

**STATE OF VERMONT  
VERMONT CRIMINAL JUSTICE COUNCIL**

In re: William Bohnyak        )  
  )     VCJC PRS Docket No. 20205DO  
  )

**STIPULATION AND CONSENT ORDER**

NOW COME the State of Vermont and William Bohnyak, and stipulate and agree as follows:

1. William Bohnyak (“Respondent”) of Randolph, Vermont holds a Vermont Level III law enforcement officer certification originally issued on or about May 30, 2003 as a full-time certification by the then-named Vermont Criminal Justice Training Council.
2. Jurisdiction in this matter vests with the Vermont Criminal Justice Council (“Council”) pursuant to 20 V.S.A. §§ 2351, 2401-2411, 3 V.S.A. §§ 809-814 and other authority.
3. Respondent acknowledges that he voluntarily enters this Stipulation and Consent Order. He agrees and understands that, by executing this document, he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Council in this matter, to be presented with the evidence against him, to cross-examine adverse witnesses, and to offer evidence of his own to contest any of the State’s allegations or findings. 20 V.S.A. § 2405; 3 V.S.A. §§ 809, 814.

**Findings of Fact**

4. The Council Professional Regulation Subcommittee (“Subcommittee”) reviewed and processed a complaint in VCJC PRS Docket No. 20205DO pursuant to 20 VS.A. §§ 2401-2411.
5. The Subcommittee concluded that the facts established by the investigation of the complaint in VCJC PRS Docket No. 20205DO support a finding of unprofessional conduct and,

by its vote on October 28, 2022, further concluded that Respondent engaged in Category C conduct.

6. On or about November 1, 2022, and as directed by the Subcommittee, the State of Vermont, by and through the Council Executive Director, filed a Notice of Hearing against Respondent. The Notice of Hearing set forth the allegations against Respondent as summarized below.

7. Sheriff Bohnyak hired Officer X<sup>1</sup> to be an Orange County Deputy Sheriff. Officer X was a Level II certified law enforcement officer when hired by Sheriff Bohnyak and remained so during the term of the officer's employment with the Orange County Sheriff's Department ("OCSD"). Sheriff Bohnyak assigned Officer X to the OCSD Special Investigations Unit ("SIU").

8. On August 20, 2020, Drew Bloom, Director of Administration and Compliance at the Vermont Police Academy, received a complaint that Officer X was investigating a sexual assault case.

9. The statutory scope of authority for Level II certified law enforcement officers does not authorize such officers to investigate sexual assault, among other offenses, on their own or under the direction and direct supervision of a Level III certified officer.

10. Director Bloom obtained Officer X's Field Training Evaluation Program paperwork dated September 28, 2018 through December 10, 2018 which documented Officer X's acknowledgment of receipt of training about matters that the officer could and could not investigate as a Level II certified law enforcement officer.

11. On September 4, 2020, Orange County State's Attorney William Porter met with Sheriff Bohnyak, OCSD Captain Scott Clouatre, and Officer X and expressed his concern about

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<sup>1</sup> The officer is identified pseudonymously to protect the officer's identity, as required by 20 V.S.A. § 2409.

Officer X investigating matters that were not authorized by Level II certified law enforcement officers' scope of practice. Sheriff Bohnyak stated that he thought Officer X could investigate such matters because the officer was under the supervision of a Level III certified law enforcement officer. Sheriff Bohnyak further stated that he thought he had applied for Level IIe certification for Officer X which would authorize the officer to investigate such matters.

12. Officer X was not eligible for Level IIe certification, and the application was not submitted to the VCJC until September 9, 2020.

13. On September 18, 2020, Director Bloom researched the Valcour CAD Records Management System Database with the assistance of Lieutenant Tim Charland of the Vermont Department of Motor Vehicles and determined that Officer X had exceeded the officer's scope of authority by investigating the following matters, at least: 19ORC000166 (sexual assault); 19ORC003350 (sexual assault-child); 19ORC003568 (sexual assault); 20ORC000874 (suspicious event); 20ORC001082 (computer crime); 20ORC001207 (burglary); 20ORC001426 (suspicious event); 20ORC001514 (sexual assault-child); 20ORC2417 (sexual assault- child); 20ORC002074 (lewd and lascivious conduct); 20ORC002896 (suspicious event); 20ORC002353 (sexual assault-child); and 20ORC002478 (sexual assault-child).

14. On September 25, 2020, Director Bloom spoke with OCSD Captain Clouatre and advised that Officer X could not investigate SIU cases as a Level II certified law enforcement officer, even under the direction or direct supervision of a Level III certified officer. He further informed Captain Clouatre that Officer X was not eligible for Level IIe certification. Captain Clouatre acknowledged this information and stated that Officer X was no longer assigned to the OCSD SIU and had been out of work on leave since September 4, 2020.

15. On October 1, 2020, Director Bloom met with Sheriff Bohnyak who informed him that he assigned Officer X to the OCSD SIU in June 2020 and intended to apply for Level

Ile certification for Officer X so the officer could investigate SIU cases, but that he got busy and overlooked submitting the application to the Council.

