29
		g. SEA SERVICE	0000	00	00
		h. INITIAL ENTRY TRAINING	0000	00	00
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) AFGHANISTAN CAMPAIGN MEDAL W/ 2 CAMPAIGN STARS//IRAQ CAMPAIGN MEDAL W/ TWO CAMPAIGN STARS//KUWAIT LIBERATION MEDAL (SAUDI ARABIA)//ARMY COMMENDATION MEDAL//ARMY ACHIEVEMENT MEDAL//MERITORIOUS UNIT COMMENDATION//USN UNIT COMMENDATION//ARMY GOOD CONDUCT MEDAL//USMC//CONT IN BLOCK 18		14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) NONE//NOTHING FOLLOWS			
15a. COMMISSIONED THROUGH SERVICE ACADEMY		YES	X	NO	
b. COMMISSIONED THROUGH ROTC SCHOLARSHIP (10 USC Sec. 2107b)		YES	X	NO	
c. ENLISTED UNDER LOAN REPAYMENT PROGRAM (10 USC Chap. 109) (If Yes, years of commitment: NA )		YES	X	NO	
16. DAYS ACCRUED LEAVE PAID 18.5	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION			YES	NO
18. REMARKS SOLDIER PRESENTED US FLAG//SERVED IN A DESIGNATED IMMINENT DANGER PAY AREA//SERVICE IN AFGHANISTAN 20110516-20111114//MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE//CONT FROM BLOCK 13: GOOD CONDUCT MEDAL//ARMY RESERVE COMPONENT ACHIEVEMENT MEDAL//NATIONAL DEFENSE SERVICE MEDAL (2ND AWARD)//SOUTH WEST ASIA SERVICE MEDAL W/ THREE BRONZE SERVICE STARS S//GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL//GLOBAL WAR ON TERRORISM SERVICE MEDAL//NON COMMISSIONED OFFICER PROFESSIONAL DEVELOPMENT RIBBON//ARMY SERVICE RIBBON//OVERSEAS SERVICE RIBBON (2ND AWARD)//ARMED FORCES RESERVE MEDAL//SEE ATTACHED CONTINUATION SHEET The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for and/or continued compliance with the requirements of a Federal benefit program.					
19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code) 106 W PATRICIA STREET EL DORADO SPRINGS MISSOURI 64744		b. NEAREST RELATIVE (Name and address - include ZIP Code) ELIZABETH C CLARK 106 W PATRICIA STREET EL DORADO SPRINGS MISSOURI 64744			
20. MEMBER REQUESTS COPY 6 BE SENT TO (Specify state/locality) MO		OFFICE OF VETERANS AFFAIRS		X	YES
a. MEMBER REQUESTS COPY 3 BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERANS AFFAIRS (WASHINGTON, DC)				X	YES
21a. MEMBER SIGNATURE DESIGNED BY: CLARK, JERRY THOMAS 1117772418		b. DATE (YYYYMMDD) 20131120	22a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title, signature) DESIGNED BY: RADER, TERESA G 1053695937 TERESA G. RADER, CHIEF, TRANSITION CENTER		b. DATE (YYYYMMDD) 20131120

23. TYPE OF SEPARATION RETIREMENT				24. CHARACTER OF SERVICE (Include upgrades) HONORABLE	
25. SEPARATION AUTHORITY AR 635-40, CHAP 4		26. SEPARATION CODE SEK		27. REENTRY CODE 4	
28. NARRATIVE REASON FOR SEPARATION DISABILITY, TEMPORARY (ENHANCED)					
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD) NONE				30. MEMBER REQUESTS COPY 4 (Initials) JTC	

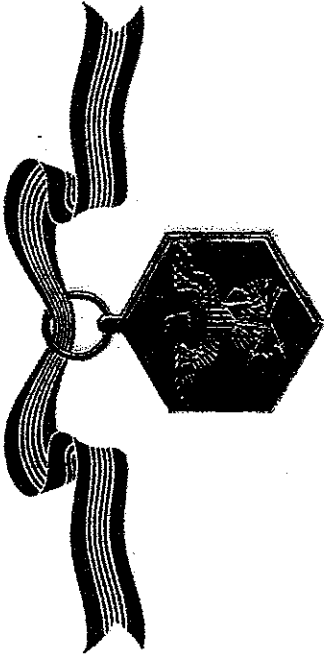
**CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (Continuation Sheet)**

This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

<b>1. NAME (Last, First, Middle)</b> CLARK, JERRY THOMAS	<b>2. DEPARTMENT, COMPONENT AND BRANCH</b> ARMY/ARNGUS	<b>3. SOCIAL SECURITY NUMBER</b> 432   49   8417
---	---	---

(Specify the item number of the block continued for each entry.) //////////////////////////////////////  
CONT FROM BLOCK 18: W/ M DEVICE (2ND AWARD) // USN SEA SERVICE DEPLOYMENT RIBBON // SW ASIA  
SM // NATO MEDAL // COMBAT INFANTRYMAN BADGE // KUWAIT LIBERATION MEDAL (KUWAIT) // COMBAT ACTION  
BADGE // ARMY NATIONAL GUARD RECRUITER BADGE, MASTER // NOTHING FOLLOWS

<b>21. a. MEMBER SIGNATURE</b> DESIGNED BY: CLARK, JERRY THOMAS 1117772418	<b>b. DATE (YYYYMMDD)</b> 20131120	<b>22. a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title, signature)</b> DESIGNED BY: RADER, TERESA G. 1053695937 TERESA G. RADER, CHIEF, TRANSITION CENTER	<b>b. DATE (YYYYMMDD)</b> 20131120
---	---------------------------------------	--	---------------------------------------



# DEPARTMENT OF THE ARMY

THIS IS TO CERTIFY THAT THE SECRETARY OF THE ARMY HAS AWARDED  
THE ARMY COMMENDATION MEDAL

TO  
SSG JERRY T. CLARK  
WARRIOR TRANSITION BATTALION, FORT RILEY, KANSAS

FOR MERITORIOUS SERVICE AND PERFORMANCE CULMINATING AS A RECRUITER FOR THE STATE OF MISSOURI. SSG CLARK'S LEADERSHIP, ATTENTION TO DETAIL, CARE FOR SOLDIERS AND DEDICATION TO DUTY WERE INSTRUMENTAL IN THE OVERALL SUCCESS OF THE UNIT'S MISSION. SSG CLARK'S EXEMPLARY PERFORMANCE OF DUTY IS IN KEEPING WITH THE HIGHEST TRADITIONS OF MILITARY SERVICE, REFLECTING GREAT CREDIT UPON HIMSELF, THE WARRIOR TRANSITION BATTALION, THE ARMY MEDICAL COMMAND, AND THE UNITED STATES ARMY.

FROM 16 DECEMBER 2003 TO 16 DECEMBER 2013

Permanent Order 357-005, 23 December 2013  
Irwin Army Community Hospital  
Fort Riley, Kansas 66442



  
BARRY R. ROCKRANDT  
COL, MC  
Commanding

For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

1. TO COMMANDER, USA MEDDAC FORT RILEY, KS 66442	2. FROM CDR, WARRIOR TRANSITION BATTALION FORT RILEY, KS 66442	3. DATE (YYYYMMDD) 20131211
--	--	--------------------------------

**PART I - SOLDIER DATA**

4. NAME (Last, First, Middle Initial) CLARK, JERRY T.	5. RANK SSG	6. SSN 432-49-8417
7. ORGANIZATION HHC, WARRIOR TRANSITION BATTALION FORT RILEY, KS 66442	8. PREVIOUS AWARDS ARCOM-1	
9. BRANCH OF SERVICE Army National Guard	10. RECOMMENDED AWARD ARCOM 1OLC	11. PERIOD OF AWARD a. FROM 20031216 b. TO 20131216
12. REASON FOR AWARD		
12a. INDICATE REASON RET	12b. INTERIM AWARD IF YES, STATE AWARD GIVEN	12c. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
		13. PROPOSED PRESENTATION DATE (YYYYMMDD) 20140221

**PART II - RECOMMENDER DATA**

14. NAME (Last, First, Middle Initial) THOMAS, PAMELA Y.	15. ADDRESS HHC, WARRIOR TRANSITION BATTALION 673A WARRIOR ROAD FORT RILEY, KS 66442
16. TITLE/POSITION PLATOON SERGEANT	17. RANK SFC
18. RELATIONSHIP TO AWARDEE SUPERVISOR	19. SIGNATURE <b>THOMAS.PAMELA.YVETTE.118607836</b>

**PART III - JUSTIFICATION AND CITATION DATA** (Use specific bullet examples of meritorious acts or service)

20. ACHIEVEMENTS

ACHIEVEMENT #1  
From SEP 2013-DEC 2013 SSG Clark established sincere devotion and strong dedication to duty by assisting numerous Soldiers in Transition to accomplish what was essential in order to changeover from the Army to civilian life or return back to duty after their injury or illness. Despite not being in a leadership position, SSG Clark has displayed relentless leadership commitment by upholding the standards and providing vital support to all Soldiers in Transition during their time of greatest need.

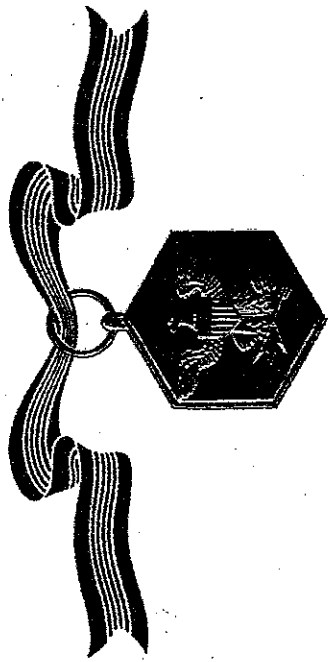
ACHIEVEMENT #2  
From AUG 2009-AUG 2011 SSG Clark demonstrated excellent marksmanship skills on numerous Basic Rifle Marksmanship qualification ranges which led to him being selected as a platoon marksman in support of Operation Enduring Freedom. Despite being in a high operational tempo in a combat theatre of operations, his dedication and will to succeed led him to complete six semester hours at Grantham College. SSG Clark's previous combat experiences greatly enhanced the unit's accomplishments while deployed in theatre.

ACHIEVEMENT #3  
From SEP 2007-AUG 2009 SSG Clark's dedication to service earned him top honors by finishing sixth out of 109 Recruiters in the state of Missouri. Throughout this rating period, he received several accolades from the chain of command by leading from the front and exceeding all mission quotas thereby exceeding the standard. Constantly seeking higher education, SSG Clark enrolled and completed phase one of the Senior Leaders Course. He effectively managed and tracked 100% of his sections equipment with zero loss.

