



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514

MINUTES OF THE JANUARY 17, 2024, MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 17, 2024, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present (in person):

Sheriff Mark Dannels, Cochise County Sheriff's Office, Chairman
Inspector General John Barcello, representing Director Ryan Thornell, Arizona Department of Corrections Rehabilitation & Reentry
Detective Benjamin Cook, Pinal County Sheriff's Office
Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office
Division Chief Nicholas Klingerman, representing Attorney General Kris Mayes, Arizona Attorney General's Office
Detective Joseph Krajcer, Tempe Police Department
Professor Kevin Robinson, Arizona State University
Ms. Leesa B. Weisz, Public Member

Members Present (via online video/telephone conferencing):

Sheriff Doug Schuster, Mohave County Sheriff's Office

Members Absent:

Colonel Jeff Glover, Arizona Department of Public Safety
Mr. Randy Schoch, Public Member

Staff in Attendance (in person):

Matt Giordano, Executive Director
Sean Donegan, Deputy Director
Michele Blanco, Compliance Specialist
Richard Bradshaw, Compliance Specialist
William Caldwell, Compliance Specialist
Ryan Clark, Training Specialist
Mike Deltenre, Compliance Specialist
Marissa Escandon, Administrative Assistant
Mike Giammarino, Compliance Manager
Alfred Grijalva, Compliance Specialist
Arlene Heckel, Compliance Specialist
Darcy Nichols, Compliance Manager
Mark Post, Compliance Specialist
Michael Rodriguez, Training Specialist

Tim Shay, Compliance Specialist
Sandy Sierra, Executive Assistant
Dave Toporek, Compliance Specialist
Rick VanKeuren, Training Specialist
Lori Wait, Basic Training Manager
Dale Wyman, AZPOST Specialist

Legal Counsel:

Mark Brachtel, Assistant Attorney General
Joe Dylo, Assistant Attorney General
Diane DeDea, Independent Legal Advisor

A. Call to Order

Chairman Dannels called the meeting to order at 10:00 a.m. and asked Inspector General Barcello to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll-call was taken. Nine Board members are present; eight are here in person and one is participating via telephone/video conferencing. Mr. Schoch and Colonel Glover are absent.
- The positions of large city and small city Chiefs of Police remain vacant on the Board. The office of Boards and Commissions is aware of these vacancies and we will continue to try and get these positions filled.
- Administrative Assistant Marissa Escandon was introduced. Marissa was hired to replace Rita Mae Schaefer, who retired last month. She comes to us from the private sector and is doing a phenomenal job.
- Final action case 2023-117 Pedro Peña Jr. will be tabled and presented at a future meeting.

C. Executive Director's Report

Matt Giordano, Executive Director

- Basic Training provided in-house training to AZPOST staff last month. They did an outstanding job of providing Active Assailant, CPR and First Aid Training to all staff.
- The AZ Department of Education School Safety Taskforce concluded last month and are now making recommendations on legislation to the funding model. These recommendations are for the upcoming legislative session and will not impact AZPOST.
- Attended the following meetings the past month: PANT Meeting in Yavapai County, Legislative weekly meetings on Mondays and Tuesdays during the legislative session.
- The Governor's proposed budget was released last week. AZPOST will receive the same amount of appropriated funding that we received last year.

D. Consent Agenda

Inspector General Barcello made a motion to accept the Consent Agenda. The motion was seconded by Ms. Weisz and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on November 15, 2023.
2. Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, requests the Board accept their request to permanently relinquish their Arizona peace officer certification:

- | | | |
|-------------|-------------------|---------------------------------|
| 1. 2022-047 | Caleb L. Baldwin | Navajo County Sheriff's Office |
| 2. 2023-187 | Alexander R. King | Yavapai County Sheriff's Office |
| 3. 2023-202 | Matthew T. Mangum | Chandler Police Department |
| 4. 2023-204 | Kody T. Anderson | Payson Police Department |
| 5. 2023-219 | Kevin J. Rorke | Buckeye Police Department |

