



Arizona Peace Officer Standards and Training Board

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

MINUTES OF THE APRIL 20, 2022 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 April 20, 2022, 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
Detective Benjamin Cook, Pinal County Sheriff's Office
Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich
Ms. Jamie Kelly, Public Member
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections
Rehabilitation & Reentry
Professor Kevin Robinson, Arizona State University
Colonel Heston Silbert, AZ Department of Public Safety
Chief Chris Vasquez, Eloy Police Department
Ms. Leesa B. Weisz, Public Member

Members Present (via online video/telephone conferencing):

Chief Jeri Williams, Phoenix Police Department

Members Absent:

Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office

Staff in Attendance (in person):

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Michele Blanco, Compliance Specialist
Richard Bradshaw, Compliance Specialist
William Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Sean Donegan, Program Administrator
Mike Giammarino, Compliance Program Administrator
Arlene Heckel, Compliance Specialist
Robin MacIntire, Compliance Specialist
Michael Mehlhouse, Training Specialist
Darcy Nichols, Compliance Specialist
Mike Orose, Compliance Program Administrator
Mike Puente, Training Specialist
Greg Redmon, Training Specialist
Michael Rodriguez, Training Specialist

Cindy Sawyer, Compliance Specialist
Rita Mae Schaefer, Administrative Assistant
Sandy Sierra, Executive Assistant
Aaron Thomas, Training Specialist
David Toporek, Compliance Specialist
Rick VanKeuren, Training Specialist
Lori Wait, Basic Training Program Administrator
Dale Wyman, Digital Media Specialist

Assistant Attorneys General (in person):

Mark Brachtl
Gino Duran
Monique Coady

A. Call to Order

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

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll Call was taken. Ten Board members are present, nine are here in person and one is participating via telephone/video conferencing. Commander Figueroa is absent. We have two vacant Board positions.
- Newly appointed Board member Detective Benjamin Cook was introduced. Detective Cook has been with the Pinal County Sheriff's Office for 27 years. We are extremely happy to have him on the Board.
- Assistant Attorney General Monique Coady is the Independent Advisor for all the final action cases.
- Charging case #6 – Adam C. Shoun 2021-216 will be tabled and placed on a future agenda.
- Michael Rodriguez has joined AZPOST as a new Training Specialist on the Basic Training side of the house. Michael is a former officer with the Tempe Police Department and we are very excited to have him.

C. Executive Director's Report

Matt Giordano, Executive Director

- The rule changes, approved by the Board last year, are in the final stages of completion. The proposed changes will be presented to the Governor's Regulatory Review Council (GRRC) the first week of May for their approval. Once approved by GRRC, some of the changes are effective immediately, others will be effective later. We are also working on supplemental rule changes regarding training and will bring those to the Board in the near future.
- Over the past two months, our CJEF funding has declined; we have not met our monthly expectation for this fiscal year. Fortunately, we are still financially sound. The legislature is looking at pulling us out of CJEF funding and giving us appropriated funding. This should happen next fiscal year.
- We have not heard anything regarding appropriated funding for academy reimbursements. Prop 207 funding is to be used by agencies to reimburse academies for their successful graduates, AZPOST will no longer provide academy reimbursements. There was talk of

reversing this and providing AZPOST with appropriated funding to pay for academy reimbursement, but as of now, nothing has been decided. There is also a bill currently at the legislature to add more agencies to Prop 207 funding.

- The Basic Training Unit continues to work with different regions of the state to assist agencies who want to begin their own academies. They are currently working with three different groups who want to begin a basic academy. They have been going out and meeting with different stakeholder groups to provide guidance on what is needed to start an academy.
- The Basic Training Unit also continues to travel around the state providing academy inspections. They have been out to several academies and identified potential issues, and through the relations they have built over the past year, they have been able to resolve most of those issues right away, just by giving advice and soliciting feedback from the academies.

Chief Williams stated that her agency, like most agencies, is having hiring challenges. As such, they have made some pivots to their training academy. She wanted to thank POST for walking them through the process, she is very thankful.

