



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 21, 2017

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on June 21, 2017, 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 Andreatola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Chief Alan Rodbell, Scottsdale Police Department
Deputy Director Greg Lauchner, representing Director Charles Ryan, AZ Department of Corrections

Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office
Colonel Frank Milstead, Arizona Department of Public Safety

Staff in Attendance:

Jack G. Lane, Executive Director
Ted Brandon, Compliance Specialist
Billy Caldwell, Compliance Specialist
Annie Deer, Administrative Assistant
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Cathy Hawse, Compliance Specialist
Cheryl Holliday, Administrative Assistant
Steve Jacobs, Compliance Specialist
Mark Perkovich, Program Administrator
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
John Tellier

A. Call to Order

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

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Assistant Attorney General John Tellier will provide legal advice to the Board on the Richard Guinn case.
- Cheryl Holliday was introduced to the Board. Cheryl is the new administrative assistant assigned to the Training Unit. Cheryl has been with the Department of Public Safety for many years assigned to the Tucson office. She transferred to Phoenix and we are very lucky to have her.
- Annie Deer, administrative assistant assigned to the Compliant Unit, announced she will be leaving to be a stay-at-home mom. We were lucky to have Annie for 3+ years and wish her the best of luck.
- A plaque was presented to Donna Mulvey-Gieber, training specialist, in appreciation for her almost four years of service at AZ POST. Donna is an officer with the Scottsdale Police Department and has been a POST contract employee since August 2013. She is retiring next month after 23+ years of service.

C. Executive Director's Report

Jack G. Lane, Executive Director

- CJEF revenues for last month were higher than anticipated.

D. Discussion and Demonstration of AZ POST Records Management System

Chester Szoltysik, IT Manager, provided an overview of the AZ POST Records Management System. He demonstrated how AZ POST manages and stores case data and how that information is searchable by staff. By being able to search case data, staff is able to provide information to the Board on what historically has been done on similar fact based cases.

The Board was enthused about this information being readily available to provide insight on what has been done previously on cases where the Board wrestles on determining the fate of someone's peace officer certification. Staff can pull data on whatever statistics the Board would like to see to give them information on past actions.

E. Discussion/Legal Opinion Concerning Securing of Firearms by Peace Officers with Action before the Board

Assistant Attorney General Michael Saltz discussed with the Board the statutory rules regarding someone carrying a firearm at an open meeting. Our building has posted signs that state no weapons are allowed unless carried by a certified peace officer. For the general public that is non-certified, they are not allowed to bring a weapon in the building. AZ POST provides lockers for this purpose. Active peace officers who come before the Board can bring a firearm in the Boardroom.

F. Review, Discussion and Possible Action on a petition from the Camp Verde Marshal's Office for a determination that applicant Scott A. Mattix's sale of drugs at the age of 16 was juvenile indiscretion

This matter was pulled from today's agenda at the request of the Camp Verde Marshal's Office.

G. Final Action Cases:

1. #16-003 – Richard C. Guinn – Apache County Sheriff's Office
Mr. Ahler (AAG) recused himself from this case.

The Board heard oral argument on the Administrative Law Judge's (ALJ) Decision from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board. AAG Hargraves informed the Board that Findings of Fact #13 should be amended to correctly reflect that it was Corporal Sykes who discovered the rifle in the trashcan, not Jose Luis Rojas. Also, the detention officers did not take the trashcan into the dispatch center; it was Jose Luis Rojas and a dispatcher.

Chief Hall made a motion to accept the ALJ's Findings of Fact and Conclusions of Law as amended and revoke Mr. Guinn's peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.

2. #17-058 – Jeffrey J. Bennett – Maricopa County Sheriff's Office
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Bennett's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
3. 16-147 – Terry J. Estrada – Graham County Sheriff's Office
The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Estrada's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
4. #17-057 – Marcor E. Greenwood – Navajo County Sheriff's Office
The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Greenwood's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
5. #17-052 – William F. Lebbs – Casa Grande Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Lebbs' peace officer certification. The motion was seconded by Chief Hall and passed unanimously.