ACHIEVEMENT #4  
From JAN 2003-AUG 2007 SSG Clark enlisted 12 personnel thereby obtaining a recruiting production performance of 400%. During his tenure as a Recruiter, SSG Clark enlisted over 100 Soldiers earning the esteemed Master Senior Recruiting Badge. Due to his positive attitude and listening skills, SSG Clark was always requested to speak by surrounding high school counselors. SSG Clark's excellent leadership skills, competence, and never quit attitude, allowed him to be promoted to Staff Sergeant, ahead of his peers.

21. PROPOSED CITATION

FOR MERITORIOUS SERVICE AND PERFORMANCE CULMINATING AS A RECRUITER FOR THE STATE OF MISSOURI. SSG CLARK'S LEADERSHIP, ATTENTION TO DETAIL, CARE FOR SOLDIERS AND DEDICATION TO DUTY WERE INSTRUMENTAL IN THE OVERALL SUCCESS OF THE UNIT'S MISSION. SSG CLARK'S EXEMPLARY PERFORMANCE OF DUTY IS IN KEEPING WITH THE HIGHEST TRADITIONS OF MILITARY SERVICE, REFLECTING GREAT CREDIT UPON HIMSELF, THE WARRIOR TRANSITION BATTALION, THE ARMY MEDICAL COMMAND, AND THE UNITED STATES ARMY.



# DEPARTMENT OF THE ARMY

THIS IS TO CERTIFY THAT THE SECRETARY OF THE ARMY HAS AWARDED

## THE ARMY COMMENDATION MEDAL

TO

STAFF SERGEANT JERRY T. CLARK  
27<sup>TH</sup> REC & RET BN, MOARNG

FOR

MERITORIOUS SERVICE AND ACHIEVEMENT AS RECRUITING AND RETENTION NON-COMMISSIONED OFFICER. SSG CLARK IS COMMENDED FOR HIS OUTSTANDING DEDICATION TO DUTY AND EXCEPTIONALLY HIGH STANDARD OF PROFESSIONAL INTEGRITY. DURING THE PERIOD OF OCTOBER 2006 TO SEPTEMBER 2007, HE ACHIEVED ABOVE HIS ASSIGNED ENLISTMENT ACCESSION MISSION OF 20, BY 14 ACCESSIONS. HIS DEDICATION TO DUTY AND PERSONAL WORK ETHIC IS OF THE HIGHEST ESTEEM. SSG CLARK'S HIGH PROFESSIONAL STANDARDS REFLECTS GREAT CREDIT UPON HIMSELF, HIS UNIT, THE MISSOURI ARMY NATIONAL GUARD, AND THE UNITED STATES ARMY.

FROM: 30 SEPTEMBER 2006 TO 31 OCTOBER 2007

PO 309-017 5 NOVEMBER 2007

HQ MONG



LINDA C. BODE  
COLONEL, MOARNG  
DIRECTOR OF MANPOWER  
AND PERSONNEL



**RECOMMENDATION FOR AWARD**

For use of this form, see AR 600-8-22; the proponent agency is DCS, G-1.

For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

TO MO-DPR	2. FROM MSG Brad Kohler Area 3	3. DATE (YYYYMMDD) 20071022
--------------	--------------------------------------	--------------------------------

**PART I - SOLDIER DATA**

NAME (Last, First, Middle Initial) LARK, JERRY T	5. RANK SSG	6. SSN 432-49-8417
ORGANIZATION 7th Recruiting and Retention Command, 77721	8. PREVIOUS AWARDS	
BRANCH OF SERVICE Army	10. RECOMMENDED AWARD ARCOM	11. PERIOD OF AWARD a. FROM 20061001 b. TO 20070924

**2. REASON FOR AWARD**

2a. INDICATE REASON ACH	12b. INTERIM AWARD	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	12c. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	13. PROPOSED PRESENTATION DATE (YYYYMMDD) 20071107
	IF YES, STATE AWARD GIVEN			

**PART II - RECOMMENDER DATA**

4. NAME (Last, First, Middle Initial) OHLER, BRADLEY C.	15. ADDRESS 2001 Clarendon Road, Sedalia, Mo. 65301
5. TITLE/POSITION &R CMD Area NCOIC	17. RANK MSG
6. RELATIONSHIP TO AWARDEE COIC	19. SIGNATURE <b>KOHLER BRADLEY CRAIG 1145248529</b>

**PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)**

1. ACHIEVEMENTS

ACHIEVEMENT #1  
achieved 170% of assigned accession yearly mission.

ACHIEVEMENT #2  
his is SSG Clark's rookie year in recruiting, and he is the top recruiter for Area 3. Assigned mission of 20 enlistments, to date SSG Clark is at 34 enlistments.

ACHIEVEMENT #3  
as lead Area 3 with top year to date accession numbers.

ACHIEVEMENT #4  
lays ingrained in his community by coaching "mitty mite" football.

1. PROPOSED CITATION

For Meritorious Service/Achievement as a Recruiting and Retention Non Commissioned Officer. Staff Sergeant Jerry T. Clark is recommended for his outstanding dedication to duty and exceptionally high standards of professional integrity. During the period of service from October 2006 and August 2007, he overachieved his assigned enlistment accession mission of 20 enlistments by 14 accessions. Staff Sergeant Jerry T. Clark's dedication to duty and personal work ethic is of the highest esteem. Staff Sergeant Clark's dedication and high professional standards reflect credit upon himself, the 27th Recruiting and Retention Command, and the Missouri Army National Guard.



# DEPARTMENT OF THE ARMY

THIS IS TO CERTIFY THAT THE SECRETARY OF THE ARMY HAS AWARDED

## THE ARMY ACHIEVEMENT MEDAL

TO

STAFF SERGEANT JERRY T. CLARK  
548<sup>TH</sup> TRANSPORTATION COMPANY

FOR EXCEPTIONALLY MERITORIOUS SERVICE WHILE SERVING AS THE MAYOR'S CELL NIGHT SHIFT NONCOMMISSIONED OFFICER IN CHARGE WHILE ASSIGNED TO THE 548TH TRANSPORTATION COMPANY DURING OPERATION ENDURING FREEDOM. STAFF SERGEANT CLARK'S DILIGENCE AND ATTENTION TO DETAIL HAS ENHANCED THE LIFE SUSTAINMENT MEASURES PROVIDED FOR THE SOLDIERS AND AIRMEN STATIONED AT SHINDAND AIR BASE DURING OPERATIONS IN AFGHANISTAN. HIS ACTIONS BRING GREAT CREDIT ON HIMSELF, THE 548TH TRANSPORTATION COMPANY, 298TH COMBAT SUSTAINMENT SUPPORT BATTALION AND THE UNITED STATES ARMY.

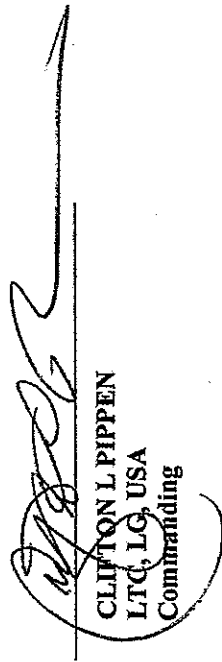
PERIOD: 22 MAY 2011 THRU 1 NOVEMBER 2011

GIVEN UNDER MY HAND

THIS 5<sup>TH</sup> DAY OF DECEMBER 2011



PO 341-02, 5 DECEMBER 2011  
HQ, 298<sup>TH</sup> CSSB  
SHINDAND, AFGHANISTAN

  
CLIFTON L. PIPPEN  
LTC, LC, USA  
Commanding

For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

1. TO CDR 298TH CSSB APO AE 09382	2. FROM CDR 548TH TC APO AE 09382	3. DATE (YYYYMMDD)  20111203
---	---	------------------------------------

**PART I - SOLDIER DATA**

4. NAME (Last, First, Middle Initial) CLARK, JERRY T.	5. RANK SSG	6. SSN 432-49-8417
7. ORGANIZATION 548TH TC APO AE 09382	8. PREVIOUS AWARDS NO AWARDS	
9. BRANCH OF SERVICE	10. RECOMMENDED AWARD  AAM	11. PERIOD OF AWARD a. FROM 20110522
		b. TO 20111101

12. REASON FOR AWARD				13. PROPOSED PRESENTATION DATE (YYYYMMDD)	
12a. INDICATE REASON:  SVC	12b. INTERIM AWARD IF YES, STATE AWARD GIVEN	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	12c. POSTHUMOUS YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
				20120331	

**PART II - RECOMMENDER DATA**

14. NAME (Last, First, Middle Initial) CHANEY, CHRISTINE R.	15. ADDRESS 548TH TC SHINDAND AIR BASE, AFGHANISTAN APO AE 09382
16. TITLE/POSITION TRUCKMASTER	17. RANK SFC
18. RELATIONSHIP TO AWARDEE TRUCKMASTER	19. SIGNATURE <b>CHANEY, CHRISTINE, RAE. 1140545216</b>

**PART III - JUSTIFICATION AND CITATION DATA** (Use specific bullet examples of meritorious acts or service)

20. ACHIEVEMENTS

ACHIEVEMENT #1  
SSG Clark was the night shift Noncommissioned Officer in Charge at the Mayor's Cell on Shindand Air Base during Operation Enduring Freedom. He enhanced the Mayor's Cell functionality by ensuring that work orders were completed on time to maintain facilities on the base. He was responsible for scheduled and unscheduled maintenance and emergency repairs to troop facilities. He completed 30 service order requests resulting in timely repairs for the military saving \$5,000 in 30 days.

