



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE DECEMBER 18, 2019 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 December 18, 2019, 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
Captain Don Bischoff, Mohave County Sheriff's Office
Ms. Jamie Kelly, Public Member
Chief Tom Kelly, Apache Junction Police Department
Mr. Andrew LeFevre, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Deputy Christopher Pittmann, Maricopa County Sheriff's Office
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections
Chief Alan Rodbell, Scottsdale Police Department

Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office

Staff in Attendance:

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Billy Caldwell, Compliance Specialist
Dan Ciernia, Digital Media Supervisor
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Amanda Faust, Compliance Specialist
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mike Orose, Training Supervisor
Lynn Pirkle, Budget Analyst
Kip Rustenburg, Program Administrator
Cindy Sawyer, Compliance Specialist
Tammy Schliefer, Administrative Assistant

Sandy Sierra, Administrative Services Officer
Dave Toporek, Compliance Specialist
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Mark Brachtl
Paul Forshey
Jeanne Galvin

A. Call to Order

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

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Assistant Attorney General Jeanne Galvin will provide legal advice to the Board on the first two final action cases - William W. Murray 17-135 and Timothy N. Truett 17-154.
- The two Board member vacancies (public member and jail administrator) have been filled. Captain Don Bischoff of the Mohave County Sheriff's Office was appointed to fill the administrator of a county correctional facility position and is here today for his first meeting. Leesa Weisz is the new public member; she will be in attendance at the January meeting.
- Dr. Cody Telep from ASU is attending today's meeting. He will make a presentation at the January meeting on the results of the survey regarding potential rule changes.
- Michael Mason's consent agreement for voluntary relinquishment of peace officer certification was not returned to AZPOST. Michael S. Mason 19-078 needs to be removed from the Consent Agenda.
- Two additional petitions for waiver were submitted after the deadline; these have been added to today's agenda.
- AZPOST is partnering with the Arizona Humane Society to collect donations of food and supplies for their shelters. We also will collect money if anyone wants to donate.
- Sandy Sierra will be retiring December 20, but is not leaving AZPOST. She will continue as an intermittent employee working a part-time schedule.
- A plaque was presented to former Department of Corrections Director Charles Ryan for his over ten years of service on the AZPOST Board. Director Ryan retired in September and is thoroughly enjoying civilian life.

C. Executive Director's Report

Matt Giordano, Executive Director

- Attended a conference last week in Reno, Nevada hosted by the Department of Justice. It focused on retention and recruitment in small agencies. They asked me to recommend several police chiefs from Arizona to attend and I had the privilege to accompany Bobby Martin from Snowflake-Taylor PD; Lance Spivey from St. Johns PD; Dale Walters from Globe PD and Lt. Gray who represented Quartzsite PD. The DOJ will submit a report detailing the findings of this conference and I will share this with the Board when it comes out. It was great

conversation and we heard from several small agency heads who shared their ideas and successes.

- We have a candidate and we have offered her the Administrative Assistant position. She is currently in the background process and we hope to have her on-board very soon.
- Attended the GOHS DUI Kickoff at the state capitol and also the one held in Tucson as well.
- There were 4 or 5 academy graduations this month. I was able to attend the NARTA graduation and the Mesa Police Department graduation. I highly recommend attending an academy graduation. It is really inspiring to see how excited these new recruits are to come into this profession.
- Wanted to follow-up on a case from last month that involved Post Traumatic Stress (PTS). I would like to give a big shout-out to Kip Rustenburg and Cindy Sawyer because they had just returned from a seminar regarding PTS and how it affects law enforcement and first responders. They jumped right on this. We are putting procedures in place in case another case like this comes before the Board. Hopefully I will be able to update the Board in January or February on how this is coming along.
- Seven months ago we were lucky enough to have Kip Rustenburg come over from the Maricopa County Sheriff's Office and join AZPOST. In January we will be reorganizing how AZPOST is structured. We will have two sections instead of three. Kip will take over all of Training; the Basic side as well as the Advanced side. In January she will oversee Advanced Training, Basic Training, Facilities/Maintenance as well as the Video Production Unit. We have had two SRO Schools and have trained almost 100 new SROs in the past two months. We will be having two more schools in the spring. We will begin a new LPO Program in the first quarter of 2020 to replace the ALP Program. I wanted to give a big shout-out to Kip and her Training staff which consists of Steven Enteman, Mike Orose, Cindy Sawyer and Tammy Schliefer.