16. Sheriff Bohnyak stated that he took full responsibility for assigning Officer X to the OCSD SIU to investigate cases the officer was not statutorily-authorized to investigate. He stated that he believed his assignment of Officer X was authorized based on the SIU Law Enforcement Grant Guidance Handbook from fiscal year 2017. When Director Bloom advised that Officer X is not eligible for Level Ile certification, Sheriff Bohnyak reiterated that he took responsibility for the officer's assignment to the SIU and that Officer X was on leave.

17. Sheriff Bohnyak's last day as Sheriff of Orange County is January 31, 2023, and he is retiring from law enforcement on that day.

#### **Conclusions of Law**

18. Pursuant to 20 V.S.A. § 2358(b)(2)(B)(i), a Level II certified law enforcement officer is limited to investigating the following matters:

(II) 7 V.S.A. § 658 (sale or furnishing to minors; enabling consumption by minors);

(III) 13 V.S.A. chapter 7 (advertisements);

(IV) 13 V.S.A. chapter 8 (humane and proper treatment of animals);

(V) 13 V.S.A. §§ 505 (fourth degree arson), 508 (setting fires), and 509 (attempts);

(VI) 13 V.S.A. chapter 19, subchapter 1 (riots);

(VII) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023 (simple assault), 1025 (recklessly endangering another person), 1026 (disorderly conduct), 1026a (aggravated disorderly conduct), 1027 (disturbing peace by use of telephone or other electronic communications), 1030 (violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child), 1031 (interference with access to emergency services), 1042 (domestic assault), and 1062 (stalking);

(VIII) 13 V.S.A. chapter 35 (escape);

- (IX) 13 V.S.A. chapter 41 (false alarms and reports);
- (X) 13 V.S.A. chapter 45 (flags and ensigns);
- (XI) 13 V.S.A. chapter 47 (frauds);
- (XII) 13 V.S.A. chapter 49 (fraud in commercial transactions);
- (XIII) 13 V.S.A. chapter 51 (gambling and lotteries);
- (XIV) 13 V.S.A. chapter 57 (larceny and embezzlement), except for subchapter 2 (embezzlement);
- (XV) 13 V.S.A. chapter 67 (public justice and public officers);
- (XVI) 13 V.S.A. chapter 69 (railroads);
- (XVII) 13 V.S.A. chapter 77 (trees and plants);
- (XVIII) 13 V.S.A. chapter 81 (trespass and malicious injuries to property);
- (XIX) 13 V.S.A. chapter 83 (vagrants);
- (XX) 13 V.S.A. chapter 85 (weapons);
- (XXI) 13 V.S.A. § 7559(d), (e), and (f) (violating condition of release);
- (XXII) 18 V.S.A. §§ 4230(a) and 4230d (cannabis possession);
- (XXIII) 18 V.S.A. § 4231(a) (cocaine possession);
- (XXIV) 18 V.S.A. § 4232(a) (LSD possession);
- (XXV) 18 V.S.A. § 4233(a) (heroin possession);
- (XXVI) 18 V.S.A. § 4234(a) (depressant, stimulant, or narcotic drug possession);
- (XXVII) 18 V.S.A. § 4234a(a) (methamphetamine possession);
- (XXVIII) 18 V.S.A. § 4235(b) (hallucinogenic drug possession);
- (XXIX) 18 V.S.A. § 4235a(a) (ecstasy possession);
- (XXX) 18 V.S.A. § 4476 (drug paraphernalia offenses);
- (XXXI) 20 V.S.A. § 3132 (firework prohibitions);
- (XXXII) 21 V.S.A. § 692(c)(2) (criminal violation of stop-work order);
- (XXXIII) any misdemeanor set forth in Title 23 of the Vermont Statutes Annotated, except for 23 V.S.A. chapter 13, subchapter 13 (drunken driving), 23 V.S.A. § 3207a (snowmobiling under the influence), 23 V.S.A. § 3323 (boating under the influence), or 23 V.S.A. § 3506(b)(8) (operating an all-terrain vehicle under the influence);

(XXXIV) any motor vehicle accident that includes property damage and injuries, as permitted by the Council by rule;

(XXXV) any matter within the jurisdiction of the Judicial Bureau as set forth in 4 V.S.A. § 1102;

(XXXVI) municipal ordinance violations;

(XXXVII) any matter within the jurisdiction of a game warden or deputy game warden as set forth in 10 V.S.A. chapter 103, subchapter 4 (game wardens); and

(XXXVIII) any matter within the scope of practice of a Level I law enforcement officer.

19. Vermont law sets forth three categories of law enforcement officer unprofessional conduct: Category A, Category B, and Category C. *See* 20 V.S.A. § 2401.

20. As relevant to this matter, Category C conduct is defined as “misconduct pertaining to Council process or operations[.]” *Id.* at § 2401(3). Category C conduct includes the “knowing employment of an individual in a position or for duties for which the individual lack proper certification[.]” *Id.* at § 2401(3)(F).