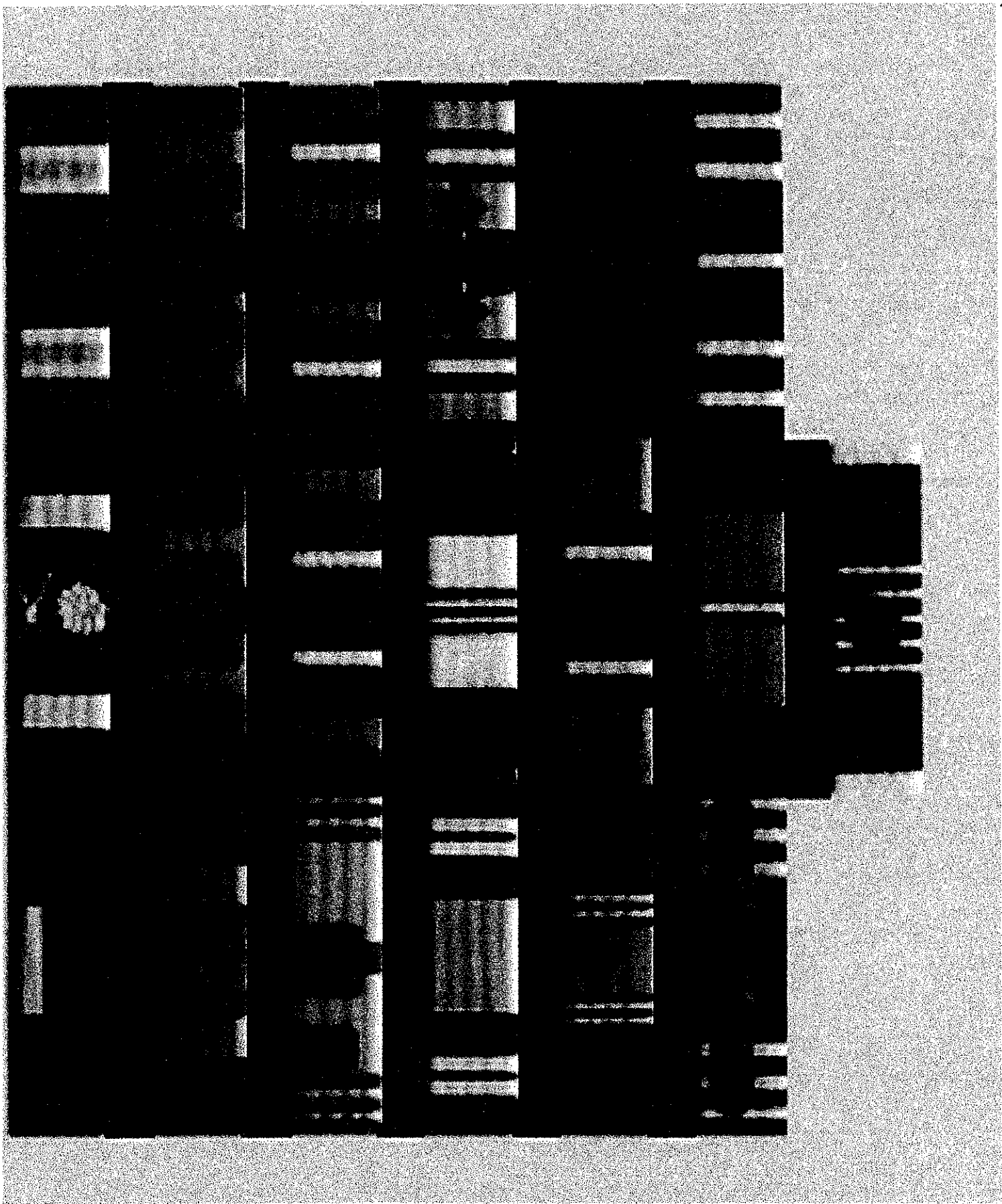
ACHIEVEMENT #2  
SSG Clark was a Contract Office Representative for the 298th Combat Sustainment Support Battalion. His duties included visiting the job site and inspecting for accuracy and timeliness of on going jobs. This position was completely out of his Military Occupational Specialty. SSG Clark took ownership of this position and performed it in a professional manner. He was also a Unit Victim Advocate for the 548th Transportation Company.

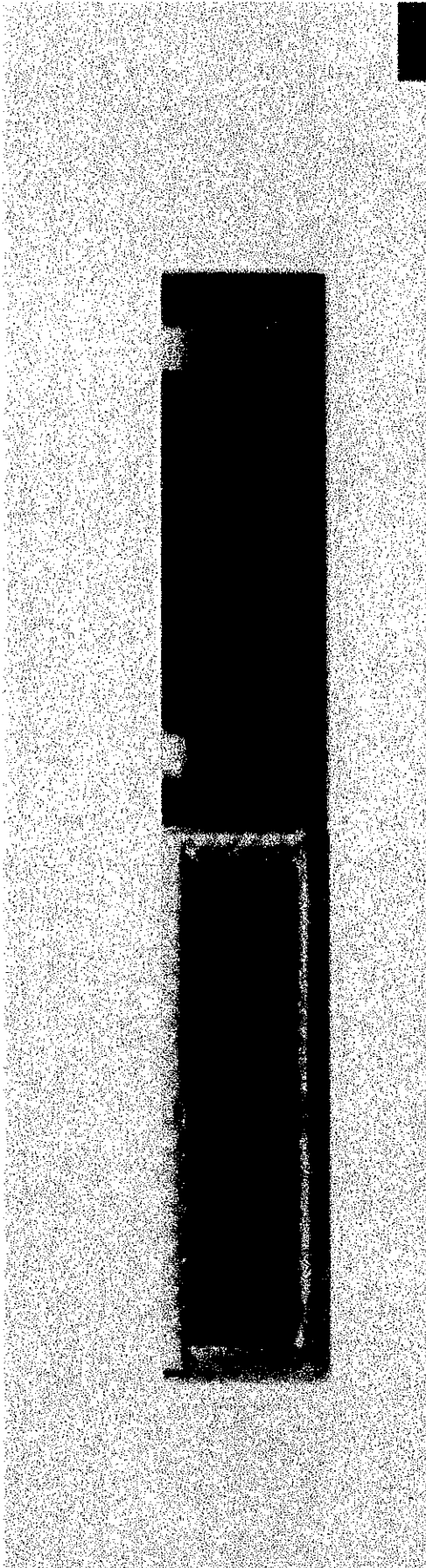
ACHIEVEMENT #3

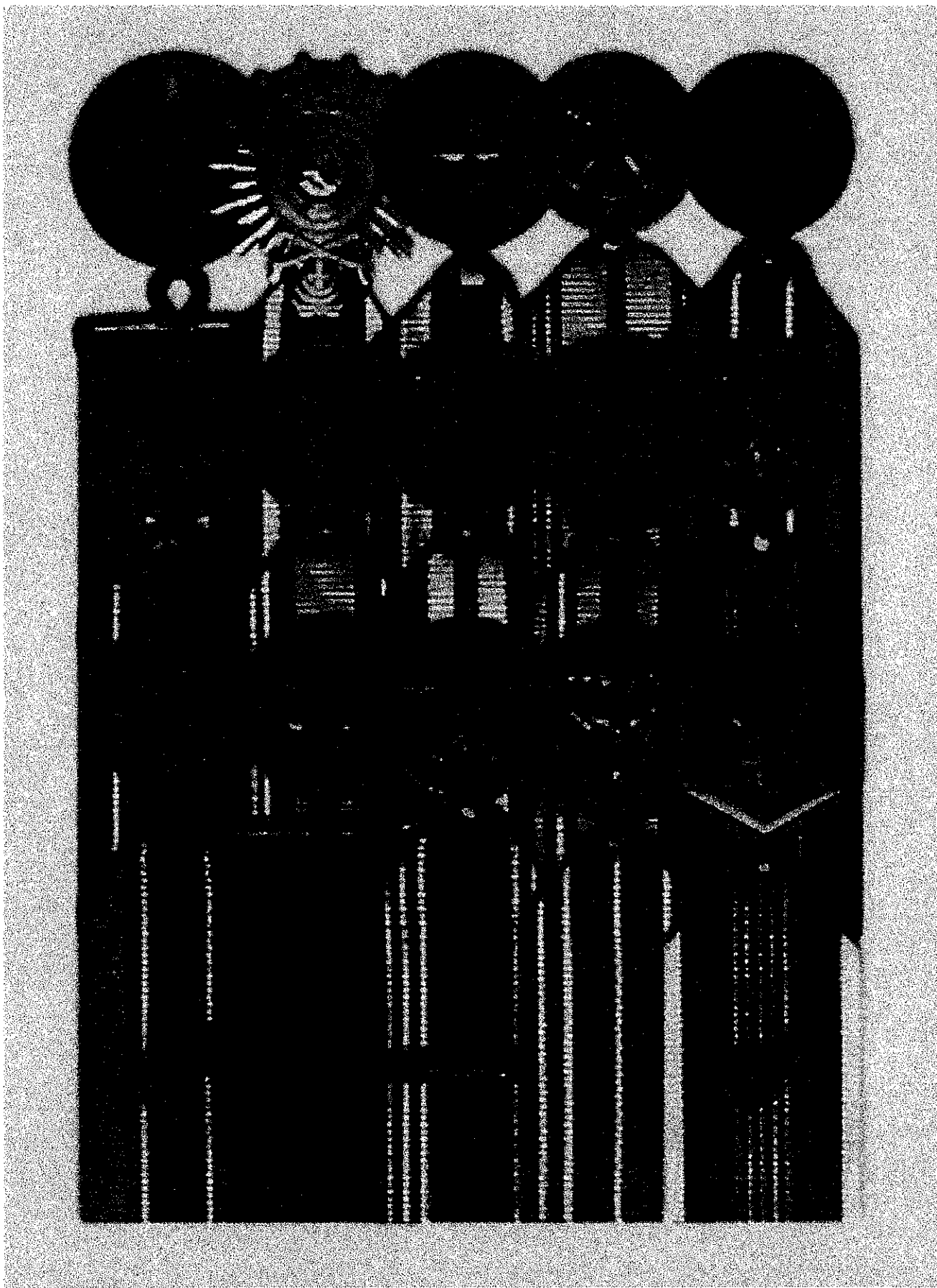
ACHIEVEMENT #4

21. PROPOSED CITATION

FOR EXCEPTIONALLY MERITORIOUS SERVICE WHILE SERVING AS THE MAYOR'S CELL NIGHT SHIFT NONCOMMISSIONED OFFICER IN CHARGE WHILE ASSIGNED TO THE 548TH TRANSPORTATION COMPANY DURING OPERATION ENDURING FREEDOM. STAFF SERGEANT CLARK'S DILIGENCE AND ATTENTION TO DETAIL HAS ENHANCED THE LIFE SUSTAINMENT MEASURES PROVIDED FOR THE SOLDIERS AND AIRMEN STATIONED AT SHINDAND AIR BASE DURING OPERATIONS IN AFGHANISTAN. HIS ACTIONS BRING GREAT CREDIT ON HIMSELF, THE 548TH TRANSPORTATION COMPANY, 298TH COMBAT SUSTAINMENT SUPPORT BATTALION AND THE UNITED STATES ARMY.