D. Consent Agenda

Mr. Johnson (AAG) recused himself from this matter.

Ms. Kelly made a motion to accept the Consent Agenda. The motion was seconded by Chief Vasquez and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on March 16, 2022.
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:

Daniel B. Jones	2019-225	Phoenix Police Department
Miguel A. Gutierrez	2020-076	Douglas Police Department
Davina L. Bolinsky	2021-058	Tucson Police Department
Stephen J. Braswell	2021-080	Sierra Vista Police Department
Marc A. Conrath	2021-165	Mohave County Sheriff’s Office
Joseph C. Morel	2021-174	AZ State University Police Department
Miguel A. Milan	2021-086	Pima County Sheriff’s Department
Randy C. McCormick	2021-241	Springerville Police Department
Richard J. Kastigar Jr.	2022-009	Pima County Sheriff’s Department

E. Review, Discussion and Decision on an AZ Department of Public Safety Driving Track Certification for the Basic Peace Officer Course.

Colonel Silbert recused himself from this matter.

The AZ Department of Public Safety is requesting approval of a driving track to be used for basic curriculum driver's training for the Phoenix Regional Police Academy, as well as for in-service training. Per AZPOST rules, an on-site inspection must be conducted and the track must be in compliance. AZPOST staff conducted an on-site inspection and determined the track met all the requirements of R13-4-116(B)(5).

Chief Williams made a motion to approve the request by the AZ Department of Public Safety. The motion was seconded by Ms. Weisz and passed unanimously.

- F. Review, Discussion and Decision on a Colorado City Marshal's Office Petition pursuant to A.A.C. R13-4-105(B)(2) for Applicant Melissa R. Villareal.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Colorado City Marshal's Office petition for Applicant Melissa R. Villareal. Applicant Villareal, when she was between 15-17 years old, consumed dangerous or narcotics drugs a total of six times. Marshal Robb Radley, Colorado City Marshal's Office, addressed the Board to request that the petition be granted.

Colonel Silbert expressed his concerns regarding the cross-certification of peace officers who are appointed to the Colorado City Marshal's Office. He feels Arizona POST and Utah POST do not have the same certification criteria. Executive Director Giordano assured him that this candidate was evaluated and Marshal Radley provided the additional training required by Arizona POST.

Ms. Weisz made a motion to grant the petition by the Colorado City Marshal's Office on Applicant Melissa R. Villareal. The motion was seconded by Chief Vasquez and passed with one nay vote recorded for Colonel Silbert.

- G. Review, Discussion and Decision on a Pima County Sheriff's Department Petition pursuant to A.A.C. R13-4-103(G) for Applicant Alfred Aragon.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Pima County Sheriff's Department petition for Applicant Alfred Aragon. Applicant Aragon masturbated in his vehicle, in a public place, no more than 30 times. Bureau Chief Gerard Moretz, Pima County Sheriff's Department, addressed the Board to request that the petition be granted.

Ms. Kelly made a motion to deny the petition by the Pima County Sheriff's Department on Applicant Alfred Aragon. The motion was seconded by Mr. Johnson and passed unanimously.

- H. Review, Discussion and Decision on a Pima County Sheriff's Department Petition pursuant to A.A.C. R13-4-103(G) for Applicant Robert Medina.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Pima County Sheriff's Department petition for Applicant Robert Medina. Applicant Medina violated work related policies while he was employed as a Corrections Officer. Bureau Chief Gerard Moretz, Pima County Sheriff's Department, addressed the Board to request that the petition be granted.

Professor Robinson made a motion to deny the petition by the Pima County Sheriff's Department on Applicant Robert Medina. The motion was seconded by Chief Vasquez and passed unanimously.

- I. Review, Discussion and Decision on a Pima County Sheriff's Department Petition pursuant to A.A.C. R13-4-103(G) for Applicant Brandon J. Warne.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Pima County Sheriff's Department petition for Applicant Brandon J. Warne. Applicant Warne was dishonest in how he was discharged from the Marine Corp. Bureau Chief Gerard Moretz, Pima County Sheriff's Department, addressed the Board to request that the petition be granted.

