



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602- 244-0477

Minutes of Meeting June 20, 2018

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on June 20, 2018, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Interim Deputy Director Greg Lauchner, representing Director Charles Ryan, AZ DOC
Chief Alan Rodbell, Scottsdale Police Department

Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Byron Gwaltney, Pima County Sheriff's Department
Colonel Frank Milstead, Arizona Department of Public Safety
Mr. Richard Wooten, Public Member

Staff in Attendance:

Jack G. Lane, Executive Director
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Steve Enteman, Training Supervisor
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Cheryl Holliday, Administrative Assistant
Steve Jacobs, Compliance Specialist
Mike Orose, Compliance Specialist
Cynthia Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer

Assistant Attorneys General:

Michael Saltz
Seth Hargraves

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Chief Hall to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Two of the new cases on today’s agenda have an amended first page. Jose A. Sandoval #18-031 and Jasson Peterson #17-186.
- Carlos Ruiz-Yanez’s name can be removed from the Consent Agenda for Training Deficiencies. He has completed the required training.

C. Executive Director’s Report

Jack G. Lane, Executive Director

- Will provide a more detailed report during the budget presentation.

D. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda, as amended. The motion was seconded by Chief Hall and passed unanimously.

1. Consent Agreements for Voluntary Relinquishment of Peace Officer Certification. The following individuals, without admitting to any misconduct, request the Board accept their request to permanently relinquish their Arizona peace officer certification:

Aadam M. Yates	18-037	Glendale Police Department
Jon W. Marshall	18-039	Prescott Police Department
Autumn L. Shepard	17-183	Phoenix Police Department
Michael J. Chavez	18-041	Wickenburg Police Department
David Lugo	17-184	AZ Department of Transportation
John M. Bugenig	18-020	AZ Department of Public Safety
William McVey	16-095	Maricopa County Attorney’s Office
Corey J. Voss	18-076	Tucson Police Department

2. Training Audit Deficiencies – Kearney Police Department
The following officer is deficient in the required annual training and his certification is restricted until the requirement is met:

Kenneth Boldin

3. Training Audit Deficiencies – Phoenix Police Department
The following officers are deficient in the required annual training and their certification is restricted until the requirement is met:

Thomas Afshari
Timothy Amos
Saul Ayala

E. Review, Discussion and Possible Action on Proposed AZPOST 2018/19 Fiscal Year Budget

The 2018/19 fiscal year budget was presented to the Board for approval. This year's budget includes the legislative appropriation of \$837,000 provided by the legislature for basic training support. With the possibility that this is a one-time allocation, discussion was held concerning the need to find alternative funding sources and not rely on the CJEF for funding.

Mr. LeFevre made a motion to accept the 2018-2019 budget as presented. The motion was seconded by Chief Rodbell and passed unanimously.

F. Review, Discussion and Possible Action on a Petition from the Arizona Department of Economic Security – Office of Inspector General for restricted peace officer certifications for eight personnel who will no longer carry firearms on duty.

The Arizona Department of Economic Security – Office of Inspector General is transitioning out of peace officer duties which require firearms and instead will count on its law enforcement partners with no restrictions to complement its efforts. The agency is requesting the Board grant eight of its officers a restricted peace officer certification.

Chief Rodbell made a motion to grant a "Restricted" Peace Officer Certification to the eight officers mentioned in the petition of the Arizona Department of Economic Security – Office of Inspector General. This certification will restrict these officers from carrying or using a firearm on duty, and to not place themselves or be placed in a situation which would expose them to the risk of physical confrontation while employed with the Arizona Department of Economic Security - OIG. The motion was seconded by Sergeant Aparicio and passed unanimously.

G. Review, Discussion and Possible Action on a Petition for Determination of the Drug Experimentation Rule from the Northern Arizona University Police Department on behalf of Applicant Miriam Syers.

The Northern Arizona University Police Department has petitioned the Board to determine that the drug usage by Applicant Miriam Syers was experimental. Chief Kelli Smith addressed the Board to request that the petition be granted.

Mr. Ahler (AAG) made a motion to grant the petition for a determination that the pre-employment drug use by Miriam Syers was experimental. The motion was seconded by Sergeant Aparicio and passed unanimously.

H. Review, Discussion and Possible Action on a Petition for Determination of the Drug Experimentation Rule from the Lake Havasu City Police Department on behalf of Applicant Tara Jean Flagg.

The Lake Havasu City Police Department has petitioned the Board to determine that the drug usage by Applicant Tara Jean Flagg was experimental. Captain Doug Whitaker addressed the Board to request that the petition be granted.

Chief Hall made a motion to grant the petition for a determination that the pre-employment drug use by Tara Jean Flagg was experimental. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

I. Final Action Cases:

1. #16-120 – Jose M. Verdugo – San Carlos Recreation and Wildlife

The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for an 18-month suspension of Mr. Verdugo's peace officer certification. The suspension shall be in effect from July 29, 2016 through January 29, 2018. The motion was seconded by Sergeant Aparicio and passed unanimously.

2. #18-001 – Aldo Lemus – AZ Department of Public Safety

The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order for a 1-year suspension of Mr. Lemus' peace officer certification. The suspension shall be in effect from December 13, 2017 through December 13, 2018. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

3. #18-015 – Joshua J. Rhodes – Mohave County Sheriff's Office

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Rhodes' peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.

J. New Charging Cases:

1. #16-128 – Steven M. Bailey – Maricopa County Sheriff's Office

Chief Hall recused himself from this case. The Board considered comments from Compliance Specialist Billy Caldwell. Sergeant Andreacola made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Chief Rodbell and passed with one nay vote recorded for Mr. Ahler (AAG).

2. #18-070 – Mark A. McKenna – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Chief Rodbell made a motion to ***Initiate Proceedings*** to deny Mr. McKenna peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
3. #18-031 – Jose A. Sandoval – Somerton Police Department
The Board considered comments from Compliance Specialist Arlene Heckel. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Sandoval's peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.
4. #18-054 – Gabriel E. Marcurio – La Paz County Sheriff's Office
The Board considered comments from Compliance Specialist Steve Jacobs. Sergeant Aparicio made a motion to ***Initiate Proceedings*** to deny Mr. Marcurio peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
5. #17-186 – Jasson Peterson – Peoria Police Department
The Board considered comments from Compliance Specialist Mike Orose. Chief Hall made a motion to ***Initiate Proceedings*** against Mr. Peterson's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
6. #16-123 – Scott D. Nelson – Gila River Police Department
The Board considered comments from Compliance Specialist Mike Orose. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Nelson's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

K. Future Agenda Items

The July meeting will be held July 18 at 2:00 p.m. in Flagstaff.

L. Adjournment

The meeting was adjourned at 11:05 a.m.