NCO EVALUATION REPORT										FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3			
For use of this form, see AR 623-3, the proponent agency is DCS, 3-1													
<b>PART I - ADMINISTRATIVE DATA</b>													
1. NAME (Last, First, Middle Initial) <b>CLARK, JERRY T.</b>				2. SSN <b>432-49-2417</b>		3. RANK <b>SPO T</b>		4. DATE OF RANK <b>20061001</b>		5. PMSBO <b>88M20</b>			
6. UNIT <b>S4TH TC</b>		7. ORG <b>20TH USAB</b>		8. STATION <b>AVO, AE</b>		9. ZIP CODE OR APO <b>09382</b>		10. MAJOR COMMAND <b>FORSCOM</b>		11. STATUS CODE <b>MOB</b>			
12. PERIOD COVERED				13. RATED MONTHS		14. NON RATED MONTHS		15. NO. OF ENCL		16. RATED NCO'S EMAIL ADDRESS			
FROM <b>20100801</b>		THRU <b>20110830</b>		<b>12</b>				<b>Jerry.clark@us.army.mil</b>		17. NCO <b>WPR1AA</b>			
18. RATED NCO'S <b>20100801</b>		19. NON RATED NCO'S <b>20110830</b>		<b>12</b>				<b>Jerry.clark@us.army.mil</b>		20. NCO CODE <b>RG</b>			
21. YSR DODE <b>20100801</b>		22. YSR DODE <b>20110830</b>		<b>12</b>				<b>Jerry.clark@us.army.mil</b>		23. YSR DODE <b>29</b>			
<b>PART II - AUTHENTICATION</b>													
1. NAME OF RATER (Last, First, Middle Initial) <b>NICHOLAS, WILLIAM D.</b>				2. SSN <b>856-82-6029</b>		3. SIGNATURE <i>[Signature]</i>		4. DATE (YYMMDD) <b>2011103</b>					
5. RANK <b>SFC</b>		6. PMSBO/BRANCH <b>88M20</b>		7. ORGANIZATION <b>S4TH TC, 20TH USAB</b>		8. DUTY ASSIGNMENT <b>PLATOON SGT</b>		9. RATER'S AND EMAIL ADDRESS (Type or Mail) <b>william.d.nicholas@us.army.mil</b>					
10. NAME OF SENIOR RATER (Last, First, Middle Initial) <b>TU, SEULATA H.</b>				11. SSN <b>576-59-7913</b>		12. SIGNATURE <i>[Signature]</i>		13. DATE (YYMMDD) <b>2011103</b>					
14. RANK <b>LTJG</b>		15. PMSBO/BRANCH <b>TC</b>		16. ORGANIZATION <b>S4TH TC, 20TH USAB</b>		17. DUTY ASSIGNMENT <b>PLATOON LEADER</b>		18. SENIOR RATER'S AND EMAIL ADDRESS (Type or Mail) <b>seulata.tu@us.army.mil</b>					
19. NAME OF REVIEWER (Last, First, Middle Initial) <b>ADAMS, DOUGLAS R.</b>				20. SSN <b>496-88-0392</b>		21. SIGNATURE <i>[Signature]</i>		22. DATE (YYMMDD) <b>2011103</b>					
23. RANK <b>SPT</b>		24. PMSBO/BRANCH <b>LS</b>		25. ORGANIZATION <b>S4TH TC, 20TH USAB</b>		26. DUTY ASSIGNMENT <b>CO COMMANDER</b>		27. REVIEWER'S AND EMAIL ADDRESS (Type or Mail) <b>douglas.r.adams@us.army.mil</b>					
28. <input checked="" type="checkbox"/> CONCUR WITH RATER AND SENIOR RATER EVALUATIONS <input type="checkbox"/> NONCONCUR WITH RATER OR SENIOR RATER EVAL. (See attached comments)													
29. RATER'S AND SENIOR RATER'S COMMENTS (Type or Mail) (See attached comments)													
<b>PART III - DUTY DESCRIPTION</b>													
30. PRINCIPAL DUTY TITLE <b>HEAVY VEHICLE DRIVER</b>										31. DUTY NOBG <b>88430</b>			
32. DAILY DUTIES AND RESPONSIBILITIES (Type or Mail) (See attached comments) Trains/directs squad personnel in driver maintenance, correct loading techniques, safe driving, practices/updates records of equipment records; maintains records of availability of personnel equipment; inspects/records daily trip records; maintains by drivers; supervises performance of driver maintenance; reports mechanical defects beyond driver's ability to repair.													
33. AREAS OF SPECIAL EMPHASIS Night shift NCOIC in Mayor's Cell													
34. APPOINTED DUTIES SARG, Company UVA													
35. COUNSELING DATES													
				INITIAL <b>20100915</b>		LATER <b>20101215</b>		LATER <b>20110310</b>		LATER <b>20110715</b>			
<b>PART IV - ARMY VALUES/ATTRIBUTES/ILLUSTRATIONS (Rate)</b>													
36. ARMY VALUES. Check either "YES" or "NO". (Duties/Comments are mandatory. Substantive bullet comments are required for "NO" entries.)													
<b>V</b> <b>A</b> <b>L</b> <b>U</b> <b>E</b> <b>S</b>  Honor Integrity Personal Courage										37. 1. LOYALTY: Bears true faith and allegiance to the U. S. Constitution, the Army, the Unit, and other assigned.		YES	NO
										38. 2. DUTY: Fulfills his obligations.		YES	NO
										39. 3. RESPECTED/RENO: Treats people as they should be treated.		YES	NO
										40. 4. SELFLESS SERVICE: Puts the welfare of the nation, the Army, and subordinates before their own.		YES	NO
										41. 5. HONOR: Lives up to all the Army values.		YES	NO
										42. 6. INTEGRITY: Does what is right, legally and morally.		YES	NO
43. 7. PERSONAL COURAGE: Faces fear, danger, or adversity (physical and moral). (Mandatory comment) is absolutely dedicated to the mission and unit success if possible add level NCO accounts for his actions and the actions of his subordinates exemplified the Army Values himself and strives to live by the Army Values													

DA FORM 2156-8, MAR 2006

PREVIOUS EDITIONS ARE OBSOLETE.

Page 1 of 2  
AND PE VALUES

RATED NCO'S NAME (Last, First, Middle Initial) <b>CLARK, HARRY T.</b>		SSN <b>432-49-8417</b>	THRU DATE <b>20110830</b>
<b>PART IV (Rating) - VALUES/NO RESPONSIBILITIES</b>			
<b>b. COMPETENCE</b> o Duty proficiency; MOS competency o Technical & tactical; knowledge, skills, and abilities o Sound judgment o Seeking self-improvement; always learning o Accountability to the rated commander; commitment to excellence EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		o completed six semester hours from Grantham College; despite a high operational tempo in a combat theatre of operation.  o committed to excellence; tactically and technically proficient in his warrior skills and duties as an NCO.  o chosen to be one of the designated marksmen in the platoon due to outstanding BRM skills	
<b>c. PHYSICAL FITNESS &amp; MILITARY BEARING</b> o Mental and physical toughness o Endurance and stamina to go the distance. o Displaying confidence and enthusiasm; looks like a Soldier EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		APFT PASS <b>20101022</b>   HEIGHT/WEIGHT <b>59 / 204</b> YES o assisted eight Soldiers in preparing for the APFT resulting in over a 90% pass rate for those Soldiers he assisted.  o meets all Army standards for physical fitness;  o displayed excellent military bearing and appearance;	
<b>d. LEADERSHIP</b> o Mission first o Guiding/teaching for Soldiers o Inspiring the spirit to achieve and win o Setting the example; Be, Know, Do EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		o developed Soldiers through positive counseling, coaching, and mentoring  o displayed genuine concern for Soldiers fostering a positive "can do" attitude from his subordinates  o always placed the mission first and the needs of his subordinates above his own	
<b>e. TRAINING</b> o Individual and team o Mission focused; performance oriented o Teaching Soldiers how to do common tasks; duty-related skills o Sharing knowledge and expertise to fight, survive and win EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		o shared his previous deployment experience with others on his team, which greatly enhanced the battle readiness of his team to perform in a combat theatre of operations.  o demonstrated outstanding teaching skills which enhanced the knowledge and performance of his team on the weapons qualification range  o gave 100% to his team	
<b>f. RESPONSIBILITY &amp; ACCOUNTABILITY</b> o Care and maintenance of equipment/facilities o Soldier and equipment safety o Conservation of supplies and funds o Encouraging Soldiers to learn and grow o Responsible for food, bed, rest & hygiene EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		o accountable for over \$400,000 worth of government property; maintained 100% accountability of all equipment he was responsible for  o displayed outstanding integrity in always making the "hard right" decision instead of taking the easy way out  o knowledge of the fraud, waste and abuse program helped conserve unit assets to be used in a manner more beneficial to the unit	
<b>PART V - OVERALL PERFORMANCE AND POTENTIAL</b>			
<b>a. RATER</b> , Overall potential for promotion and/or service in positions of greater responsibility.  AMONG THE BEST <input type="checkbox"/> FULLY CAPABLE <input checked="" type="checkbox"/> MARGINAL <input type="checkbox"/>		<b>* SENIOR RATER BULLET COMMENTS:</b> o promote with peers  o send to Army Basic Instructor Course to refine his training ability  o send to next phase of NCOES training  o demonstrated potential for positions of greater responsibility	
<b>b. RATER</b> , List 3 positions in which the rated NCO should best serve the Army at his/her current or next higher grade. Squad Leader Platoon Sergeant Operations Sergeant		<b>* SENIOR RATER</b> , Overall potential for promotion and/or service in positions of greater responsibility. <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Superior Fair Poor	
<b>c. SENIOR RATER</b> , Overall performance: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Successful Fair Poor		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Superior Fair Poor	