3. New Basic Training Academy Facilities Inspection. The following academy had their new facility inspected by AZPOST staff. The facility was determined to meet or exceed the current minimum recommendations to be used for basic training curriculum, as well as POPAT and Defensive Tactics testing:

Southeastern Arizona Law Enforcement Training Academy (SEALETA) - 901 Colombo Avenue, Sierra Vista, AZ

- E. Review, Discussion and Possible Action concerning proposing modifications to the minimum qualification standards for pre-employment drug use as set forth in Rule R13-4-105(B). This may include a discussion from AZPOST staff about recent survey results of law enforcement agencies about this topic.

Executive Director Giordano briefed the Board on the results of a survey conducted with other POST agencies around the country regarding how they handle pre-employment drug use for applicants. We received 18 responses and as we expected, it runs the gamut. Some agencies regulate marijuana and others do not; some agencies regulate dangerous drugs and others do not. We could not find one consistent theme in all 18 responses that could assist us. In order to move forward with our proposed rule changes, we need to make a decision on pre-employment drug use of marijuana. Three years ago, we amended our rules and removed the questions of how many times marijuana was used and how was it ingested. The only rule violation is that you cannot have used marijuana two years prior to date of appointment. It seems like every month, the Board is presented with petitions for waiver of this rule. As such, it appears it is time to reevaluate the rule. We surveyed chiefs and sheriffs from around the state to get their opinion on pre-employment drug use. Unfortunately, we did not get a clear-cut direction from them on how to proceed. We did see as a common theme from the survey, no one is really comfortable with completely removing the standard. A recommendation for the Board to consider is to change the two year restriction of pre-employment marijuana use, to six months. We are losing valuable candidates due to the two year restriction. With the Board's approval of this change, we can move forward with the proposed rule changes that will be presented to the Governor's Regulatory Review Council later this year.

Board members were in agreement that this proposed rule change is needed. All felt that agencies around the state are having difficulty hiring due to the two year restriction on pre-

employment marijuana use. One concern they raised was petitions for waiver if an applicant does not meet the six month rule requirement. Chairman Dannels stated the Board will stick to the six month requirement and asked Executive Director Giordano to move forward with the proposed rule change.

With this proposed rule change, Executive Director Giordano asked the Board to consider holding inactive officers to the same standard as new hires regarding pre-employment marijuana use. When an officer is inactive, they have a three year window in which to reapply for certified status before their certification lapses. The two year rule applies to them and he would like to standardize this so the proposed six month rule change applies to everyone across the Board. All Board members were in agreement that the proposed rule change should apply to everyone, including inactive officers that reapply. The Board also instructed staff that they do not want to see any cases of legal recreational consumption of marijuana by former peace officers who hold an inactive certification.

- F. Review, Discussion and Possible Action on a Petition from the Yavapai County Sheriff's Officer to A.A.C. R13-4-105(C) for Applicant Wade Ticer.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Yavapai County Sheriff's Office petition for Applicant Wade Ticer. Applicant Ticer, during the hiring process, disclosed he purchased marijuana, one time, in December 2022. He also disclosed he had possessed non-prescribed steroids within three years of appointment. Per AZPOST rules, these are both disqualifying conducts. Chief Deputy Jeff Newnum, Yavapai County Sheriff's Office, addressed the Board to request that the petition be granted. Applicant Wade Ticer also addressed the Board.

Division Chief Klingerman made a motion that based upon the petition submitted by the Yavapai County Sheriff's Office and pursuant to A.A.C. R13-4-105(C), the Board grant the petition for waiver on Applicant Wade Ticer. The motion was seconded by Ms. Weisz and passed unanimously.