Ms. Weisz made a motion to deny the petition by the Pima County Sheriff's Department on Applicant Brandon J. Warne. The motion was seconded by Professor Robinson and passed unanimously.

Chairman Dannels stated he thought this issue had been previously discussed, that an individual should not attend an academy until all issues have been resolved. This avoids someone having to be pulled out of an academy.

Executive Director Giordano stated AZPOST teaches in the Background Investigator's School that if an agency has a questionable candidate, or if they see an issue, to bring it to our attention first. If we see an issue with a candidate, he will reach out to the agency head prior to the individual entering the academy. We want to avoid exactly what has happened today. AZPOST has no statutory authority to deny someone from starting an academy. We want to make sure the agencies are fully aware if there is an issue, before the candidate starts the academy. Sometimes the agency submits the hiring packets to us very late in the game, so if there is an issue, the academy may have already started. Our mission is always to identify issues before someone starts the academy.

J. Final Action Cases:

1. 2019-228 – Marcos R. Rodriguez – Phoenix Police Department

Chief Williams and Mr. Johnson (AAG) recused themselves from this case. The Board heard oral argument on the Administrative Law Judge's Decision from Assistant Attorney General Gino Duran, attorney for the Arizona Peace Officer Standards and Training Board and from Mr. Rodriguez, who represented himself. Ms. Weisz made a motion to accept the Administrative Law Judge's Findings of Fact and Conclusions of Law. The motion was seconded by Ms. Kelly and passed unanimously. Professor Robinson made a motion to revoke Mr. Rodriguez's peace officer certification. The motion was seconded by Chief Vasquez and passed with one nay vote recorded for Ms. Weisz.

2. 2018-135 – Herlen Yeomans – Colorado River Indian Tribe Police Department

Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Assistant Attorney General Gino Duran, who provided a brief overview of the proposed Motion for Review and Mr. Edmundo Robaina, attorney representing Mr. Yeomans. After review of the proposed motion, consideration of arguments made by the parties, including follow-up questions, and deliberation by the Board, Colonel Silbert made a

motion to deny the Motion for Review because it fails to meet the Board's requirements for review. The motion was seconded by Professor Robinson and passed unanimously.

Chief Williams left the meeting at this time

3. 2021-186 – Darrick A. Hughes – Phoenix Police Department

The Board considered comments from Assistant Attorney General Gino Duran, who provided a brief overview of the proposed consent agreement. Ms. Kelly made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Hughes' peace officer certification. The suspension shall be in effect beginning August 3, 2021, and ending August 3, 2022. The motion was seconded by Colonel Silbert and passed unanimously.

4. 2020-158 – Carlos F. Castaneda-Noriega – Tucson Police Department

The Board considered comments from Assistant Attorney General Gino Duran, who provided a brief overview of the proposed consent agreement. Professor Robinson made a motion to accept the proposed consent agreement for a 36-month suspension of Mr. Castaneda-Noriega's peace officer certification. The suspension shall be in effect beginning September 8, 2020, and ending September 9, 2023, at which time his certification will lapse. The motion was seconded by Chief Vasquez and passed unanimously.

5. 2020-113 – Ryan J. Starbuck – Tucson Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Deputy Director Profiri made a motion to accept the proposed consent agreement for a 36-month suspension of Mr. Starbuck's peace officer certification. The suspension shall be in effect beginning June 18, 2020, and ending June 19, 2023, at which time his certification will lapse. The motion was seconded by Ms. Weisz and passed with one nay vote recorded for Colonel Silbert.

6. 2021-064 – John L. Santiago – Mesa Police Department

Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Professor Robinson made a motion to accept the proposed consent agreement for a 100-hour suspension of Mr. Santiago's peace officer certification. The suspension shall be in effect beginning February 1, 2022, and ending February 10, 2022. The motion was seconded by Colonel Silbert and passed unanimously.