NCO EVALUATION REPORT						FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3.			
For use of this form, see AR 623-3; the proponent agency is DCS, G-1.									
<b>PART I - ADMINISTRATIVE DATA</b>									
a. NAME (Last, First, Middle Initial) <b>CLARK, JERRY THOMAS</b>			b. SSN <b>432-49-8417</b>		c. RANK <b>SSG ( )</b>	d. DATE OF RANK <b>20061001</b>	e. PMOSC <b>42A34</b>		
f.1. UNIT <b>27TH REC &amp; RET BN, MOARNG, JEFFERSON CITY, MO 65101</b>		ORG. STATION <b>MOARNG, JEFFERSON CITY, MO 65101</b>		ZIP CODE OR APO <b>65101</b>		f.2. STATUS CODE <b>AGR</b>			
g. REASON FOR SUBMISSION <b>02 ANNUAL</b>		h. PERIOD COVERED	i. RATED MONTHS <b>12</b>	j. NON-RATED CODES	k. NO. OF ENCL.	l. RATED NCO'S EMAIL ADDRESS (gov. or .mil) <b>jerry.t.clark@us.army.mil</b>	m. UIC <b>W77727</b>		
FROM	THRU	YEAR MONTH DAY	YEAR MONTH DAY	n. CMD CODE <b>NG</b>	o. PSB CODE <b>29</b>				
20090831	20100830								
<b>PART II - AUTHENTICATION</b>									
a. NAME OF RATER (Last, First, Middle Initial) <b>KOHLER, BRADLEY</b>			SSN <b>498-78-0390</b>		SIGNATURE <b>KOHLER, BRADLEY, CRAIG, U1452485720</b>		DATE (YYYYMMDD) <b>20100916</b>		
RANK <b>MSG</b>	PMOSC/BRANCH <b>79T50</b>	ORGANIZATION <b>27TH REC &amp; RET BN</b>		DUTY ASSIGNMENT <b>AREA 3 NCOIC</b>		RATER'S APO EMAIL ADDRESS (gov. or .mil) <b>bradley.kohler@us.army.mil</b>			
b. NAME OF SENIOR RATER (Last, First, Middle Initial) <b>SHRUM, PAUL D.</b>			SSN <b>496-58-2227</b>		SIGNATURE <b>SHRUM, PAUL DAVID, 1144585964</b>		DATE (YYYYMMDD) <b>20101006</b>		
RANK <b>SGM</b>	PMOSC/BRANCH <b>79T50</b>	ORGANIZATION <b>27TH REC &amp; RET BN</b>		DUTY ASSIGNMENT <b>OPS &amp; TNG SGM</b>		SENIOR RATER'S APO EMAIL ADDRESS (gov. or .mil) <b>paul.shrum@us.army.mil</b>			
c. NAME OF REVIEWER (Last, First, Middle Initial) <b>FORESTER, SAMUEL P.</b>			SSN <b>497-94-3451</b>		SIGNATURE <b>FORESTER, SAMUEL, PAUL, 1145016119</b>		DATE (YYYYMMDD) <b>20101006</b>		
RANK <b>MAJ</b>	PMOSC/BRANCH <b>EN</b>	ORGANIZATION <b>27TH REC &amp; RET BN</b>		DUTY ASSIGNMENT <b>OPS &amp; TNG OIC</b>		REVIEWER'S APO EMAIL ADDRESS (gov. or .mil) <b>samuel.forester@us.army.mil</b>			
d. <input checked="" type="checkbox"/> CONCUR WITH RATER AND SENIOR RATER EVALUATIONS <input type="checkbox"/> NONCONCUR WITH RATER AND/OR SENIOR RATER EVAL. (See attached comments)									
e. RATED NCO: I understand my signature does not constitute agreement or disagreement with the evaluations of the rater and senior rater. I further understand my signature verifies that the administrative data in Part I, the rating officials in Part II, the duty description in Part III, and the AFPT and height/weight entries in Part IV are correct. I have seen the completed report. I am aware of the appeals process of AR 623-3.					SIGNATURE		DATE (YYYYMMDD)		
<b>PART III - DUTY DESCRIPTION (Rater)</b>									
a. PRINCIPAL DUTY TITLE <b>RECRUITING &amp; RETENTION NCO</b>				b. DUTY MOSC <b>79T40</b>					
c. DAILY DUTIES AND SCOPE (To include, as appropriate, people, equipment, facilities and dollars) <b>Responsible for procurement of civilian applicants and prior service personnel for entrance into the ARNG; gathers individual data and prepares documentation for enlistment process; evaluates applicants occupational, educational and psychological background for unit MOS placement; briefs civic/service organizations and student bodies; establishes and maintains displays and exhibits.</b>									
d. AREAS OF SPECIAL EMPHASIS <b>picked up several high schools and communities in absence of Clinton recruiter during his deployment</b>									
e. APPOINTED DUTIES									
f. COUNSELING DATES				INITIAL <b>20090831</b>	LATER <b>20091208</b>	LATER <b>20100407</b>	LATER <b>20100803</b>		
<b>PART IV - ARMY VALUES/ATTRIBUTES/SKILLS/ACTIONS (Rater)</b>									
a. ARMY VALUES. Check either "YES" or "NO". (Comments are mandatory for "No" entries; optional for "Yes" entries.)									
<b>V</b>  <b>A</b>  <b>L</b>  <b>U</b>  <b>E</b>  <b>S</b>  Loyalty Duty Respect Selfless-Service  Honor Integrity Personal Courage		1. LOYALTY: Bears true faith and allegiance to the U. S. Constitution, the Army, the unit, and other soldiers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		2. DUTY: Fulfills their obligations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		3. RESPECT/EO/EEO: Treats people as they should be treated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		4. SELFLESS-SERVICE: Puts the welfare of the nation, the Army, and subordinates before their own.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		5. HONOR: Lives up to all the Army values.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		6. INTEGRITY: Does what is right - legally and morally.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		7. PERSONAL COURAGE: Faces fear, danger, or adversity (physical and moral).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Bulleted comments o exhaust all avenues to defend what he believes is right  o is fully aware of the Army values	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RATED NCO'S NAME (Last, First, Middle Initial) + CLARK, JERRY THOMAS		SSN 432-49-8417	THRU DATE 20100830 +
<b>PART IV (Rater) - VALUES/NCO RESPONSIBILITIES</b> <i>Bullet comments are mandatory. Substantive bullet comments are required for "EXCELLENCE" or "NEEDS IMPROVEMENT."</i>			
<b>b. COMPETENCE</b> <ul style="list-style-type: none"> <li>o Duty proficiency; MOS competency</li> <li>o Technical &amp; tactical; knowledge, skills, and abilities</li> <li>o Sound judgment</li> <li>o Seeking self-improvement; always learning</li> <li>o Accomplishing tasks to the fullest capacity; committed to excellence</li> </ul>		<ul style="list-style-type: none"> <li>o 18 net gain enlistments during the rated period</li> <li>o 88% ship rate</li> </ul>	
<b>EXCELLENCE</b> (Exceeds std) <input checked="" type="checkbox"/> <b>SUCCESS</b> (Meets std) <input type="checkbox"/> <b>NEEDS IMPROVEMENT</b> (Some) (Much) <input type="checkbox"/> <input type="checkbox"/>			
<b>c. PHYSICAL FITNESS &amp; MILITARY BEARING</b> <ul style="list-style-type: none"> <li>o Mental and physical toughness</li> <li>o Endurance and stamina to go the distance</li> <li>o Displaying confidence and enthusiasm; looks like a soldier</li> </ul>		<b>APFT</b> 235 <b>PASS</b> 20100503 <b>HEIGHT/WEIGHT</b> 69 / 215 <b>NO</b>	
<b>EXCELLENCE</b> (Exceeds std) <input type="checkbox"/> <b>SUCCESS</b> (Meets std) <input type="checkbox"/> <b>NEEDS IMPROVEMENT</b> (Some) (Much) <input checked="" type="checkbox"/> <input type="checkbox"/>		<ul style="list-style-type: none"> <li>o scored 235 on last record APFT, raised overall score by 49 points from one year earlier</li> <li>o does not meet weight or body fat standards</li> </ul>	
<b>d. LEADERSHIP</b> <ul style="list-style-type: none"> <li>o Mission first</li> <li>o Genuine concern for soldiers</li> <li>o Instilling the spirit to achieve and win</li> <li>o Setting the example; Be, Know, Do</li> </ul>		<ul style="list-style-type: none"> <li>o encourages RSP soldier's to attend all training prior to ship date</li> <li>o developed after hours PT program for RSP soldiers</li> </ul>	
<b>EXCELLENCE</b> (Exceeds std) <input type="checkbox"/> <b>SUCCESS</b> (Meets std) <input checked="" type="checkbox"/> <b>NEEDS IMPROVEMENT</b> (Some) (Much) <input type="checkbox"/> <input type="checkbox"/>			
<b>e. TRAINING</b> <ul style="list-style-type: none"> <li>o Individual and team</li> <li>o Mission focused; performance oriented</li> <li>o Teaching soldiers how; common tasks, duty-related skills</li> <li>o Sharing knowledge and experience to fight, survive and win</li> </ul>		<ul style="list-style-type: none"> <li>o successfully participated as cadre instructor in C. Co. RSP drill weekends</li> </ul>	
<b>EXCELLENCE</b> (Exceeds std) <input type="checkbox"/> <b>SUCCESS</b> (Meets std) <input checked="" type="checkbox"/> <b>NEEDS IMPROVEMENT</b> (Some) (Much) <input type="checkbox"/> <input type="checkbox"/>			
<b>f. RESPONSIBILITY &amp; ACCOUNTABILITY</b> <ul style="list-style-type: none"> <li>o Care and maintenance of equipment/facilities</li> <li>o Soldier and equipment safety</li> <li>o Conservation of supplies and funds</li> <li>o Encouraging soldiers to learn and grow</li> <li>o Responsible for good, bad, right &amp; wrong</li> </ul>		<ul style="list-style-type: none"> <li>o allowed unauthorized use of government vehicle resulting in accident with civilian POV</li> <li>o utilized a soldier not in official duty status to perform recruiting duties</li> </ul>	
<b>EXCELLENCE</b> (Exceeds std) <input type="checkbox"/> <b>SUCCESS</b> (Meets std) <input type="checkbox"/> <b>NEEDS IMPROVEMENT</b> (Some) (Much) <input checked="" type="checkbox"/> <input type="checkbox"/>			
<b>PART V - OVERALL PERFORMANCE AND POTENTIAL</b>			
<b>a. RATER.</b> Overall potential for promotion and/or service in positions of greater responsibility.		<b>e. SENIOR RATER BULLET COMMENTS</b>	
<b>AMONG THE BEST</b> <input type="checkbox"/> <b>FULLY CAPABLE</b> <input type="checkbox"/> <b>MARGINAL</b> <input checked="" type="checkbox"/>		<ul style="list-style-type: none"> <li>o failed to maintain required access to recruiting automated system ARISS</li> <li>o cannot be considered for positions of greater responsibility as a 79T/SQI4 due to loss of favorable NAC-LC</li> <li>o Lack of signature AR 623-3 Para 3-37f(2): SSG Clark was provided a copy of this NCOER, he was ask to review and sign; SSG Clark has not done so. There were no changes made to it.</li> </ul>	
<b>b. RATER.</b> List 3 positions in which the rated NCO could best serve the Army at his/her current or next higher grade.			
Cook Maintenance parts attendant Truck driver			
<b>c. SENIOR RATER.</b> Overall performance		<b>d. SENIOR RATER.</b> Overall potential for promotion and/or service in positions of greater responsibility.	
<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1 2 3 4 5 Successful      Fair      Poor		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> 1 2 3 4 5 Superior      Fair      Poor	