- G. Review, Discussion and Possible Action on a Petition from the Lake Havasu City Police Department pursuant to A.A.C. R13-4-105(D) for Applicant Michael R. Robbins.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Lake Havasu Police Department petition for Applicant Michael R Robbins. Applicant Robbins, during the hiring process, disclosed he consumed various dangerous and narcotic drugs when he was in high school in 2008. He also disclosed he sold a small amount of marijuana, while in high school. Per AZPOST rules, these are both disqualifying conducts. Chief Troy Stirling, Lake Havasu City Police Department, addressed the Board to request that the petition be granted. Applicant Michael Robbins also addressed the Board.

Detective Cook made a motion that based upon the petition submitted by the Lake Havasu City Police Department and pursuant to A.A.C. R13-4-105(D), the Board grant the petition for waiver on Applicant Michael R. Robbins. The motion was seconded by Detective Krajcer and unanimously.

H. Final Action Cases:1. 2023-111 – Raymond Ocasio Jr. – Yavapai County Sheriff’s Office

The Board heard oral argument on the Administrative Law Judge’s Decision from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board. Mr. Ocasio was not present. Division Chief Klingerman made a motion to accept the Administrative Law Judge’s Findings of Fact and Conclusions of Law. The motion was seconded by Professor Robinson and passed unanimously. Professor Robinson then made a motion to permanently deny peace officer certification to Mr. Ocasio. The motion was seconded by Detective Cook and passed unanimously.

2. 2023-115 – Clinton S. Bertola – Mesa Police Department

The Board considered comments from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement, and from Mr. Chad Smith, attorney representing Mr. Bertola. Division Chief Klingerman made a motion to reject the proposed consent agreement that called for a 24-month suspension of Mr. Bertola’s peace officer certification. The motion was seconded by Detective Krajcer and passed unanimously. After a brief discussion, the Board determined a 36-month suspension would be a more appropriate discipline for this type of case.

3. 2023-067 – Pablo V. Camacho – Santa Cruz County Sheriff’s Office

The Board considered comments from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Mr. Camacho was not present. Division Chief Klingerman made a motion to accept the proposed consent agreement for a 6-month suspension of Mr. Camacho’s peace officer certification. The suspension shall be in effect beginning May 11, 2022, and ending November 11, 2022. The motion was seconded by Inspector General Barcello and passed with one nay vote recorded for Detective Cook.

4. 2023-050 – Adrian C. Soto – Santa Cruz County Sheriff’s Office

The Board considered comments from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Mr. Soto was not present. Division Chief Klingerman made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Soto’s peace officer certification. The suspension shall be in effect beginning October 27, 2022, and ending October 17, 2023. The motion was seconded by Inspector General Barcello and passed unanimously.

5. 2023-188 – Alberto Cuevas-Ortega – Yavapai County Sheriff’s Office

The Board considered comments from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Mr. Cuevas-Ortega was not present. Professor Robinson made a motion to accept the proposed consent agreement and deny peace officer certification to Mr. Cuevas-Ortega for a period of 24-months, beginning September 20, 2023, and ending September 20, 2025; after which he may be eligible to reapply for certified status. The motion was seconded by Division Chief Klingerman and passed unanimously.

