

1st Ind to Berkeley County Deputy Sheriff Civil Service Commission (BCDSCSC) *Special*
Meeting Minutes, RE: Tuesday, April 8, 2025 Meeting

PRESIDENT DALE A. BUCK, ESQ

April 8, 2025

MEMORANDUM FOR BCDSCSC, ADMINISTRATIVE ASSISTANT

Approved / ~~Disapproved~~: Distribute electronically to all Berkeley County Deputy Sheriff Civil Service Commissioners, Berkeley County Commissioners, Berkeley County Sheriff and Staff as required.



DALE A. BUCK, ESQ.,
President/Commissioner, BCDSCSC



“Second oldest county in West Virginia”



**BERKELEY COUNTY
DEPUTY SHERIFF CIVIL SERVICE COMMISSION
400 West Stephen Street, Suite 103
Martinsburg, WV 25401-3802**

April 8, 2025

MEMORANDUM FOR COMMISSION PRESIDENT DALE A. BUCK, ESQ

FROM: Mr. John Alderton, Administrative Assistant, Berkeley County Deputy Sheriff Civil Service Commission (BCDSCSC)

SUBJECT: Berkeley County Deputy Sheriff Civil Service Commission (BCDSCSC)
Special Meeting Minutes : RE: Tuesday, April 8, 2025 Meeting

1. **Date, Time & Place.** The Berkeley County Deputy Sheriff Civil Service Commission (BCDSCSC) met on Tuesday, April 8, 2025, 400 West Stephen Street, 2nd Floor, Commission Chambers. Martinsburg, West Virginia. The special meeting commenced, at 5:00 PM and was streamed on YouTube at: <https://www.youtube.com/watch?v=4qu61OJdoqo&t=626s>. The meeting starts at the 10:05 minute mark. The meeting was opened by President Dale A. Buck, President, Berkeley County Deputy Sheriff Civil Service Commission.

2. **Personnel in Attendance:**

Mr.	Dale A. Buck	President of Commission
Mr.	Stephen D. Dopson	Commissioner
Mr.	James G. Moffett	Commissioner
Mr.	John H. Alderton	Deputy County Clerk/ BCDSCSC Administrative Assistant
Chief	Eric Burnett	Berkeley County Sheriff's Office
Chief	Tom Young	Berkeley County Sheriff's Office
Captain	Trent Heckman	Berkeley County Sheriff's Office
Lieutenant	William D. Christian	Berkeley County Sheriff's Office
Corporal	Philip Butcher	Berkeley County Sheriff's Office
Corporal	Nathanial Chronister	Berkeley County Sheriff's Office
Corporal	Stephen T. Dopson	Berkeley County Sheriff's Office
Corporal	Jody Strickler	Berkeley County Sheriff's Office
Ms.	Brandy Sullivan	Berkeley County Sheriff's Office

NOTE. The below listed Commissioner attended virtually:

Mr.	James Moffitt	Commissioner
-----	---------------	--------------

3. **Purpose.** As stated by President Buck, the purpose of the meeting is to discuss and schedule several items that have arisen since our special meeting held on Monday, March 31, 2025 and/or since our last regularly scheduled meeting held on Wednesday, March 19, 2025. There are several matters that may require some action before the next regular meeting of Wednesday, April 16, 2025. See the agenda (**Attachment 1**) for the items to be discussed during this special

“Second oldest county in West Virginia”

meeting of Tuesday, April 8, 2025. The following is a summarization of the discussion surrounding each issue/item, listed on the agenda.

4. **Opening.** President Buck started off the meeting by saying:

a. There are four issues on the agenda 2005-0008, 2025-0009, 2005-0010 and 2024-0011 (which should read 2025-0011). President Buck made a motion to suspend the rules. For the purpose of being able to take them out of order. Because they're all kind of related and yet he thinks that one and two should be addressed first that is to say 10 and 11 on the agenda. He asked if there was any objection? He went onto state, I've made a motion is there a second? No second it fails? Commissioner Moffitt then seconded the motion. (**NOTE:** Commissioner Moffitt when calling in often has a delayed response).

b. President Buck stated, there's a motion to take it out of order; to suspend the rules and take it out of order. There's a motion and a second all favor say I. President Buck and Commissioner Moffitt voted in favor of the motion. Commissioner Dopson, opposed the motion. Motion carried by a 2 – 1 vote.

c. President Buck informed the Commissioners what he would like to do is start with issue 2025-0010, which is Corporal Stephen T. Dopson's request, dated April 1 2025. President Buck's reasoning to take that up first, is he thought the commission was going to get some scheduling issues that are going to help resolve the other ones. Commissioner Dopson inquired if he could speak before Corporal Dopson? President Buck, allowed Commissioner Dopson to speak.