NCO EVALUATION REPORT						FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3.			
For use of this form, see AR 623-3; the proponent agency is DCS, G-1.									
<b>PART I - ADMINISTRATIVE DATA</b>									
a. NAME (Last, First, Middle Initial) CLARK, JERRY THOMAS			b. SSN 432-49-8417		c. RANK SSG ( )	d. DATE OF RANK 20061001	e. PMOSC 42A34		
f. UNIT 27TH REC & RET BN, MOARNG, JEFFERSON CITY, MO 65101		ORG. STATION ZIP CODE OR APO 65101		L2. STATUS CODE AGR	g. REASON FOR SUBMISSION 02 ANNUAL				
h. PERIOD COVERED		i. RATED MONTHS 12	j. NON-RATED CODES	k. NO. OF ENCL.		l. RATED NCO'S EMAIL ADDRESS (.gov or .mil) jerry.t.clark@us.army.mil	m. UIC W77727	n. CMD CODE NG	o. PSB CODE 29
FROM		THRU		YEAR MONTH DAY		YEAR MONTH DAY			
20080831		20090830							
<b>PART II - AUTHENTICATION</b>									
a. NAME OF RATER (Last, First, Middle Initial) KOHLER, BRADLEY			SSN 498-78-0390		SIGNATURE KOHLER, BRADLEY, CRAIG 114523985		DATE (YYYYMMDD) 20091008		
RANK MSG	PMOSC/BRANCH 79T50	ORGANIZATION 27TH REC & RET BN		DUTY ASSIGNMENT AREA 3 NCOIC		RATER'S APO EMAIL ADDRESS (.gov or .mil) bradley.kohler@us.army.mil			
b. NAME OF SENIOR RATER (Last, First, Middle Initial) SHRUM, PAUL D.			SSN 496-58-2227		SIGNATURE SHRUM, PAUL DAVID 1144585964		DATE (YYYYMMDD) 20091008		
RANK SGM	PMOSC/BRANCH 79T50	ORGANIZATION 27TH REC & RET BN		DUTY ASSIGNMENT OPS & TNG SGM		SENIOR RATER'S APO EMAIL ADDRESS (.gov or .mil) paul.shrum@us.army.mil			
c. NAME OF REVIEWER (Last, First, Middle Initial) TIPTON, RICHARD E.			SSN 498-74-6203		SIGNATURE TIPTON, RICHARD EARL 114523985		DATE (YYYYMMDD) 20091008		
RANK LTC	PMOSC/BRANCH QM	ORGANIZATION 27TH REC & RET BN		DUTY ASSIGNMENT OPS & TNG OIC		REVIEWER'S APO EMAIL ADDRESS (.gov or .mil) richard.e.tipton@us.army.mil			
d. <input checked="" type="checkbox"/> CONCUR WITH RATER AND SENIOR RATER EVALUATIONS <input type="checkbox"/> NONCONCUR WITH RATER AND/OR SENIOR RATER EVAL. (See attached comments)									
e. RATED NCO: I understand my signature does not constitute agreement or disagreement with the evaluations of the rater and senior rater. I further understand my signature verifies that the administrative data in Part I, the rating officials in Part II, the duty description to include the counseling dates in Part III, and the APFT and height/weight entries in Part IV are correct. I have seen the completed report. I am aware of the appeals process of AR 623-3.					SIGNATURE CLARK, JERRY THOMAS 111772418		DATE (YYYYMMDD) 20091029		
<b>PART III - DUTY DESCRIPTION (Rater)</b>									
a. PRINCIPAL DUTY TITLE RECRUITING & RETENTION NCO					b. DUTY MOSC 79T40				
c. DAILY DUTIES AND SCOPE (To include, as appropriate, people, equipment, facilities and dollars) Responsible for procurement of civilian applicants and prior service personnel for entrance into the ARNG; gathers individual data and prepares documentation for enlistment process; evaluates applicants occupational, educational and psychological background for unit MOS placement; briefs civic/service organizations and student bodies; establishes and maintains displays and exhibits.									
d. AREAS OF SPECIAL EMPHASIS									
e. APPOINTED DUTIES									
f. COUNSELING DATES		INITIAL 20080902	LATER 20090115	LATER 20090406	LATER 20090711				
<b>PART IV - ARMY VALUES/ATTRIBUTES/SKILLS/ACTIONS (Rater)</b>									
a. ARMY VALUES. Check either "YES" or "NO". (Comments are mandatory for "No" entries; optional for "Yes" entries.)									
<b>V A L U E S</b>  Loyalty Duty Respect Selfless-Service   Honor Integrity Personal Courage		1. LOYALTY: Bears true faith and allegiance to the U. S. Constitution, the Army, the unit, and other soldiers.					YES	NO	
		2. DUTY: Fulfills their obligations.					X		
		3. RESPECT/EO/EEO: Treats people as they should be treated.					X		
		4. SELFLESS-SERVICE: Puts the welfare of the nation, the Army, and subordinates before their own.					X		
		5. HONOR: Lives up to all the Army values.					X		
		6. INTEGRITY: Does what is right - legally and morally.					X		
		7. PERSONAL COURAGE: Faces fear, danger, or adversity (physical and moral).					X		
		Bullet comments o supports Chain of Command, peers and subordinates alike  o enforces respect and believes in the NCO creed  o does not yield when faced with difficult situations							

RATED NCO'S NAME (Last, First, Middle Initial) + CLARK, JERRY THOMAS		SSN 432-49-8417	THRU DATE 20090830	+
<b>PART IV (Rater) - VALUES/INCO RESPONSIBILITIES</b>		<i>Bullet comments are mandatory. Substantive bullet comments are required for "EXCELLENCE" or "NEEDS IMPROVEMENT."</i>		
<b>b. COMPETENCE</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Duty proficiency; MOS competency</li> <li><input type="checkbox"/> Technical &amp; tactical; knowledge, skills, and abilities</li> <li><input type="checkbox"/> Sound judgment</li> <li><input type="checkbox"/> Seeking self-improvement; always learning</li> <li><input type="checkbox"/> Accomplishing tasks to the fullest capacity; committed to excellence</li> </ul>		<input type="checkbox"/> net gain of 11 enlistments during rated period  <input type="checkbox"/> removed from production 3 of 12 months during rated period  <input type="checkbox"/> 1.2 net gain write rate during rated period		
EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>				
<b>c. PHYSICAL FITNESS &amp; MILITARY BEARING</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Mental and physical toughness</li> <li><input type="checkbox"/> Endurance and stamina to go the distance</li> <li><input type="checkbox"/> Displaying confidence and enthusiasm; looks like a soldier</li> </ul>		APFT 186 PASS      20090501      HEIGHT/WEIGHT 69 / 225    YES  <input type="checkbox"/> sent home from BNCOC for non-compliance to body fat standards  <input type="checkbox"/> is making satisfactory progress toward compliance of AR 600-9 standards		
EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input type="checkbox"/> NEEDS IMPROVEMENT (Some) <input checked="" type="checkbox"/> (Much) <input type="checkbox"/>				
<b>d. LEADERSHIP</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Mission first</li> <li><input type="checkbox"/> Genuine concern for soldiers</li> <li><input type="checkbox"/> Instilling the spirit to achieve and win</li> <li><input type="checkbox"/> Setting the example; Be, Know, Do</li> </ul>		<input type="checkbox"/> enlisted 5 soldiers while off production over 3 month period  <input type="checkbox"/> maintains positive attitude and "can do" spirit in face of difficult situations  <input type="checkbox"/> constantly mentors enlisted soldier's to ensure compliance and to keep soldier's from experiencing personal hardship		
EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>				
<b>e. TRAINING</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Individual and team</li> <li><input type="checkbox"/> Mission focused; performance oriented</li> <li><input type="checkbox"/> Teaching soldiers how; common tasks, duty-related skills</li> <li><input type="checkbox"/> Sharing knowledge and experience to fight, survive and win</li> </ul>		<input type="checkbox"/> needs to attend BNCOC once within compliance of AR 600-9  <input type="checkbox"/> maintains total focus toward mission success, but needs to improve time management skills  <input type="checkbox"/> lack of recruiter pre-screening caused discharge after enlistment		
EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>				
<b>f. RESPONSIBILITY &amp; ACCOUNTABILITY</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Care and maintenance of equipment/facilities</li> <li><input type="checkbox"/> Soldier and equipment safety</li> <li><input type="checkbox"/> Conservation of supplies and funds</li> <li><input type="checkbox"/> Encouraging soldiers to learn and grow</li> <li><input type="checkbox"/> Responsible for good, bad, right &amp; wrong</li> </ul>		<input type="checkbox"/> outstanding utilization of marketing funds in purchase of GSA sedan decals  <input type="checkbox"/> zero loss of government equipment		
EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>				
<b>PART V - OVERALL PERFORMANCE AND POTENTIAL</b>				
<b>a. RATER. Overall potential for promotion and/or service in positions of greater responsibility.</b>  AMONG THE BEST <input type="checkbox"/> FULLY CAPABLE <input checked="" type="checkbox"/> MARGINAL <input type="checkbox"/>		<b>b. SENIOR RATER BULLET COMMENTS</b> <input type="checkbox"/> fully capable NCO willing to support the team mission  <input type="checkbox"/> genuine concern for soldiers and unselfish dedication to duty  <input type="checkbox"/> consistently performs to standards		
<b>b. RATER. List 3 positions in which the rated NCO could best serve the Army at his/her current or next higher grade.</b>  RRNCO _____ Readiness NCO _____ Operations NCO _____				
<b>c. SENIOR RATER. Overall performance</b> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1    2    3    4    5 Successful    Fair    Poor		<b>d. SENIOR RATER. Overall potential for promotion and/or service in positions of greater responsibility.</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1    2    3    4    5 Superior    Fair    Poor		