6. 2023-129 – Trystan I. McReynolds – Yavapai County Sheriff's Office
The Board considered comments from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Mr. McReynolds was not present. Detective Cook made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. McReynold's peace officer certification. The suspension shall be in effect beginning July 13, 2023, and ending January 13, 2025. The motion was seconded by Commander Figueroa and passed unanimously.
7. 2023-051– Andrew J. Neves – Gilbert Police Department
The Board considered comments from Assistant Attorney General Mark Brachtl, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement, and from Mr. Chad Smith, attorney representing Mr. Neves. Ms. Weisz made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Neves' peace officer certification. The suspension shall be in effect beginning March 30, 2023, and ending March 30, 2024. The motion was seconded by Detective Krajcer and passed unanimously
8. 2023-023 – Colton R. Adams – AZ State University Police Department
Detective Krajcer recused himself from this case. The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Mr. Adams also addressed the Board. Detective Cook made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Adams' peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.
9. 2023-130 – Dan L. Maxfield – Flagstaff Police Department
Chairman Dannels stepped out for a moment, Ms. Weisz was acting chair. The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Sheriff Schuster made a motion to accept the Findings of Fact and Conclusions of Law and temporarily deny peace officer certification to Mr. Maxfield for a period of 24 months, beginning July 10, 2023, and ending July 10, 2025; after which he may be eligible to reapply for certified status. The motion was seconded by Commander Figueroa and passed unanimously.
10. 2023-117 – Pedro Peña III – AZ Department of Public Safety
This case was tabled.
11. 2023-145 – Danielle L. Trouton – Peoria Police Department
The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Division Chief Klingerman made a motion to accept the Findings of Fact and Conclusions of Law and revoke Ms. Trouton's peace officer certification. The motion was seconded by Inspector General Barcello and passed unanimously.
12. 2023-193 – Andrew T. Ulberg – Holbrook Police Department
The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Mr. Ulberg also addressed the Board. Professor Robinson

made a motion to accept the Findings of Fact and Conclusions of Law and permanently deny peace officer certification to Mr. Ulberg. The motion was seconded by Detective Cook and passed unanimously.

I. New Charging Cases:

1. 2023-141 – Jason D. Fajardo – Paradise Valley Police Department

The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings against Mr. Fajardo's peace officer certification. The motion was seconded by Inspector General Barcello and passed unanimously.

2. 2023-120 – Dustin M. Moreland – Gilbert Police Department

The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Inspector General Barcello made a motion to Initiate Proceedings against Mr. Moreland's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

Professor Robinson left the meeting due to a prior commitment.

3. 2023-127 – Jason M. Shelton – Pima Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Detective Krajcer made a motion to Initiate Proceedings against Mr. Shelton's peace officer certification. The motion was seconded by Division Chief Klingerman and passed unanimously.

4. 2023-203 – Daniel Davis – Camp Verde Marshal's Office

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Ms. Weisz made a motion to Initiate Proceedings against Mr. Davis' peace officer certification. The motion was seconded by Division Chief Klingerman and passed unanimously.

5. 2023-062 – Eduardo Cruz – Buckeye Police Department

The Board considered comments from Compliance Specialist Alfred Grijalva, who provided a brief overview of the case. Division Chief made a motion to Initiate Proceedings against Mr. Cruz's peace officer certification. The motion was seconded by Inspector General Barcello and passed unanimously.

6. 2023-136 – Donnie Burnias – Maricopa Police Department

The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Ms. Weisz made a motion to Initiate Proceedings against Mr. Burnias' peace officer certification. The motion was seconded by Inspector General Barcello and passed unanimously.

7. 2023-036 – William C. Willis – AZ Department of Public Safety

Inspector General Barcello recused himself from this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings against Mr. Willis' peace

officer certification. The motion was seconded by Division Chief Klingerman and passed unanimously.

8. 2023-065 – Dillon E. Brown – La Paz County Sheriff's Office

The Board considered comments from Compliance Specialist Tim Shay, who provided a brief overview of the case. Ms. Weisz made a motion to Initiate Proceedings against Mr. Brown's peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.

9. 2023-140 – Paul J. Dore Jr. – Maricopa County Sheriff's Office

The Board considered comments from Compliance Specialist Dave Toporek, who provided a brief overview of the case. Ms. Weisz made a motion to Initiate Proceedings against Mr. Dore's peace officer certification. The motion was seconded by Detective Krajcer and passed unanimously.

J. Future Agenda Items

Commander Figueroa requested that the new annual qualification, which is effective this year, be placed on the February agenda for further discussion.

K. Adjournment

The meeting was adjourned at 12:21 p.m.

Dated: January 23, 2024



Sandra L. Sierra, Recording Secretary

Minutes approved as written.
Dated: February 21, 2024



Sheriff Mark Dannels, Chairman