D. Consent Agenda

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

The following items were approved:

1. Minutes of the Board Meeting held on November 20, 2019.
2. Certification Waivers:

Stephen A. Barnes II	Chandler Police Department
Lawrence E. Petrey III	Chandler Police Department
Joseph A. Anderson	Coconino County Sheriff's Office
Justin P. Kopta	Coconino County Sheriff's Office
David M. Crandall	El Mirage Police Department
Danny R. Benzon	Page Police Department
Ronald J. Tischer	Payson Police Department
Matthew G. Petchel	Phoenix Police Department
Kenneth T. Redfield	Phoenix Police Department

Andrew B. Wilson	Scottsdale Police Department
Matthew D. Pasquan	Scottsdale Police Department
Bronson K. Perez	Scottsdale Police Department

- 3. Consent Agreement 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:

Gregory T. Johnson	18-167	Maricopa County Sheriff’s Office
Eric Mercado	19-125	Prescott Valley Police Dept.
Jasmine S. Scott	19-173	Phoenix Police Department
Mackensie Davis	19-006	Hopi Resource Enforcement Services

E. Review, Discussion and Possible Action on a Department of Public Safety Petition for a waiver of the seven year restriction from A.A.C. R13-4-105(A)(14) for Applicant Jesse J. Marquis

Colonel Milstead recused himself from this case.

Assistant Attorney General Mark Brachtl addressed the Board regarding the Department of Public Safety Petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14) for Applicant Jesse J. Marquis. Applicant admitted to consuming edible marijuana after the age of 21 years and within the past seven years. Major Damon Cecil, Department of Public Safety, addressed the Board to request that the petition be granted.

Deputy Director Profiri made a motion to grant the petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14). Based upon the information submitted by the Arizona Department of Public Safety, I believe the best interests of the law enforcement profession would be served and the public welfare and safety would not be jeopardized by the waiver. The motion was seconded by Mr. LeFevre and passed with one nay vote recorded for Officer Medina.

F. Review, Discussion and Possible Action on a Mesa Police Department Petition for a waiver of the seven year restriction from A.A.C. R13-4-105(A)(14) for Applicant Marissa Keating

Assistant Attorney General Mark Brachtl addressed the Board regarding the Mesa Police Department Petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14) for Applicant Marissa Keating. Applicant admitted to a one-time use of a dangerous drug within the past seven years. Commander Bill Peters, Mesa Police Department, addressed the Board to request that the petition be granted.

Colonel Milstead made a motion to grant the petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14). The motion was seconded by Deputy Director Profiri and passed with five nay votes recorded for Deputy Pittmann, Ms. Kelly, Chief Kelly, Mr. Ahler (AAG) and Officer Medina. Chairman Mascher voted on this case.

G. Review, Discussion and Possible Action on a Mesa Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) and A.A.C. R13-4-105(C) for Applicant Kaylene Zak

Assistant Attorney General Mark Brachtl addressed the Board regarding the Mesa Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) and A.A.C. R13-4-105(C) for Applicant Kaylene Zak. Applicant admitted to use of a dangerous drug, which occurred six times over a period of approximately one year and within the past seven years. Commander Bill Peters, Mesa Police Department, addressed the Board to request that the petition be granted.

Deputy Director Profiri made a motion to grant the petition and allow applicant to continue through the process. The motion was seconded by Colonel Milstead. Deputy Director Profiri then amended his motion to include the waiver of the seven year restriction from A.A.C. R13-4-105(A)(14). The motion was seconded by Colonel Milstead and passed with two nay votes recorded for Officer Medina and Chief Kelly.

H. Review, Discussion and Possible Action on a Yavapai-Apache Nation Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) and A.A.C. R13-4-105(A)(14) for Applicant Tyler Bond

Assistant Attorney General Mark Brachtl addressed the Board regarding the Yavapai-Apache Nation Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) and A.A.C. R13-4-105(A)(14) for Applicant Tyler Bond. Applicant admitted to consuming edible marijuana at the age of 17 years and within the past seven years. Chief Nathan Huibregtse, Yavapai-Apache Nation Police Department, addressed the Board to request that the petition be granted.

Deputy Director Profiri made a motion to grant the petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14). The motion was seconded by Mr. LeFevre and passed unanimously.

I. Review, Discussion and Possible Action on a Sedona Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) and A.A.C. R13-4-105(C) for Applicant Mason Bradshaw

Assistant Attorney General Mark Brachtl addressed the Board regarding the Yavapai-Apache Nation Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) and A.A.C. R13-4-105(C) for Applicant Mason Bradshaw. Applicant admitted to consuming a dangerous drug within the past seven years and exceeding the limit of marijuana use. Chief Charles Husted, Sedona Police Department, addressed the Board to request that the petition be granted.

Deputy Director Profiri made a motion to deny the petition for waiver. The motion was seconded by Deputy Pittmann and passed unanimously.

J. Review, Discussion and Possible Action on a Prescott Valley Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Taylor Steele Johnston

Assistant Attorney General Mark Brachtl addressed the Board regarding the Prescott Valley Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Taylor

Steele Johnston. Applicant admitted to consuming a total of three Adderall tablets within the past seven years. Lt. Patrick Ruiz, Prescott Valley Police Department, addressed the Board (via telephone) to request that the petition be granted.

Officer Medina made a motion to deny the petition for waiver. The motion was seconded by Chief Rodbell and passed with two nay votes recorded for Chief Kelly and Colonel Milstead.