NCO EVALUATION REPORT						FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3.			
+ For use of this form, see AR 623-3; the proponent agency is DCS, G-1.						+			
PART I - ADMINISTRATIVE DATA									
a. NAME (Last, First, Middle Initial) CLARK, JERRY THOMAS			b. SSN 432-49-8417	c. RANK SSG ( )	d. DATE OF RANK 20061001	e. PMOSC 42A34			
f.1. UNIT 27TH REC & RET BN, MOARNG, JEFFERSON CITY, MO 65101		ORG. STATION 27TH REC & RET BN, MOARNG, JEFFERSON CITY, MO 65101		ZIP CODE OR APO 65101		f.2. STATUS CODE AGR			
g. REASON FOR SUBMISSION 02 ANNUAL		h. PERIOD COVERED		i. RATED NCO'S EMAIL ADDRESS (gov. or .mil)		m. UIC			
FROM THRU YEAR MONTH DAY YEAR MONTH DAY 20070901 20080831		j. RATED MONTHS 12		k. NON-RATED CODES		n. CMD CODE NG			
l. NO. OF ENCL		o. PSB CODE 29		jerry.l.clark@us.army.mil		W77727			
PART II - AUTHENTICATION									
a. NAME OF RATER (Last, First, Middle Initial) KOHLER, BRADLEY			b. SSN 498-78-0390	SIGNATURE KOHLER, BRADLEY, CRAIG, 1145248		DATE (YYYYMMDD) 20080930			
RANK MSG		PMOSC/BRANCH 79T50		ORGANIZATION 27TH REC & RET BN		DUTY ASSIGNMENT AREA 3 NCOIC			
RATER'S AKO EMAIL ADDRESS (gov. or .mil) bradley.kohler@us.army.mil		b. NAME OF SENIOR RATER (Last, First, Middle Initial) SHRUM, PAUL D.		c. SSN 496-58-2227	SIGNATURE SHRUM, PAUL, DAVID, 1145259		d. DATE (YYYYMMDD) 20080930		
RANK SGM		PMOSC/BRANCH 79T50		ORGANIZATION 27TH REC & RET BN		DUTY ASSIGNMENT OPS & TNG SGM			
SENIOR RATER'S AKO EMAIL ADDRESS (gov. or .mil) paul.shrum@us.army.mil		c. NAME OF REVIEWER (Last, First, Middle Initial) TIPTON, RICHARD E.		d. SSN 498-74-6203	SIGNATURE TIPTON, RICHARD, EARL, 1145239		e. DATE (YYYYMMDD) 20080930		
RANK LTC		PMOSC/BRANCH QM		ORGANIZATION 27TH REC & RET BN		DUTY ASSIGNMENT OPS & TNG OIC			
REVIEWER'S AKO EMAIL ADDRESS (gov. or .mil) richard.e.tipton@us.army.mil		d. <input checked="" type="checkbox"/> CONCUR WITH RATER AND SENIOR RATER EVALUATIONS <input type="checkbox"/> NONCONCUR WITH RATER AND/OR SENIOR RATER EVAL (See attached comments)							
e. RATED NCO: I understand my signature does not constitute agreement or disagreement with the evaluations of the rater and senior rater. I further understand my signature verifies that the administrative data in Part I, the rater officials in Part II, the duty description to include the counseling dates in Part III, and the APFT and height/weight entries in Part IVc are correct. I am aware of the appeals process of AR 623-3.				SIGNATURE CLARK, JERRY, THOMAS, 1117724		DATE (YYYYMMDD) 20080930			
PART III - DUTY DESCRIPTION (Rater)									
a. PRINCIPAL DUTY TITLE RECRUITING & RETENTION NCO				b. DUTY MOSC 79T40					
c. DAILY DUTIES AND SCOPE (To include, as appropriate, people, equipment, facilities and dollars) Responsible for procurement of civilian applicants and prior service personnel for entrance into the ARNG; gathers individual data and prepares documentation for enlistment process; evaluates applicants occupational, educational and psychological background for unit MOS placement; briefs civic/service organizations and student bodies; establishes and maintains displays and exhibits.									
d. AREAS OF SPECIAL EMPHASIS									
e. APPOINTED DUTIES									
f. COUNSELING DATES		INITIAL 20061003		LATER 20070112		LATER 20070407			
						LATER 20080803			
PART IV - ARMY VALUES/ATTRIBUTES/SKILLS/ACTIONS (Rater)									
a. ARMY VALUES. Check either "YES" or "NO". (Comments are mandatory for "No" entries; optional for "Yes" entries.)									
<b>V</b> <b>A</b> <b>L</b> <b>U</b> <b>E</b> <b>S</b>  Loyalty Duty Respect Selfless-Service  Honor Integrity Personal Courage		1. LOYALTY: Bears true faith and allegiance to the U. S. Constitution, the Army, the unit, and other soldiers.						YES	NO
		2. DUTY: Fulfills their obligations.						<input checked="" type="checkbox"/>	
		3. RESPECT/EO/EEO: Treats people as they should be treated.						<input checked="" type="checkbox"/>	
		4. SELFLESS-SERVICE: Puts the welfare of the nation, the Army, and subordinates before their own.						<input checked="" type="checkbox"/>	
		5. HONOR: Lives up to all the Army values.						<input checked="" type="checkbox"/>	
		6. INTEGRITY: Does what is right - legally and morally.						<input checked="" type="checkbox"/>	
		7. PERSONAL COURAGE: Faces fear, danger, or adversity (physical and moral).						<input checked="" type="checkbox"/>	
Build comments o constantly demonstrates respect to superiors, peers and subordinates  o demanding support of 7 Army Values									

RATED NCO'S NAME (Last, First, Middle Initial) + CLARK, JERRY THOMAS		SSN 432-49-8417	THRU DATE 20080831	+
PART IV (Rater) - VALUES/INCO RESPONSIBILITIES <small>Bullet comments are mandatory. Substantive bullet comments are required for "EXCELLENCE" or "NEEDS IMPROVEMENT."</small>				
<b>b. COMPETENCE</b> <input type="checkbox"/> Duty proficiency; MOS competency <input type="checkbox"/> Technical & tactical; knowledge, skills, and abilities <input type="checkbox"/> Sound judgment <input type="checkbox"/> Seeking self-improvement; always learning <input type="checkbox"/> Accomplishing tasks to the fullest capacity; committed to excellence  EXCELLENCE (Exceeds std) <input checked="" type="checkbox"/> SUCCESS (Meets std) <input type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		<input type="checkbox"/> rookie recruiter for Missouri in 2007 <input type="checkbox"/> received ARCOM for exceeding mission standards during rated period <input type="checkbox"/> conducted 12 events, 5 career direction programs during rated period		
<b>c. PHYSICAL FITNESS &amp; MILITARY BEARING</b> <input type="checkbox"/> Mental and physical toughness <input type="checkbox"/> Endurance and stamina to go the distance <input type="checkbox"/> Displaying confidence and enthusiasm; looks like a soldier  EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		APFT 233 pass	20080229	HEIGHT/WEIGHT 69 / 210 YES
<input type="checkbox"/> maintains professional military appearance <input type="checkbox"/> constantly promoting the 7 Army Values to subordinates				
<b>d. LEADERSHIP</b> <input type="checkbox"/> Mission first <input type="checkbox"/> Genuine concern for soldiers <input type="checkbox"/> Instilling the spirit to achieve and win <input type="checkbox"/> Setting the example; Be, Know, Do  EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		<input type="checkbox"/> true believer in leading by example <input type="checkbox"/> superior follow up to the concerns of subordinates <input type="checkbox"/> outstanding self-motivator, requires no direct supervision		
<b>e. TRAINING</b> <input type="checkbox"/> Individual and team <input type="checkbox"/> Mission focused; performance oriented <input type="checkbox"/> Teaching soldiers how; common tasks, duty-related skills <input type="checkbox"/> Sharing knowledge and experience to fight, survive and win  EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		<input type="checkbox"/> completed phase I of BNCOC during rated period <input type="checkbox"/> training style promotes high moral among subordinates <input type="checkbox"/> utilizes deployment experience and training to add realism to training		
<b>f. RESPONSIBILITY &amp; ACCOUNTABILITY</b> <input type="checkbox"/> Care and maintenance of equipment/facilities <input type="checkbox"/> Soldier and equipment safety <input type="checkbox"/> Conservation of supplies and funds <input type="checkbox"/> Encouraging soldiers to learn and grow <input type="checkbox"/> Responsible for good, bad, right & wrong  EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		<input type="checkbox"/> zero lost equipment during rated period <input type="checkbox"/> zero injuries to self or subordinates during rated period		
<b>PART V - OVERALL PERFORMANCE AND POTENTIAL</b>				
<b>a. RATER. Overall potential for promotion and/or service in positions of greater responsibility.</b>  AMONG THE BEST <input type="checkbox"/> FULLY CAPABLE <input checked="" type="checkbox"/> MARGINAL <input type="checkbox"/>		<b>e. SENIOR RATER BULLET COMMENTS</b> <input type="checkbox"/> monitor this sergeant closely showing a lot of potential <input type="checkbox"/> sound judgment promote with peers <input type="checkbox"/> extremely well organized and perceptive		
<b>b. RATER. List 3 positions in which the rated NCO could best serve the Army at his/her current or next higher grade.</b> RRNCO Readiness NCO Operations NCO				
<b>c. SENIOR RATER. Overall performance</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1 2 3 4 5 Successful Fair Poor		<b>d. SENIOR RATER. Overall potential for promotion and/or service in positions of greater responsibility.</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1 2 3 4 5 Superior Fair Poor		


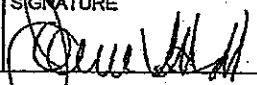

+ NCO EVALUATION REPORT				SEE PRIVACY ACT STATEMENT IN AR 623-205 APPENDIX C. +				
For use of this form, see AR 623-205 the proponent agency is ODCSPER								
<b>PART I - ADMINISTRATIVE DATA</b>								
a. NAME (Last, First, Middle Initial) CLARK, JERRY T.				b. SSN 432-49-8417	c. RANK SGT/E-5	d. DATE OF RANK 051108	e. PMOSC 42A20	
f. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND 27th Recruiting & Retention CMD, Jefferson City, MO 65101, 77727, AGRI						g. REASON FOR SUBMISSION 03 CHANGE OF RATER		
h. PERIOD COVERED		i. RATED MONTHS	j. NON-RATED CODES	k. NO. OF ENCL	l. RATED NCO COPY (Check one and Date)		m. PSC Initials	
FROM	THRU				1. Given to NCO	Date	n. CMD CODE	
YVYY MM 2006 01	YVYY MM 2006 08	8			<input checked="" type="checkbox"/>	15 SEP 06	o. PSB CODE	
<b>PART II - AUTHENTICATION</b>								
a. NAME OF RATER (Last, First, Middle Initial) WALTERS, JAMES W. JR.				b. SSN 500-76-8310	SIGNATURE <i>James W. Walters</i>			
RANK, PMOSC/BRANCH, ORGANIZATION, DUTY ASSIGNMENT SGM, 79T50, Recruiting & Retention Bn, MOARNG, Recruiting & Retention SGM						DATE 20060901		
f. NAME OF SENIOR RATER (Last, First, Middle Initial) MICKAN, CHRISTOPHER W.				g. SSN 490-82-5616	SIGNATURE <i>Christopher W. Mickan</i>			
RANK, PMOSC/BRANCH, ORGANIZATION, DUTY ASSIGNMENT MAJ, EN, 27th Recruiting & Retention Bn, MOARNG, O&T Officer						DATE 20060914		
c. RATED NCO (I considered my signature does not constitute agreement or disagreement with the evaluation of the rater and senior rater. I further understand my signature verifies that the administrative data in Part I, the rating criteria in Part II, and the duty description in Part III, and the AR 623-205 and related regulations in Part IV are correct. I have signed this report completed through Part V, except Part III and III. I am aware of the applicability of AR 623-205.)				SIGNATURE <i>[Signature]</i>			DATE 20060915	
d. NAME OF REVIEWER (Last, First, Middle Initial) FINDLEY, JOHN W.				e. SSN 495-86-5893	SIGNATURE <i>[Signature]</i>			
RANK, PMOSC/BRANCH, ORGANIZATION, DUTY ASSIGNMENT LTC, QM, 27th Recruiting & Retention Bn, MOARNG, Commander						DATE 20060915		
g. <input checked="" type="checkbox"/> CONCUR WITH RATER AND SENIOR RATER EVALUATIONS <input type="checkbox"/> NONCONCUR WITH RATER AND/OR SENIOR RATER EVAL (See attached comments)								
<b>PART III - DUTY DESCRIPTION (Rater)</b>								
a. PRINCIPAL DUTY TITLE RECRUITING & RETENTION NCO				b. DUTY MOSC 79T40				
c. DAILY DUTIES AND SCOPE (To include, as appropriate, people, equipment, facilities and dollars) Responsible for procurement of civilian applicants and prior service personnel for entrance into the ARNG; gathers individual data and prepares documentation for enlistment process; evaluates applicants occupational, educational and psychological background for unit MOS placement; briefs civic/service organizations and student bodies; establishes and maintains displays and exhibits.								
d. AREAS OF SPECIAL EMPHASIS								
e. APPOINTED DUTIES								
f. COUNSELING DATES		INITIAL	LATER	LATER	LATER			
		060117	060306	060606				
<b>PART IV - ARMY VALUES/ATTRIBUTES/SKILLS/ACTIONS (Rater)</b>								
a. ARMY VALUES. Check either "YES" or "NO". Comments are mandatory for "No" entries; optional for "Yes" entries.								
<b>V</b>  <b>A</b>  <b>L</b>  <b>U</b>  <b>E</b>  <b>S</b>  Honor Integrity Personal Courage	1. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and other soldiers.						YES	NO
	2. DUTY: Fulfills their obligations.						X	
	3. RESPECTED/RECO: Treats people as they should be treated.						X	
	4. SELFLESS-SERVICE: Puts the welfare of the nation, the Army, and subordinates before their own.						X	
	5. HONOR: Lives up to all the Army values.						X	
	6. INTEGRITY: Does what is right - legally and morally.						X	
	7. PERSONAL COURAGE: Faces fear, danger, or adversity (physical and moral).						X	
b. Additional comments								