7. 2021-140 – Kyle J. Bradshaw – Avondale Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Kathryn Baillie, Mr. Bradshaw's attorney, was available if the Board had any questions. Chief Vasquez made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Bradshaw's peace officer certification. The suspension shall be in effect beginning August 2, 2021, and ending February 2, 2023. The motion was seconded by Professor Robinson and passed unanimously.

8. 2020-121 – Edward J. Cullen – AZ Department of Public Safety
Colonel Silbert recused himself from this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Chief Vasquez made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Cullen’s peace officer certification for 12 months, beginning January 19, 2022, and ending January 19, 2023. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.
9. 2021-200 – Michael J. Langley – Maricopa Community College District DPS
The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Professor Robinson made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Langley’s peace officer certification for 18 months, beginning October 29, 2021, and ending April 29, 2023. The motion was seconded by Ms. Kelly and passed unanimously.
10. 2021-230 – Zachery D. Schirato – Mesa Police Department
The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Ms. Kelly made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Schirato. The motion was seconded by Professor Robinson and passed unanimously.

K. New Charging Cases:

1. 2021-194 – Paul D. South – South Tucson Department of Public Safety
The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings against Mr. South’s peace officer certification. The motion was seconded by Deputy Director Profiri and passed unanimously.
2. 2021-178 – Sergio Anaya – Gilbert Police Department
The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings to deny peace officer certification to Mr. Anaya. The motion was seconded by Ms. Weisz and passed unanimously.
3. 2020-124 – Vincent O. Carpenter – Chandler Police Department
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case; a short video was also presented. Professor Robinson made a motion to Initiate Proceedings against Mr. Carpenter’s peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed with two nay votes recorded for Sheriff Dannels and Colonel Silbert.
4. 2021-215 – Harvey A. Callaway – Tucson Police Department
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Callaway’s peace officer certification. The motion was seconded by Colonel Silbert and passed unanimously.

5. 2021-231 – Keith A. Miranda – Tucson Police Department
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Ms. Weisz made a motion to close this case with No Action. The motion was seconded by Colonel Silbert and passed unanimously.
6. 2021-216 – Adam C. Shoun – Tucson Police Department
This case was tabled.
7. 2021-238 – Malcolm S. Buckner – Phoenix Police Department
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Buckner’s peace officer certification. The motion was seconded by Detective Cook and passed unanimously.
8. 2021-209 – Cody D. Molzan – Yavapai County Sheriff’s Office
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Ms. Kelly made a motion to Initiate Proceedings against Mr. Molzan’ peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.
9. 2021-196 – Jonathan Portillo-Chavez – Phoenix Police Department
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Colonel Silbert made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Chief Vasquez and passed unanimously.
10. 2022-001 – Danny F. Rubio – Phoenix Police Department
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings against Mr. Rubio’s peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.
11. 2021-243 – Michael Carbajal – AZ Department of Public Safety
Colonel Silbert recused himself from this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Rubio’s peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.
12. 2021-059 – Timothy A. Curtis – AZ Department of Public Safety
Colonel Silbert recused himself from this case. The Board considered comments from Compliance Specialist Robin MacIntire, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings to deny peace officer certification to Mr. Curtis. The motion was seconded by Ms. Weisz and passed unanimously.
13. 2021-106 – Roberto Reyes Jr. – El Mirage Police Department
This case was tabled.

14. 2020-052 – Dominick A. Horn – La Paz County Sheriff's Office

The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Ms. Kelly made a motion to Initiate Proceedings to deny peace officer certification to Mr. Horn. The motion was seconded by Professor Robinson and passed unanimously.

15. 2021-070 – Joseph C. Pacello – Goodyear Police Department

The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings against Mr. Pacello's peace officer certification. The motion was seconded by Detective Cook and passed unanimously.

L. Future Agenda Items

Discussion whether to have a July meeting will be placed on next month's agenda.

M. Adjournment

The meeting was adjourned at 1:22 p.m.