K. Review, Discussion and Possible Action on a Revision to the Substantive Policy Statement which was Adopted by the Board on June 19, 2019; concerning the Use of Products Containing Cannabidoil (CBD)

The Board adopted the Substantive Policy Statement concerning the use of products containing Cannabidoil (CBD) on June 19, 2019. Since that time, the Office of the Arizona Attorney General conducted a review of this Policy Statement and recommended several amendments. Executive Director Matt Giordano addressed the Board to explain why the amendments are necessary.

Mr. LeFevre made a motion to adopt the amended Substantive Policy Statement and that it be published in accordance with the Arizona Administrative Procedures Act. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

L. Final Action Cases:

1. 17-135 – William W. Murray – AZ Department of Transportation - ECD
Mr. Ahler (AAG) recused himself from this case. The Board heard oral argument on the Administrative Law Judge (ALJ) Decision from Assistant Attorney General Mark Brachtl. Mr. Edmundo Robaina, attorney representing Mr. Murray, was available for comment but did not address the Board.

Chief Rodbell made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and take no further action on this case. The motion was seconded by Deputy Pittmann and passed unanimously.

2. 17-154 – Timothy N. Truett – AZ Department of Economic Security - OSI
Mr. Ahler (AAG) and Deputy Director Profiri recused themselves from this case. The Board heard oral argument on the Administrative Law Judge (ALJ) Decision from Assistant Attorney General Mark Brachtl, and Mr. Truett, who appeared on his own behalf.

Chief Rodbell made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and suspend Mr. Truett's peace officer certification until January 4, 2022; at which time his peace officer certification will lapse. The motion was seconded by Captain Bischoff and passed unanimously.

3. 19-039 – Monique L. Cervantes – Mesa Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the case and the terms of the proposed Consent Agreement.

Deputy Pittmann made a motion to accept the proposed Consent Agreement, Decision and Order for a 12-month suspension of Ms. Cervantes' peace officer certification. The suspension shall be in effect from March 16, 2019 through March 15, 2020. The motion was seconded by Chief Kelly and passed unanimously.

4. 19-022 – Stephen K. Perko – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Deputy Director Profiri made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Perko. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

5. 19-094 – Douglas Bremer – Maricopa County Sheriff's Office

Deputy Pittmann recused himself from this case. The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Bremer's peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.

6. 19-104 – David M. Guerra – Kingman Police Department

Captain Bischoff recused himself from this case. The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Guerra. The motion was seconded by Deputy Pittmann and passed unanimously.

M. New Charging Cases:1. 19-193 – Charles R. Arlak – Buckeye Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Deputy Pittmann made a motion to close this case with ***No Action with Agency Discretion.*** The motion was seconded by Officer Medina and passed unanimously. Chief Rodbell was not present during this case and did not participate in the vote.

2. 19-192 – Larry M. Hall – Buckeye Police Department

The Board considered comments from Compliance Specialist William Caldwell who provided a brief overview of the case. Deputy Pittmann made a motion to close this case with ***No Action with Agency Discretion.*** The motion was seconded by Mr. LeFevre and passed unanimously. Chief Rodbell was not present during this case and did not participate in the vote.

3. 19-111 – Jeffrey D. Lowman – AZ Game and Fish Department
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Colonel Milstead made a motion to **Initiate Proceedings** against Mr. Lowman’s peace officer certification. The motion was seconded by Chief Kelly and passed unanimously. Chief Rodbell was not present during this case and did not participate in the vote.
4. 19-021 – Shawn D. Haralson – Graham County Sheriff’s Office
Chief Rodbell recused himself from this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Colonel Milstead made a motion to **Initiate Proceedings** against Mr. Haralson’s peace officer certification. The motion was seconded by Officer Medina and passed unanimously.
5. 19-035 – Jonathan M. Schueller – Maricopa Police Department
The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Chief Kelly made a motion to **Initiate Proceedings** against Mr. Schueller’s peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
6. 19-084 – Daniel Rodriguez-Cuenca – Sahuarita Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Kelly made a motion to **Initiate Proceedings** against Mr. Rodriguez-Cuenca’s peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously. Colonel Milstead was not present during this case and did not participate in the vote.
7. 19-201 – Nicholas M. Wood – Pima County Sheriff’s Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Deputy Director Profiri made a motion to **Initiate Proceedings** against Mr. Wood’s peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.
8. 19-058 – Kelvin R. Boswell – Gila River Police Department
The Board considered comments from Compliance Specialist Mike Orose, who provided a brief overview of the case. Colonel Milstead made a motion to **Resolve in Future**. The motion was seconded by Mr. LeFevre and passed unanimously.
9. 19-204 – Ronald A. Kerzaya – Tempe Police Department
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case; a short video was also shown. Captain Bischoff made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Colonel Milstead and passed unanimously.

10. 19-025 – Cristi V. Porras – Tucson Police Department

The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Colonel Milstead made a motion to ***Initiate Proceedings*** against Ms. Porras' peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

N. Future Agenda Items

There are no new items to add.

O. Adjournment

Chairman Mascher stated this is the last meeting of 2019. He thanked Board staff and Board members for all their hard work.

The meeting was adjourned at 12:22 p.m.