

IOWA LAW ENFORCEMENT ACADEMY COUNCIL
CAMP DODGE
P.O. BOX 130
JOHNSTON, IOWA 50131-0130

<p>REQUEST FOR WAIVER IN THE MATTER OF:</p> <p>DEVIN MAYNE, Petitioner.</p>	<p>ORDER RE: WAIVER REQUEST</p>
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The Iowa Law Enforcement Academy Council ("Council") received a waiver request pursuant to 501 Iowa Administrative Code 16.5 from Petitioner. The Petitioner requested waiver of 501 Iowa Administrative Code rule 2.1(5), which states in part:

In no case shall any person hereafter be selected or appointed as a law enforcement officer unless the person:

...

Is of good moral character as determined by a thorough background investigation...and has not been convicted of a felony or a crime involving moral turpitude. Moral turpitude is defined as an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rule of right and duty between person and person. It is conduct that is contrary to justice, honesty or good morals.

a. The following nonexclusive list of acts has been found by the Iowa law enforcement academy council to involve moral turpitude:

...

(6) Any offense in which a weapon was used in the commission.

...

The Petitioner also requested a waiver of 501 Iowa Administrative Code rule 10.1(5), which states in part:

In no case shall any person hereafter be selected or appointed as a reserve peace officer unless the person:

Is of good moral character as determined by a thorough background investigation, including a fingerprint search conducted on local, state and national fingerprint files, and has not been convicted or adjudicated of any offense listed in 501—2.1(5) "a".

The Petitioner was pro se. The Council has authority under 501 Iowa Administrative Code Chapter 16 to initiate waiver proceedings upon application. The matter was heard on February 5, 2025. Notice that the matter was set for consideration was provided to Petitioner.

FACTS

Petitioner was charged with two counts of criminal mischief and graffiti as a juvenile in 2007. Those matters were resolved after a period of supervised probation by January 2008. He was

subsequently charged with possession of a defaced firearm in 2009. Petitioner pled no contest to an amended charge of carrying a concealed weapon and was sentenced to one day in jail and fined \$50. That conviction was set aside in 2014.

Since the incidents, Petitioner volunteered with the Omaha Police Department, earned his AA in criminology and forensic technology; and volunteered for 10 years as an assistant coach with Police Athletics for Community Engagement. Petitioner worked for the Douglas County Youth Center as a Detention Specialist and was a FTO in that position, he worked private security, gaining experience with the homeless population, was a dispatcher, and currently serves as a Detention Officer for the Pottawattamie County Sheriff's Office. Petitioner has not been involved with law enforcement since the incidents other than for traffic violations. Several individuals wrote letters in support of the waiver.

The Petitioner seeks a waiver of 501 Iowa Administrative Code rules 2.1(5) and 10.1(5) so he may eligible to become a law enforcement officer and/or a reserve peace officer.

CONCLUSIONS OF LAW

Pursuant to 501 Iowa Administrative Code 16.3, the Council must find by clear and convincing evidence:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

The Council must find all four factors exist in order to grant the petition for waiver. *Id.* In addition, the Council is required to consider the following factors as a part of factor 4:

1. The nature and seriousness of the crime;
2. The time elapsed since the crime was committed;
3. The degree of rehabilitation which has taken place since the crime was committed;
4. The likelihood that the person will commit the same crime again;
5. The number of criminal convictions; and
6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

501 Iowa Admin. Code 2.1(5)(b). The Council must also determine the length of the waiver unless a specified time period is unrealistic. 501 Iowa Admin. Code 16.9(6).

Within 501 Iowa Administrative Code 2.1(5), moral turpitude is defined as "an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rule of right and duty between person and

person. It is conduct that is contrary to justice, honesty or good morals.” The definition of moral turpitude specifically includes any offense with a weapon. 501 Iowa Admin. Code 2.15(1)(a)(6).

APPLICATION OF LAW

The Council has considered all relevant information and applied all applicable law. The Council finds that the Petitioner met his burden as outlined above.

First, Petitioner has matured and learned from his error. The Council finds that prohibiting him from pursuing a career in law enforcement given the time and distance from his offenses and his contributions to the corrections field does not constitute an undue hardship.

Second, the Council finds that granting a waiver would not prejudice the substantial legal rights of any person.

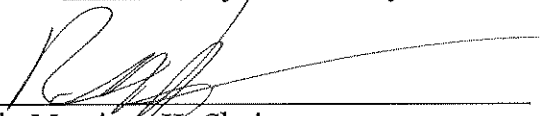
Third, the moral character requirement is not mandated by statute or another non-waivable provision of law.

Finally, Petitioner would have to meet all other minimum requirements and complete all required law enforcement officer training in order to become certified, thus demonstrating that the public health, safety, and welfare will be adequately protected by a means other than that prescribed by the moral character rule. As a temporary waiver is not practical, the waiver is deemed indefinite.

ORDER

THEREFORE, the Petitioner’s request for waiver of 501 Iowa Administrative Code rules 2.1(5) and 10.1(5) is granted indefinitely.

Dated this 5th day of February 2026.



Ricardo Martinez-II, Chair
Iowa Law Enforcement Academy Council

Copy to:

Devin Mayne
PETITIONER

Appeal Rights

Please see Iowa Admin. Code 501-16.15 and Iowa Code section 17A.19 for your appeal rights. Any appeal must be filed within 30 days from the date of the Order.