d. Commissioner Dopson informed the Commission he has sought his own legal counsel within the last week. He had preferred to go in the right order because that's how he had his notes laid out. But since the order changed, he wanted to point out that Commissioner Moffitt has made several disparaging remarks to himself (Commissioner Dopson) through email and to his son (Corporal Stephen T. Dopson).

e. Commissioner Dopson stated he knows the chair cannot force someone to recuse someone, but he believes Commissioner Moffitt should recuse from hearing issues 2025-0010 and 2024-0011 (which is suppose to be 2025-0011).

f. Commissioner Dopson went on to say those items (emails) are now subject to a Freedom of Information Act request and they're going to be made public. Out of courtesy Commissioner Dopson stated he was not going to read them at tonight's meeting, if he doesn't have to. However, he is prepared to do that, if Commissioner Moffett insists. Commissioner Dopson stated, I think that you've read those Mr. President, the secretary (Mr. Alderton) has read them. Commissioner Dopson believes it precludes him (Commissioner Moffitt) from determining those two matters.

g. President Buck inquired of Commissioner Moffitt, if he had a response? To which Commissioner Moffitt replied, he didn't know what to say, as he didn't know he had made any disparaging remarks. Therefore, he was a little confused. He went onto say, if you guys think I can recuse myself that's fine not sure what remarks were made.

“Second oldest county in West Virginia”

h. President Buck, inquired of a point of order of Commissioner Dopson. The question was asked if Commissioner Dopson was making a motion for Commissioner Moffitt to recuse himself? Commissioner Dopson replied, no he cannot make that motion. Commissioner Moffitt is the only one who can decide that. Commissioner Dopson advised the commission, he is open to file an ethics complaint.

i. President Buck inquired where are we procedurally? Commissioner Dopson said he's just making a statement, as he was planning to do that in other remarks, concerning his recusal. But it's at this point he has to recuse himself. You are forcing my hand to make this statement now. President Buck informed Commissioner Dopson to proceed and make his statement now

j. Commissioner Dopson, advised he can read the text (messages) and he'll provide you with copies with a copy. However, Commissioner Moffitt interrupted and stated he would like copies of what you (Commissioner Dopson) has, please.

k. President Buck stated, he's trying to think how as a Commission we're going to get through a meeting, and get any work done. It is looking pretty unlikely. Because, if you (Commissioner Dopson) recuse yourself from those issues that involve your family and he's (Commissioner Moffitt) recused from issues regarding your family in which he has made comments we have no quorum. Commissioner Dopson, offered a solution by saying he believes, in that case both Commissioners can defer that responsibility to President Buck. Commissioner Dopson then added, which he is prepared to do. Commissioner Dopson went onto add, he didn't make the comments. So he can't speak to the Presidents procedure. But stated, we've got to get out of this mode of just trying to get things done that's why we're in the situation we're in right now.

l. President Buck stated, he would agree. As that's what he is attempting to do now. He would like this special meeting to proceed. So we can get some things set up in a schedule. It was at this point Commissioner Dopson, stated he would withdraw all this. However, he wanted the point of order noted. As he has to leave the room, due to recusing himself from the next two items.

m. President Buck afforded Commissioner Dopson the opportunity to make more of a record for any reason. President Buck reminded Commissioner Moffitt if he's going to speak to please identify himself and not speak over Commissioner Dopson.

n. Commissioner Dopson proceeded... After the March 31st special meeting, we had item 2025 – 0008 on the agenda... request for hearing information or a reason hearing was not given in October of 2023 for Corporal Philip Butcher. Commissioner Dopson recused himself due to the fact, the eventual outcome could potentially affect testing for a position his son (Corporal Dopson) would be eligible for. Commissioner Dopson, believes, through his legal consultation with personal counsel, which he pays for not the commission. He now has every right to speak on this matter as now it affects a policy issue with the department, i.e does the sheriff have the right to assign ranked officers to positions based on need within the department. And accordingly deny those same promotions based on that need. This affects not only past promotions or denials but also future potential denials. When I (Commissioner Dopson) joined the commission I think the county council at that time it was a county council had concerns and wanted to be clear. There would be no conflict with me serving on a council that my son was a deputy under. They requested an ethics advisory opinion from the West Virginia Ethics

“Second oldest county in West Virginia”

Commission if you turn to page six uh they made a conclusion which states the ethics commission finds that ethics act including its nepotism provisions do not prescribe.