6. #16-137 – Shane D. Pollard – Goodyear Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Pollard's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
7. #17-016 – Steven S. Pupkoff – Tucson Police Department
Sergeant Andreacola recused himself from this case. 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. Pupkoff's peace officer certification. This suspension shall be in effect from July 2, 2016 until January 2, 2018. The motion was seconded by Deputy Director Lauchner and passed unanimously.
8. #16-159 – Christopher M. Radtke – Pima County Sheriff's Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Radtke's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
9. #17-047 – Scott W. Rose – Florence Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Rose's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
10. #15-114 – Daniel M. Santa Cruz – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Santa Cruz's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
11. #15-138 – John E. Woods – Mesa Police Department
Chief Hall recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Woods' peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
12. #17-010 – Jason M. Beard – Quartzsite Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Andreacola made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Beard's peace officer certification for six months from January 11, 2017 to July 11, 2017. The motion was seconded by Chief Rodbell. The motion passed 6-1. Board member Mr. Ahler (AAG) voted against the motion.

13. #15-073 – Joshua Boyd – Maricopa Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Boyd's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

14. #16-172 – Justin A. Brewer – AZ Department of Public Safety

The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Andreacola made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Brewer's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

15. #16-148 – Marco E. Garces – Yuma Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Garces' peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

16. #16-130 – Rodolfo Rodriguez Jr. – Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Aparicio made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Rodriguez's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

H. New Charging Cases:

1. #17-036 – Gregory L. Hunter Jr. – AZ Department of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Hunter's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.

2. #16-025 – Anne C. Miguel – Tohono O'odham Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Ms. Miguel's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

3. #17-054 – Kevin E. Williams – AZ Department of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Williams' peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.

4. #17-051 – Matthew A. Hedrick – Pinal County Sheriff’s Office
Sergeant Aparicio recused himself from this case. The Board considered comments from Compliance Specialist Billy Caldwell. Chief Hall made a motion to **Initiate Proceedings** against Mr. Hedrick’s peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.
5. #17-005 – Matthew L. Mansfield – ASU Police Department
The Board considered comments from Compliance Specialist Mike Deltenre. Chief Hall made a motion to **Initiate Proceedings** against Mr. Mansfield’s peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
6. #15-182 – Jaime F. Gutierrez – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. The Board voted to initiate proceedings against Mr. Gutierrez’s peace officer certification on October 19, 2016. The case overview has since been amended and the Board must take action once again. Chief Hall made a motion to **Initiate Proceedings** against Mr. Gutierrez’s peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
7. #17-061 – Heriberto Filerio – Yuma Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Sergeant Andreacola made a motion to **Initiate Proceedings** against Mr. Filerio’s peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
8. #16-134 – Christopher M. Lane – Mohave County Sheriff’s Office
The Board considered comments from Compliance Specialist Steve Jacobs. Chief Hall made a motion to **Initiate Proceedings** against Mr. Lane’s peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
9. #16-196 – Edward A. Oros – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Sergeant Aparicio made a motion to **Resolve in Future**. The motion was seconded by Sergeant Andreacola and passed unanimously.
10. #15-118 – Jennifer L. Brown – AZ Department of Transportation - ECD
This case was tabled.
11. #15-126 – Paul V. Chavez – Scottsdale Police Department
Chief Rodbell recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Chief Hall made a motion to **Initiate Proceedings** against Mr. Chavez’s peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.

12. #17-059 – William E. Jones II – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Lori Wait. Chief Hall made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Chief Rodbell and passed unanimously.

13. #15-151 – Sylvester R. Thornton – Scottsdale Police Department

Chief Rodbell recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Chief Hall made a motion to **Initiate Proceedings** against Mr. Thornton's peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.

I. Future Agenda Items

Executive Director Lane reminded the Board that the July meeting in Flagstaff will be held July 19 at 2 p.m.

J. Adjournment

The meeting was adjourned at 11:38 a.m.