RATED NCO'S NAME (Last, First, Middle Initial) + CLARK, JERRY T.		SSN 432-49-8417	THRU DATE 200608 +
<b>PART IV (Rater) - VALUES/NCO RESPONSIBILITIES</b> <small>Specific Bullet examples of "EXCELLENCE" or "NEEDS IMPROVEMENT" are mandatory. Specific Bullet examples of "SUCCESS" are optional.</small>			
<b>b. COMPETENCE</b> <ul style="list-style-type: none"> <li>o Duty proficiency; MOS competency</li> <li>o Technical &amp; tactical; knowledge, skills, and abilities</li> <li>o Sound judgment</li> <li>o Seeking self-improvement; always learning</li> <li>o Accomplishing tasks to the fullest capacity; committed to excellence</li> </ul>		<ul style="list-style-type: none"> <li>o recruiting production performance for rated period was 400%, 12 enlistments with assigned mission of 3</li> <li>o completed 79T with all 1st time GOs</li> </ul>	
EXCELLENCE (Exceeds std) <input checked="" type="checkbox"/> SUCCESS (Meets std) <input type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>		AFFT 0604 Pass HEIGHT/WEIGHT 69/202 yes	
<b>c. PHYSICAL FITNESS &amp; MILITARY BEARING</b> <ul style="list-style-type: none"> <li>o Mental and physical toughness</li> <li>o Endurance and stamina to go the distance</li> <li>o Displaying confidence and enthusiasm; looks like a soldier</li> </ul>		<ul style="list-style-type: none"> <li>o military bearing and appearance is of the highest quality</li> </ul>	
EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>			
<b>d. LEADERSHIP</b> <ul style="list-style-type: none"> <li>o Mission first</li> <li>o Genuine concern for soldiers</li> <li>o Instilling the spirit to achieve and win</li> <li>o Setting the example; Be, Know, Do</li> </ul>		<ul style="list-style-type: none"> <li>o demonstrates decisive leadership ability and takes charge</li> <li>o earns the respect and loyalty of subordinates</li> </ul>	
EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>			
<b>e. TRAINING</b> <ul style="list-style-type: none"> <li>o Individual and team</li> <li>o Mission focused; performance oriented</li> <li>o Teaching soldiers how; common tasks, duty-related skills</li> <li>o Sharing knowledge and experience to fight, survive and win</li> </ul>		<ul style="list-style-type: none"> <li>o performance oriented</li> <li>o inspires teamwork and a winning professional attitude</li> </ul>	
EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>			
<b>f. RESPONSIBILITY &amp; ACCOUNTABILITY</b> <ul style="list-style-type: none"> <li>o Care and maintenance of equipment/facilities</li> <li>o Soldier and equipment safety</li> <li>o Conservation of supplies and funds</li> <li>o Encouraging soldiers to learn and grow</li> <li>o Responsible for good, bad, right &amp; wrong</li> </ul>		<ul style="list-style-type: none"> <li>o demonstrates a high level of administrative competence</li> <li>o submits all reports in a timely manner and meets all suspense dates</li> <li>o maintains GSA vehicle in a proper manner</li> </ul>	
EXCELLENCE (Exceeds std) <input type="checkbox"/> SUCCESS (Meets std) <input checked="" type="checkbox"/> NEEDS IMPROVEMENT (Some) <input type="checkbox"/> (Much) <input type="checkbox"/>			
<b>PART V - OVERALL PERFORMANCE AND POTENTIAL</b>			
<b>a. RATER. Overall potential for promotion and/or service in positions of greater responsibility.</b>  AMONG THE BEST <input checked="" type="checkbox"/> FULLY CAPABLE <input type="checkbox"/> MARGINAL <input type="checkbox"/>		<b>e. SENIOR RATER BULLET COMMENTS</b> <ul style="list-style-type: none"> <li>o SGT Clark exceeded his assigned mission during this rating period</li> <li>o He easily gains acceptance of others and shows genuine respect</li> <li>o He has genuine talent and has a great future as a recruiter</li> </ul>	
<b>b. RATER. List 3 positions in which the rated NCO could best serve the Army at his/her current or next higher grade.</b> Training NCO Readiness NCO Supply NCO			
<b>c. SENIOR RATER. Overall performance</b>		<b>d. SENIOR RATER. Overall potential for promotion and/or service in positions of greater responsibility.</b>	
+ <input checked="" type="checkbox"/> 1 Successful <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 Fair <input type="checkbox"/> 5 Poor		+ <input checked="" type="checkbox"/> 1 Superior <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 Fair <input type="checkbox"/> 5 Poor	

DA FORM 2166-9, OCT 2001

USAPA V1.01



SERVICE SCHOOL ACADEMIC EVALUATION REPORT				DATE (YYYYMMDD)	
For use of this form, see AR 623-3; the proponent agency is DCS, G-1.				20080410	
1. LAST NAME - FIRST NAME - MIDDLE INITIAL CLARK, JERRY T.		2. SSN 432-49-8417	3. GRADE SSG	4. BR	5. SPECIALTY/MOSC 42A30
6. COURSE TITLE TATS BNCOC COMMON LEADER TRAINING (600-BNCOC) 08-08		7. NAME OF SCHOOL 1ST BN 209TH TNG REGT (NCOA) W8GLA1 SC:955			8. COMP ARNG
9. THIS IS A REFERRED REPORT, DO YOU WISH TO MAKE COMMENTS? <input type="checkbox"/> YES <input type="checkbox"/> NO		10. DURATION OF COURSE (YYYYMMDD) From: 20080329 Thru: 20080410			
11. PERFORMANCE SUMMARY *a. <input type="checkbox"/> EXCEEDED COURSE STANDARDS (Limited to 20% of class enrollment) b. <input checked="" type="checkbox"/> ACHIEVED COURSE STANDARDS *c. <input type="checkbox"/> MARGINALLY ACHIEVED COURSE STANDARDS *d. <input type="checkbox"/> FAILED TO ACHIEVE COURSE STANDARDS  <i>*Rating must be supported by comments in ITEM 14.</i>		12. DEMONSTRATED ABILITIES a. WRITTEN COMMUNICATION <input checked="" type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input type="checkbox"/> SAT <input type="checkbox"/> SUPERIOR b. ORAL COMMUNICATION <input type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input checked="" type="checkbox"/> SAT <input type="checkbox"/> SUPERIOR c. LEADERSHIP SKILLS <input type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input checked="" type="checkbox"/> SAT <input type="checkbox"/> SUPERIOR d. CONTRIBUTION TO GROUP WORK <input type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input type="checkbox"/> SAT <input checked="" type="checkbox"/> SUPERIOR e. EVALUATION OF STUDENT'S RESEARCH ABILITY <input type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input checked="" type="checkbox"/> SAT <input type="checkbox"/> SUPERIOR <i>(SUPERIOR/UNSAT rating must be supported by comments in ITEM 14)</i>			
13. HAS THE STUDENT DEMONSTRATED THE ACADEMIC POTENTIAL FOR SELECTION TO HIGHER LEVEL SCHOOLING/TRAINING? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A (A "NO" response must be supported by comments in ITEM 14).					
14. COMMENTS (This item is intended to obtain a word picture of each student that will accurately and completely portray academic performance, intellectual qualities, and communication skills and abilities. The narrative should also discuss broader aspects of the student's potential, leadership capabilities, moral and overall professional qualities. In particular, comments should be made if the student failed to respond to recommendations for improving academic or personal affairs.)  The Soldier demonstrates an understanding of the importance of effective communication and worked to improve this competence throughout the course.  The Soldier put forth a valid effort and with more time and practice in a leadership position, will become a very effective NCO.  The Soldier was excellent in working with others and displayed many positive leadership traits.  The Soldier optimized the use of all available resources.  TAGO - MO 2302 Militia Drive Jefferson City, MO 65101-1203 MO RECRUIT RETENTION  APFT EXEMPT per ALARACT 103/2004, dtd 091624Z JUN 04 / YES					
15. AUTHENTICATION					
a. TYPED NAME, GRADE, BRANCH, AND TITLE OF RATER CHRISTOPHER S. DETERS, SSG, Small Group Leader		DATE (YYYYMMDD) 20080410	SIGNATURE 		
b. TYPED NAME, GRADE, BRANCH, AND TITLE OF REVIEWING OFFICER JANICE L. HENDRIX, MSG, Quality Assurance Officer		DATE (YYYYMMDD) 20080410	SIGNATURE 		
c. DATE (YYYYMMDD) 20080410		SIGNATURE OF RATED SOLDIER 			

DA FORM 1059, MAR 2006

PREVIOUS EDITIONS ARE OBSOLETE.

APD v1.00