o. Well that's the wrong one sorry on page five it's page six yes in conclusion. The father of a deputy sheriff may serve on the deputy civil service commission he must recuse himself as a matter uniquely affects the employment or working of his son but he may vote if his son is affected in the same manner as five or more similarly situated deputies. So under that provision I've asked Sheriff Blair and Chief Young to review the records as to how many people have been affected denied positions in the past there have been at least eight since 2021. So I think I do not need to recuse from at least the first two items on the agenda. Chief Young stepped up to the podium to clarify a point made by Commissioner Dopson, which was in their correspondence with one another the Sheriff's Office does not deny those positions.

p. Commissioner Dopson continued: I believe the motion that was passed previously (on March 31, 2025) was out of order and is void on its face. The motion deviated drastically from the issue that was placed on our agenda. Mainly, there was a request for hearing information so nothing in this says anyone is requesting a backdated promotion date. The motion is a violation of West Virginia meetings act.

q. President Buck inquired, are we speaking to Moffitt's recusal? Commissioner Dopson replied, no you told me to speak to what I had to say. Commissioner Dopson, added he has nothing else to say. President Buck stated, he knows of the ethics commission ruling that was referred to. Additionally, he generally doesn't have any problem with advice and counsel that Commissioner Dopson gives. However President Buck was trying to go down some agenda items and get things moving and there was suggestion that Commissioner Moffett should recuse himself and he thought that's what Commissioner Dopson was addressing.

r. President Buck then sought a clear understanding, relating to Commissioner Dopson recusing himself. Commissioner Dopson was ask ... you're going to have to recuse from 2025-0010 and 2025-0011 on our agenda? To which Commissioner Dopson replied, I do have to. Commissioner Dopson readdressed the issue of Commissioner Moffitt recusal by saying I can't force someone to recuse. Nobody can that's a personal decision on that person's part. I think once these texts and emails are public information it's going to be obvious that there's a conflict and an animosity towards myself and towards Corporal Dopson and especially towards his filing a grievance. Commissioner Dopson, added, well there's only one person that can resolve that and that's Commissioner Moffitt. To which President Buck added, no the ethics commission can resolve it as well.

s. President Buck what wanted to accomplish and the reason he wanted to go out of order was to set a date for response to the FOIA request and to set a date for hearing of Corporal Dopson's request. For new hearing and move it forward. He's not trying to get into the merits of it. He wants to try to get it moving.

t. It was at this point, Commissioner Dopson stepped out of the Council Chambers. As now the actual agenda items are being addressed, starting with **Issue 2025 – 0010**. Corporal Stephen T. Dopson's Request, dated April 1, 2025, for a New Hearing Related to Corporal Butcher's original Grievance, dated 10-16-2023.

“Second oldest county in West Virginia”

5. Discussion of Items as Listed on the Agenda.

c. **Issue 2025-0010.** Request for Hearing Information **RE:** Reason Hearing was Not Given in October of 2023 – for Corporal Philip Butcher.

(1) President Buck started by saying, what he hopes to accomplish tonight is to set a hearing date for Corporal Dodson's request dated April 1, 2025 and to get a response timeline and deadline for the FOIA. Those are two separate items. President Buck afforded Corporal Dopson an opportunity to speak to item number 2025-0010.

(2) Corporal Stephen T. Dopson came to the podium to speak. He stated, he prepared a statement for the night. He presented the typed written statement to Mr. Alderton. Corporal Dopson addressed the Commission by saying his position is just to advocate that there be a new hearing set since in his opinion it violated the West Virginia Open Meetings Act. As such, there was a vote held that wasn't on the agenda. How it violated people's due process and chance to present witnesses and evidence. President Buck thanked Corporal Dopson. He also stated, he hasn't seen the statement and neither has Commissioner Moffitt. President Buck, went onto state in order to move forward what he wants to do is make a motion that a hearing date is set for Corporal Dopson's request dated April 1, 2025 for new hearing related to Corporal Butcher's original grievance. Therefore President Buck wants to make a motion. But doesn't have a date in mind. He said, that can be discussed in the discussion period.

(3) President Buck, then stated he's moving that we (Commission) set a date for a hearing, is there a second?

(4) Commissioner Moffitt then requested to speak. President Buck acknowledged Commissioner Moffitt's request to speak. Commissioner Moffitt went onto comment, he doesn't want anybody to be uncomfortable with this. Somebody thinks I should recuse myself from this for whatever reason. That's fine with Commissioner Moffitt, he wants to make sure that people get whatever is fair and somebody thinks I won't be fair. Commissioner Moffitt doesn't want to have that hinder a proper decision. Therefore, he went ahead and recused himself from this activity, to allow it to move forward. President Buck stated, all right sir so there is a motion to set a hearing date. There is no second i think the motion dies.