21. Respondent acknowledges that if this matter were to proceed to a contested hearing, the State could prove that Respondent engaged in prohibited Category C conduct.

22. Consistent with Respondent’s cooperation with the Council, Respondent acknowledges that if the State were to file charges it could satisfy its burden at a hearing and a finding adverse to Respondent could be entered by the Council pursuant to 20 V.S.A. §§ 2401, 2405-2407, and 3 V.S.A. § 812.

23. In the interest of resolving this matter, the Respondent and the State agree to enter this Stipulation and Consent Order in lieu of proceeding to hearing.

24. The Council adopts as its facts and conclusions in this matter Paragraphs 1 through 34, and Respondent agrees that this is an adequate basis for the Council actions set forth herein. Any representation by Respondent herein is made solely for the purposes set forth in

this agreement.

25. Therefore, in the interest of Respondent's desire to fully and finally resolve the matter presently before the Council, Respondent has determined that he shall enter into this agreement with the Council. Respondent enters no further admissions here, but to resolve this matter without further time, expense, and uncertainty Respondent has concluded that this agreement is acceptable and in the best interest of the parties.

26. Respondent agrees and understands that by executing this document he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Council in this matter, to be presented with a specification of charges and evidence, to cross-examine witnesses, to offer evidence of his own to contest any allegations by the State or to appeal from this Stipulation and Consent Order.

27. Respondent acknowledges that at all times he has had the right to be represented by counsel in this matter. Respondent agrees that he personally has read and carefully reviewed this document. Respondent agrees to accept and fully abide by the terms and conditions set forth below while this agreement remains in effect.

28. Respondent shall bear all costs of complying with the terms and conditions of this Stipulation and Consent Order.

29. Respondent agrees to be bound by all terms and conditions of this Stipulation and Consent Order. Respondent agrees that any failure by him to comply with the terms and conditions of this Stipulation and Consent Order shall constitute Category C conduct under 20 V.S.A. § 2401(3) and may subject Respondent to additional unprofessional conduct disciplinary action.

30. Respondent was not under the influence of any drugs or alcohol at the time he signed this Stipulation and Consent Order

31. The parties agree that upon the Council's acceptance of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matter shall be resolved by the Council. Thereafter, the Council will take no further action as to this matter absent non-compliance with the terms and conditions of this document by Respondent.

32. This Stipulation and Consent Order is conditioned upon its acceptance by the Council. If the Council rejects any part of this document, the entire agreement shall be considered void. Respondent agrees that if the Council does not accept this agreement in its current form, Respondent shall not assert in any subsequent proceeding any claim of prejudice from any such prior consideration. If the Council rejects any part of this agreement, none of its terms shall bind Respondent or constitute an admission of any of the facts of the alleged misconduct, it shall not be used against Respondent in any way, and it shall be without prejudice to any future unprofessional conduct disciplinary proceeding and the Council's final determination of any charge against Respondent.

33. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in his permanent Council file, shall constitute an enforceable legal agreement, and may and shall be reported to other authorities, including the International Association of Law Enforcement Standards and Training National Decertification Index. In exchange for the actions by the Council, as set forth herein, Respondent expressly agrees to be bound by all terms and conditions of this Stipulation and Consent Order.



34. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Council, it may enter an order implementing the terms and conditions herein.

**Order**

WHEREFORE, based on the foregoing and the consent of Respondent, it is hereby ORDERED that:


1. Respondent shall be issued a WRITTEN WARNING for the conduct set forth above.
2. Respondent shall successfully complete the scope of authority training delivered for level II training at the Vermont Police Academy on March 24, 2023.

**RESPONDENT**

By:   
William Bohnyak  
Respondent

Dated: 1/18/2023

*Approved as to Legal Form for Respondent:*

By:   
Sean M. Toohy, Esq.  
Lynn, Lynn, Blackman & Manitsky, PC  
76 St. Paul Street, Suite 400  
Burlington, VT 05401  
Counsel for Respondent

Dated: 1/18/2023

STATE OF VERMONT

By: <sup>DocuSigned by:</sup>  
Heather Simons  
E6D9FF4DE620540A  
Heather Simons  
Executive Director  
Vermont Criminal Justice Council

Dated: 1/19/2023

*Approved as to Legal Form for the State of Vermont:*

CHARITY R. CLARK  
ATTORNEY GENERAL

By: <sup>Digitally signed by Kurt A. Kuehl  
Date: 2023.01.13 11:32:04 -05'00'</sup>  
Kurt A. Kuehl  
Kurt A. Kuehl  
Assistant Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001  
(802) 828-1297  
kurt.kuehl@vermont.gov

Dated: January 13, 2023

**AS TO IN RE: WILLIAM BOHNYAK, VCJC PRS DOCKET NO. 20205D0:  
APPROVED AND ORDERED  
VERMONT CRIMINAL JUSTICE COUNCIL**

DocuSigned by:

*William Sorrell*

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**DATED:** 1/24/2023

**ENTERED AND EFFECTIVE:** 1/24/2023