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STATE OF COLORADO
DEPARTMENT OF LAW

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COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000
**Peace Officer Standards and
Training**

January 16, 2023

Undersheriff Cruz Soto
Costilla County Sheriff's Office
103 Gasper St
San Luis, CO, 81152
csoto@costillacounty-co.gov

RE: Mark Garcia

Dear Undersheriff Soto:

On July 26, 2022, Colorado Peace Officer Standards and Training (P.O.S.T.) received an official Notification of Untruthfulness from your law enforcement agency. Pursuant to § 24-31-305(2.5), C.R.S. and P.O.S.T. Rule 9(a)(V), P.O.S.T. shall revoke peace officer certification if a law enforcement agency has found, by clear and convincing evidence, that the certificate holder has:

- knowingly made an untruthful statement concerning a material fact while testifying under oath, or during an internal affairs investigation or comparable administrative investigation; or
- knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or comparable administrative investigation.

P.O.S.T. reviewed the supporting documentation. With the currently available information, we have determined that this case does not meet the required legal criteria to pursue revocation of peace officer certification for the following reason:

- The internal affairs documentation does not support, to a *clear and convincing standard of the evidence*, that Deputy Garcia made an untruthful statement *during an administrative investigation or disciplinary process*.

POST greatly appreciates the time that you afforded our investigator when reviewing this case. Although this case did not result in any certification action, it is critical that agencies continue to submit notifications when statutorily mandated. To that end, we thank you for your submission.

If you have further information that you believe would change this determination, please contact P.O.S.T. via email, at post@coag.gov.

Sincerely,

FOR THE ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Erik J. Bourgerie", with a horizontal line extending to the right.

Erik J. Bourgerie
POST Director

CC:
Melinda Rommereim
Tara Buchalter
P.O.S.T. Board