(5) President Buck then sought a point of clarification, from Commissioner Moffitt. by asking... are you also recusing yourself from **2025-0011**? Commissioner Moffitt initially stated yes. Then he stated no he was not recusing myself from that one, as that's just discussion on the on the FOIA. For the FOIA document we received? President Buck replied, correct. To which Commissioner Moffitt, replied okay yeah no there's no reason to recuse myself from that. Just from Corporal Dopson.

“Second oldest county in West Virginia”

d. **Issue 2025 – 0011.** Corporal Stephen T. Dopson’s Freedom of Information Act (FOIA) Letter of Request, dated April 1, 2025.

(1) This is a carry over from **Issue 2025–0010.** Request for Hearing Information RE: Reason Hearing was Not Given in October of 2023 – for Corporal Philip Butcher.

(2) President Buck then stated we have a quorum for that issue (**Issue 2025-0011**) so we'll move forward on that one. **Issue 2025-0011**, Freedom of Information Act request dated April 1, 2025. I understand that was received by the county commission. The county commission is working on a response. It's going to involve responses from the commissioners as well obviously our emails and correspondences Mr. Alderton requested to ask a question and was granted permission. Mr. Alderton sought clarification in regards to the comment made, the County Commission received a FOIA request. Should have been the County Clerk’s Office received the FOIA request. President Buck acknowledged, yes it was the County Clerk’s Office who received the FOIA request, letter dated April 1, 2025.

(3) President Buck inquired of Mr. Alderton, if the County Clerk’s Office is working on a response. To which, Mr. Alderton replied yes. President Buck asked is there a time frame in mind for the response. Mr. Alderton replied yes and provided the following update:

(a) Corporal Dopson submitted the FOIA request on April 1, 2025. He requested the following information:

- All correspondence related to Cpl. Butcher's grievance, including emails, letters, and memos.
- Meeting agendas, minutes, and any other records relating to discussions and decisions made regarding Cpl. Butcher's grievance.
- Any documentation, reports, or evidence submitted in relation to the grievance.
- Any recordings or transcripts of hearings or meetings that addressed Cpl. Butcher's grievance.
- The final resolution or decision related to this grievance.
- All promotion test scores for Corporals within the department from March 2022 to the present. This should include, but not be limited to, individual test scores, evaluation reports, and related documents concerning the promotion process.

(b) An acknowledgement letter, from the County Clerk was hand delivered to Corporal Dopson on April 3, 2025, by Mr. Alderton.

(c) A letter was also provided to each civil service commissioner requesting information they have on their personal email accounts. As per Mr. Anthony Delligatti, Berkeley County Legal Team Director, the personal email accounts are subject to the FOIA request, as they were acting in an official capacity. The letter was sent to the Commissioners on April 7, 2025, requesting the information be supplied to Mr. Alderton by 5:00

“Second oldest county in West Virginia”

PM, on April 15, 2025. Commissioner Dopson, requested and was granted an extension until 5:00 PM, April 18, 2025. The request for the extension by Commissioner Dopson, was due to him being busy with his private practice as a CPA. He's unable to meet the initial deadline, due to it being tax season.

(d) Mr. Alderton inquired of President Buck and Commissioner Moffitt, how's he to proceed once the emails are received. Will a commissioner come to the office to review the items prior to sending them to Corporal Dopson, to ensure they meet the requirements of FOIA. Both stated they could meet with Mr. Alderton independently, as not to create a quorum.

(e) Mr. Alderton stated his intention is to have a response to Corporal Dopson, with all FOIA requested documents to him by 5:00 PM, on April 22, 2025 or April 23, 2025. Mr. Alderton, inquired of President Buck, Commissioner Moffitt and Corporal Dopson if they had any questions. Neither had any questions.

(4) President Buck inquired if there was any further discussion under **Issue 2025-0011**. Chief Young stepped to the podium to inquire if the promotional test for Sergeant is still scheduled for April 17, 2025. Is this issue going to be addressed. President Buck stated, yes, I hope to. It's one of the reason for this special meeting tonight.

(a) President Buck, stated lets address that now. He believes there are three (3) people eligible to test. He understands there's a challenge to that. Chief Young, stated they would also challenge that thought of 3 people being eligible.

(b) President Buck's intention was to get a hearing set that would address that. However, that will not happen before the test (April 17, 2025). President Buck's proposal is to test the three (3 – Corporals; Butcher, Chronister & Dopson). We resolve the issues as we can, quickly as we can. President Buck was hoping that could've been done during this meeting and we could move forward.

(c) Lt Christian stepped to the podium to address the Commission. He stated, the exact scenario President Buck presented how he and other deputies ended up in the lawsuit that Judge Wilkes issued his order that we currently have our standards of our percentages that come from. I (Lt Christian) was involved in all that at the time Lt Christian was involved in that law suit. President Buck, ask Lt Christian to educate him on what he means.

(d) Lt Christian went on to say there was a grievance filed and he was one of the ones who filed the grievance. Civil Service ruled that I was eligible to test at that point in time so through about two years and several attorneys fees and things like that the judge ruled that only people eligible to test on that day were eligible to test. What Lt Christian was trying to say if you back-dated anything based on a grievance then you're probably going to end up in a legal position. He was just weighing in on part of the department not specifically toward Corporal Butcher but if his actual promotion date does not make him eligible on the date of that vacancy then you're putting a position if you allow him to test for another lawsuit because that's what we went through the last time let me let me make sure I got you

(e) Lt Christian raised the question about bringing Commissioner Dopson back in the room for this part of the discussion. As he may have more insight. Lt Christian

“Second oldest county in West Virginia”

stepped out and retrieved Commissioner Dopson to reenter the room. President Buck request Lt Christian to update Commissioner Dopson on the discussion. This will enable Commissioner Dopson the opportunity to determine if he is comfortable in being in the room.

(f) Lt Christian went on to say the lawsuit that ended up getting us the ruling from Judge Wilkes, which has led to a lot of our current rules and regulations. I filed a grievance the civil service ruled that I was eligible so we went through a couple years of litigation we ended up with Judge Wilkes' ruling. We gave a test, I was promoted and then I ended up was being ruled ineligible to promote. So I was demoted, myself and Captain Hall. Lt Christian acknowledged he wasn't present for the decision made on March 31, 2025. But, it is his understanding the Civil Service Commission ruled that because Corporal Butcher had filed a grievance essentially it was back-dating when his actual promotion was versus when the Commission felt he was eligible for promotion. Judge Wilkes' ruling makes it very clear that if you're not eligible for promotion on the date of the vacancy; you're not eligible to promote.

(g) Chief Young stepped to the podium to address the Commission. Commissioner Dopson inquired, as to what issue is being addressed now? President Buck replied, it was the hearing date for Corporal Dopson, but it was more general than that. Chief Young then stated, we have a test scheduled for April 17, 2025. We know we're not going to make that but we haven't broached that topic just yet. The question that was being discussed before Commissioner Dopson reentered the room related to the plan is to go on with all three individuals testing. Chief Young went on to say, which several of us myself and the sheriff included believe that Corporal Butcher is not eligible for that test and should not be given that test. President Buck injected, point of clarification that's what he said and that was his personal position, not the position of the Commission. As it's not been voted on and it's not an action of the Commission yet. Chief Young added, he (Commissioner Dopson) needed to hear that as a member of this Commission and as the Deputy Sheriff's Association member on this Commission.

(h) Commissioner Dopson stated, he actually agrees with that position. Because I think it's going forward with a test not knowing who is eligible is going to invite a lawsuit no matter who passes the test. Because it's going to put a cloud over that position, Either he got the test because his dad's on the commission or he got the test because they got back-dated. I believe Corporal Butcher needs a hearing. He should have had one two years ago. If it had been put on our agenda we would have granted it. But we didn't do that. This commission failed our deputies. President Buck added, he's aware of that. Commissioner Dopson replied, he was not casting blame he was pointing fingers at himself as well. But we don't fix that by creating another mess. President Buck spoke up by saying he certainly agrees that we seem to be creating another mess and he's willing to anything, about how to move forward so that we get minimal mess. The problem I have now is once again we're in a special meeting and we're off the agenda. If the question was how do we move the test date again that's not on the agenda? Commissioner Dopson inquired, if he needed to go out again? To which President Buck replied, no please don't. President Buck asked, if the question is now are we going to move the test date again that's not on the agenda. As it hasn't been suggested until today. President Buck went on to say, we can suspend the rules, we can do that by agreement and we can make a motion but then it has to be voted on April 16, 2025 and passed. Commissioner Dopson injected, he doesn't know the open meetings act is going to allow us to suspend the rules. He believes that's trumping and Robert's Rules. He doesn't believe the Commission can vote on that tonight. Commissioner Dopson added, well then I don't know that we can and I don't know that we can't. I know I

“Second oldest county in West Virginia”

spoke before, when we had a process meeting and I thought that needed to be done but since I've spoken to my own counsel, he doesn't believe that.

(i) Mr. Alderton spoke up by stating, he knows he's just the admin clerk and he doesn't think the Commission can vote on that tonight. Because that is not an agenda. He believes the only option is to add it to the April 16th agenda. President Buck made a motion for **2025-0010** Corporal Stephen T. Dopson's request. Commissioner Dopson interrupted and stated he has to go out, if you are voting. Commissioner Dopson, then left the Commission Chambers.

(j) President Buck continued with the motion he was making. President Buck made a motion for **2025-0010** Corporal Stephen T. Dopson's request be postponed to the meeting of April 16th. President Buck then ask, is there a second? Commissioner Moffitt seconded the motion. President Buck, then called for a vote. Both President Buck and Commissioner Moffitt voted in favor of the motion. The motioned carried by a 2-0 vote, as Commissioner Dopson recused/abstained from the vote.

(k) There seemed to be some confusion raised by Chief Young. President Buck stated, that's what we were discussing; his request. Chief Young made a comment, to which President Buck replied, you're right. Mr. Alderton added, what he was saying was what they couldn't vote on tonight, was the test date. Because that was the question. President Buck then added, what he was saying, we pushed that issue through the hearing. Chief Young then stepped up to the podium to address the Commission. He went on to say, we're at the point where we're looking at possibly seeing what we need to do. He knows it's doable somehow, he just doesn't know exactly how. That is to have an alternative commissioner or two for this option. He knows it's allowable. Chief Young went to say, he thinks we have a real problem.

(l) Mr. Alderton re-stated all he was saying in regards to April 16th agenda, was about the test date. Whether to move forward the next day with the test or to suspend the test. President Buck inquired if we have time to put that on the agenda for April 16th. Mr. Alderton replied we do. President Buck, then requested it be placed on the agenda for April 16th.

(m) Commissioner Moffitt inquired is the test scheduled Mr. Alderton replied yes for Thursday, April 17th at 9:00 AM. He knows three (3) of the ones testing; Corporal Dopson, Corporal Chronister & Corporal Butcher. All three (3) were in the room. Mr. Alderton informed them it may be a short notice on Wednesday night, April 16th when we have our meeting, which is next Wednesday, that that test could be cancelled for the following day.

(n) President Buck announced moving onto other agenda items, and to bring Commissioner Dopson back into the room. We're moving on to one of the other two remaining agenda items. President Buck then began to address **Issue 2025-0008**, Request for Hearing Information RE: Reason Hearing was Not Given in October of 2023 – for Corporal Philip Butcher.

a. **Issue 2025-0008**. Request for Hearing Information RE: Reason Hearing was Not Given in October of 2023 – for Corporal Philip Butcher.

(1) President Buck started by stating, Corporal Butcher there was a hearing, and then corrected himself by saying there was a meeting on March 31, of which Corporal Butcher

“Second oldest county in West Virginia”

was present. President Buck, inquired of Corporal Butcher, if he got his answers to the questions he requested and if Corporal Butcher was satisfied with the response? Corporal Butcher answered, right, that it just slipped through the cracks or that the ball was dropped. President Buck, inquired about the second part of Corporal Butcher's request, relating as to why it was referred to a disciplinary hearing board? President Buck stated it was an error or mistake – error. Corporal Butcher acknowledged and added, he was just asking a question.

(2) With Corporal Butcher acknowledging his request for answers has been satisfied. President Buck moved to close **Issue 2025-0008**. Commissioner Dopson seconded the motion. President Buck then called for a vote. The vote passed unanimously, as all three (3) Commissioners voted in favor of closing **Issue 2025-0008**.

b. **Issue 2025-0009**. Eligibility Date of Decision Rendered at Special Meeting held on March 31, 2025 RE Corporal Philip Butcher. President Buck referred this item to Mr. Alderton to start the discussion.

(1) Mr. Alderton stated this issue relates to the date that was provided on record at the Monday, March 31, 2025 Special Meeting. The date of Eligibility stated was that of March 11, 2022.

(2) However, upon Mr. Alderton doing some research. The Date of Eligibility should have been that of February 11, 2022. As Lt Ted Snyder, resigned on February 10, 2022. Thus making his Date of Vacancy February 11, 2022. Again, the purpose of this agenda item is only to correct the date stated last month at the special meeting. Judge Wilkes's ruling clearly states how a date of vacancy is to be determined.

(3) President Buck moved to table until the Commission has resolved the issue of Corporal Butcher's eligibility. Commissioner Dopson, spoke up and requested to address the motion. He went onto state, that motion is not a motion at all. Because it was not on our agenda when that motion to back-date his promotion was made (3-31-2025). It violates the Open Meetings Act clearly and is void on its face. Commissioner Dopson fully supports Corporal Butcher's right to have a hearing. But the Commission, should not have held that hearing here at that special meeting without the department and anybody else involved in the association to have a right to review materials and be present and refute. Commissioner Dopson, went onto tell Corporal Butcher this is not a disparagement to him at all. But the references in his documents were incorrect. He referenced the 2020 rules and regulations which we were operating under 2021. Which, Mr. Moffitt was a part of the Commission when they set those rules. There are other errors in there that should have been caught and if we're using that as a basis for that action that's wrong. We did no study on that. We did no did no inquiries. We just reacted because we made a mistake and it was a big one. But the remedy should not be that we create another problem which we have done. I think that without that item being on the agenda that we're going to vote it's null and void. It was not on our agenda it was not addressed to the public, open meeting act in regards to agenda requires it.

(4) President Buck inquired where are you going? Commissioner Dopson replied, it's up to the chair to decide. Commissioner Dopson, believes the motion was invalid, thus the ruling was invalid. He went onto to say he doesn't know that we need to make a motion to that. However, he'll make it if that's what you (President Buck) feels. We need to admit we messed up again. We've got to get all these issues ironed out before we do anything else and we can't keep stepping on our tails.

“Second oldest county in West Virginia”

(5) Commissioner Dopson stated Corporal Butcher probably pulled from our website and pulled 2020 rules. Because we were so far out of it back then that yeah it probably was still the old rules up there on the site two years later three years later but they were replaced in 2021.

(6) President Buck, stated he would like to respond, and then asked if Corporal Butcher had anything he would like to say. President Buck added, we're in discussion. He doesn't like the way that it's gone down. He believes, we've created a problem and he's searching for a way to make this right by all of them. However, President Buck wasn't hearing any solutions. Commissioner Dopson spoke up and said, well if you want solutions... I think we schedule a hearing for Corporal Butcher. We admit that we are the ones that messed up. We admit, but we also need to admit... that the motion was not on the agenda, nothing even close to it was on the agenda. So therefore it's not even valid and we get these hearings resolved and then we schedule a test.

(7) It was at this point Corporal Butcher stepped up to the podium and was acknowledged by President Buck. Corporal Butcher stated, when he came in the other week he was just asking why he was never given a hearing. He didn't know the formalities. He doesn't know the formalities of how the Commission operates. He added, if it's a mistake; it's a mistake he understands. All Corporal Butcher did was ask a question, why he was not given a hearing. Corporal Butcher stated, he's all right with it. He just wanted an answer, and was given that. All he was asking for was answer.

(8) Commissioner Dopson ask Corporal Butcher... Would you still like to have a hearing. To which Corporal Butcher replied I'll think about that. Commissioner Dopson inquired if it's determined that motion is not valid for sure. Corporal Butcher replied ... you just gave me an answer of why I didn't have a hearing. Commissioner Dopson inquired if the motion we made and passed last month is determined to be not valid, would you like a hearing at that point if the date goes back to what it was. Corporal Butcher replied by saying... I mean that can all be whatever instead of if it wasn't supposed to go there that's fine it can be taken off.

(9) President Buck thanked Corporal Butcher. You have let us off the hook I believe. President Buck, then moved onto **Issue 2025-0009**. He's trying to stay on the agenda. Commissioner Dopson made a motion that the commission realizes acted an error in violation open meetings act by passing that motion and it's hereby rescinded. Commissioner Moffitt seconded the motion. President Buck called for a vote. The vote was unanimous to rescind the motion related to Corporal Butcher's back-date of March 11, 2022.

(10) Commissioner Dopson spoke up stating as a Commission, at some point we need to address the issue of does the Sheriff have the right to assign people departments. Because, we don't need five corporals in K9 or sergeants. President Buck agreed.

(11) President Buck stated we are done, except we've got a Freedom Information Act response coming. Mr. Alderton then spoke up requesting clarification on the issue of rescinding **Issue 2025-0009**. He asked, therefore based upon that is Corporal Butcher not eligible to test then on April 17th? Commissioner Dopson replied correct. Corporal Butcher stepped up to the podium acknowledging he's not eligible to test on April 17th. President Buck stated, in fairness to Corporal Butcher he would like him to have a couple seconds to think about

“Second oldest county in West Virginia”

this. President Buck inquired of Corporal Butcher, if we go the way we are headed now you understand you will not be testing. You are deemed not eligible. Corporal Butcher acknowledged that. President Buck again inquired before that is gone forever, does Corporal Butcher want a hearing on his request. He replied no that's okay.

(12) Lt Christian then stepped up to the podium to address the Commission. He stated in late 2009 or 2010 Sheriff LeMaster chose not to promote a captain's position. Lt Christian believes there was some litigation here in the local circuit so if you look in the local circuit court litigation there may be an answer to your question of about the sheriff's assignment of people. He went onto say he believes that Judge Wilkes did render an opinion as to the sheriff's assignment of personnel within his department. Commissioner Dopson, replied he has it. Additionally, he just read it, and it addresses that within reason. The court shouldn't step into promotions, but let the department run. But there are certain levels of it. It's really kind of unclear.

(13) President Buck spoke up and said, the biggest issue I had about Corporal Butcher's position was were we (Commission) interfering with decisions made about assignment of personnel within the sheriff's department. Because it's none of our business. On the other hand it was related to the promotion, directly related to the promotion and that's where I was squirming to try to find what I thought was the fair answer.

6. Possible Executive Session for Civil Service Commission Personnel & Legal Matters.

NOTE: No executive session was held during this special meeting.

7. Motion for Recess or to Adjourn.

a. President Buck started to entertain a motion for adjournment. It was at this point, Corporal Dopson stepped up to the podium.

(1) Corporal Dopson stated, based off your previous decision he would just go ahead and withdraw his grievance, and just reserve the right if something would change to refile it.

(2) Mr. Alderton inquired if that goes for the FOIA request as well? Corporal Dobson replied yes.

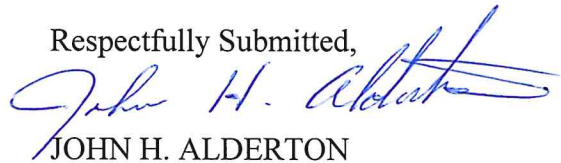
(3) Chief Young then stepped up to the podium to ask ... are we still testing next Thursday? President Buck replied yes. Mr. Alderton stated for just the two (Corporal Chronister & Corporal Dopson).

(4) Commissioner Dopson inquired, are there any notice requirements we have to deal with? Chief Young replied everybody got their two weeks notice.

b. President Buck inquired for somebody to move to adjourn. Commissioner Dopson, made a motion to adjourn. The motions was seconded by Commissioner Moffitt. President Buck called for a vote. The motion carried, as it was unanimous to adjourn. The special meeting was adjourned at 6:02 PM.

“Second oldest county in West Virginia”

Respectfully Submitted,



JOHN H. ALDERTON

BCDSCSC, Administrative Assistant

1 Attachment(s):

1. Special Meeting Agenda, Monday, April 8, 2025

cc:

BCDSCSC File

“Second oldest county in West Virginia”



SPECIAL MEETING AGENDA

Berkeley County Deputy Sheriff's Civil Service Commission

4/8/2025 5:00 PM | Meeting called by: President Buck

Location: The Berkeley County Main Administration Building, County Commission Chambers, 2nd Floor

400 West Stephen Street

Martinsburg, WV 25401

Commissioners & Recorder

Dale Buck, Esq., President | Stephen D. Dopson, Commissioner | James G. Moffitt, Commissioner | John H. Alderton, Deputy County Clerk/Administrative Assistant for BCDSCSC

Item

OPR

1. **Welcome – Call to Order**

President Buck

2. **Purpose of Special Meeting:**

President Buck

3. **Discussion Item:**

a. **Issue 2025–0008.** Request for Hearing Information

All Commissioners

RE: Reason Hearing was Not Given in October of 2023 – for Corporal Philip Butcher.

b. **Issue 2025–0009.** Eligibility Date of Decision Rendered at Special Meeting held on March 31, 2025

All Commissioners

RE Corporal Philip Butcher.

c. **Issue 2025 – 0010.** Corporal Stephen T. Dopson's Request, dated April 1, 2025, for a New Hearing Related to Corporal Butcher's original Grievance, dated 10-16-2023.

All Commissioners
Deputy County Clerk/
Administrative
Assistant

d. **Issue 2024 – 0011.** Corporal Stephen T. Dopson's Freedom Of Information Act (FOIA) Letter of Request, dated April 1, 2025.

All Commissioners
Deputy County Clerk/
Administrative
Assistant

4. **Possible Executive Session for Civil Service Commission Personnel & Legal Matters.**

All Commissioners

5. **Motion for Recess or to Adjourn**

All Commissioners

The Berkeley County Deputy Sheriff Civil Service Commission reserves the right to re-arrange items on the Agenda as needed due to time constraints of the commission.

Possible Executive Session for Civil Service Commission Personnel & Legal Matters.

ATTACHMENT "1"

NOTES: