



# *Arizona Peace Officer Standards and Training Board*

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

## **MINUTES OF THE SEPTEMBER 18, 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 September 18, 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  
Detective Benjamin Cook, Pinal County Sheriff's Office  
Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office  
Lt. Colonel Ken Hunter, representing Colonel Jeff Glover, Arizona Department of Public Safety  
Chief Araceli Juarez, Somerton Police Department  
Division Chief Bill Mundell, representing Attorney General Kris Mayes, Arizona Attorney General's Office  
Inspector General John Barcello, representing Director Ryan Thornell, Arizona Department of Corrections Rehabilitation & Reentry

### Members Present (via online video/telephone conferencing):

Detective Joseph Krajcer, Tempe Police Department  
Mr. Randy Schoch, Public Member

### Members Absent:

Chief Ken Cost, Mesa Police Department  
Professor Kevin Robinson, Arizona State University  
Sheriff Doug Schuster, Mohave County Sheriff's Office  
Ms. Leesa B. Weisz, Public Member

### Staff in Attendance (in person):

Matt Giordano, Executive Director  
Michele Blanco, Compliance Specialist  
Richard Bradshaw, Compliance Specialist  
William Caldwell, Compliance Specialist  
Marissa Escandon, Administrative Assistant  
Mike Giammarino, Compliance Manager  
Alfred Grijalva, Compliance Specialist  
Arlene Heckel, Compliance Specialist  
Mark Post, Compliance Manager  
Mike Rodriguez, Training Specialist  
Sandy Sierra, Executive Assistant  
Mike Thorley, Compliance Specialist

Dave Toporek, Compliance Specialist  
Rick VanKeuren, Training Specialist  
Lori Wait, Basic Training Manager  
Dale Wyman, AZPOST Specialist

Legal Counsel:

Mark Brachtl, Assistant Attorney General  
Joe Dylo, Assistant Attorney General  
Ben Norris, Independent Legal Advisor

A. Call to Order

Chairman Dannels called the meeting to order at 10:02 a.m. and asked Lt. Colonel Hunter to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

*Matt Giordano, Executive Director*

- Two new Board members have been appointed. Chief Araceli Juarez is the chief of the Somerton Police Department and was appointed to fill the small city chief position. Chief Ken Cost is the chief of the Mesa Police Department and was appointed to fill the large city chief position. Chief Cost is not available for today's meeting due to a prior scheduled vacation. Chief Juarez is at today's meeting and introduced herself. We are extremely happy to have both of them on the Board. This is the first time we have had a complete 13-member Board since August 2022.
- Roll-call was taken. Nine Board members are present; seven are here in person and two are participating via telephone/video conferencing. Ms. Weisz, Chief Cost, Sheriff Schuster and Professor Robinson are absent.
- Assistant Attorney General Ben Norris is our Independent Legal Advisor for all final action cases.
- New charging case 2024-186 Michael J. Fernandez will be tabled and presented at a future meeting.

C. Executive Director's Report

*Matt Giordano, Executive Director*

- We have discovered that some of the academies are having issues with their POPAT courses and some of those courses are out of compliance. The Basic Training Unit will be traveling around the state to each of our 17 academies and before the start of a new academy class, they will inspect the POPAT course, driving track and firearms range to ensure nothing has changed and everything is in compliance. This is a huge undertaking, but something that is very much needed.
- Starting in January 2025, the Front Line Leadership Class will be condensed from a four day class to a three day class. Having employees attend one less day will be very beneficial to the agencies, and will also allow us to provide more classes in a year.
- Building maintenance issues are an ongoing undertaking. All the trees in the front of the building will be removed next week. Due to the extreme heat in 2023, and this year as well, all these trees died. We also have 24 air conditioning units that need constant maintenance. Dale Wyman, who handles our facility, is doing a great job of keeping up with all the building maintenance issues.

- The number of administrative hearing requests continues to grow. Since we have two attorneys assigned to us, our goal for 2025 is to schedule one hearing every month. Each attorney will conduct one hearing every other month. Our hope is to reduce the list of hearings that we have and not let the officers languish two or three years waiting for a hearing.
- Attended the following meetings the past month: PANT Meeting in Cottonwood, Joint East/West Valley Chief's Meeting in Scottsdale; AACOP Conference in Maricopa; and also sit on the Child Fatality Review Board and the Constable Board.

#### D. Consent Agenda

Division Chief Mundell made a motion to accept the Consent Agenda. The motion was seconded by Inspector General Barcello and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on August 21, 2024.
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. 2024-021 | Christopher L. Malast   | Tempe Police Department                   |
| 2. 2024-140 | Benigno M. Castro       | Tucson Police Department                  |
| 3. 2024-203 | Jon L. Wright           | Yavapai-Prescott Indian Police Department |
| 4. 2024-204 | Brendan J. Kudla        | Maricopa County Sheriff's Office          |
| 5. 2024-209 | Christopher S. Anderson | Chandler Police Department                |
| 6. 2024-211 | Clark D. Metheny        | Phoenix Police Department                 |

3. Petitions for Waiver pursuant to R13-4-105(C). The Applicant's only disqualifying conduct is legally consuming marijuana more than six months, but within two years of appointment, in violation of R13-4-105(A)(10):

- |                                |  |
|--------------------------------|--|
| 1. Applicant Cynthia M. Lopez  | AZ Dept. of Corrections Rehabilitation & Reentry |
| 2. Applicant Kristen Kesse     | Gila County Sheriff's Office                     |
| 3. Applicant William Ungor Jr. | Maricopa County Sheriff's Office                 |
| 4. Applicant Jaylen DeCoteau   | Pima County Sheriff's Department                 |
| 5. Applicant Hemery Pamboud    | Pima County Sheriff's Department                 |
| 6. Applicant Brandon Sanchez   | Pima County Sheriff's Department                 |
| 7. Applicant Kylii Arellano    | Tolleson Police Department                       |
| 8. Applicant Deven Vigueria    | Wickenburg Police Department                     |

- E. Review, Discussion and Possible Action on a Petition from the Tempe Police Department pursuant to A.A.C. R13-4-105(C) for Applicant Nicholas Mowka.

*Detective Krajcer recused himself from this case.*

Assistant Attorney General Mark Brachtl addressed the Board regarding a Tempe Police Department petition for Applicant Nicholas Mowka. Applicant Mowka, during the hiring process, disclosed that in 2015, he used cocaine two times. Per AZPOST rules, this is a disqualifying conduct. Assistant Chief Dan O’Neil, Tempe Police Department, addressed the Board to request that the petition be granted. Applicant Nicholas Mowka also addressed the Board.

Detective Cook made a motion that based upon the petition submitted by the Tempe Police Department and pursuant to A.A.C. R13-4-105(C), the Board grant the petition for waiver on Applicant Nicholas Mowka. The motion was seconded by Division Chief Mundell and passed unanimously.

F. Review, Discussion and Possible Action on a Petition from the Casa Grande Police Department pursuant to A.A.C. R13-4-105(C) for Applicant Joshua Auer.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Casa Grande Police Department petition for Applicant Joshua Auer. Applicant Auer, during the hiring process, disclosed he consumed dangerous drugs, hallucinogens and other narcotics prior to turning 19 years of age, from December 2000 to September 2002. Per AZPOST rules, this is a disqualifying conduct. Chief Mark McCrory, Casa Grande Police Department, addressed the Board to request that the petition be granted. Applicant Joshua Auer also addressed the Board.

Following discussion regarding AZPOST rules pertaining to consumption of dangerous drugs, hallucinogens and narcotics, Inspector General Barcello made a motion that based upon the petition submitted by the Casa Grande Police Department and pursuant to A.A.C. R13-4-105(C), the Board grant the petition for waiver on Applicant Joshua Auer. The motion was seconded by Mr. Schoch and passed with two nay votes recorded for Sheriff Dannels and Lt. Colonel Hunter.

G. Review, Discussion and Possible Action on the AZPOST Administrative Rules in Title 13 Public Safety Chapter 4 as listed in the Notice of Proposed Rulemaking (NPO).

Executive Director Matt Giordano provided a brief description of the proposed rule changes. This is a very long and tedious process and he thanked Compliance Manager Mike Giammarino for his assistance with this project.

Some of the highpoints of the proposed changes are:

- Clarifies the difference between inactive certification and lapsed certification;
- Deletes the definition of illegal because the word is used in the rules consistent with its ordinary dictionary meaning;
- Clarifies that the comprehensive examination is no longer a final examination;
- Indicates all forms of marijuana are treated the same when evaluating an individual’s use;
- Indicates all forms of dangerous drugs and narcotics are treated the same when evaluating an individual’s use;
- Indicates all forms of steroids are treated the same when evaluating an individual’s use;
- Reduces from two years to six months the look-back period for pre-employment marijuana use;

- Reduces from 10 years to five years the look-back period for matters considered juvenile indiscretion;
- Requires an individual seeking appointment to provide a copy of the individual's driver license;
- Increases the number of years for which information regarding previous employers, schools, and residences must be provided;
- Deletes the requirement that a pre-appointment medical examination be provided by a Board-trained physician;
- Deletes the requirement that a signed copy of the Code of Ethics be maintained in each individual's record, information is provided electronically
- Adds an immersive training requirement to the full-authority peace officer basic training course;
- Clarifies that a peace officer whose certification status is not active may serve as a specialist instructor;
- Requires a student to make up all missed hours of training before graduating from the Board-approved full-authority peace officer basic training course; and
- Adds active assailant response to the topics required in the Board-approved full-authority peace officer basic training course.

In **Article 2** of this rulemaking, the Board:

- Corrects the name of the Department;
- Deletes the juvenile indiscretion determination for admission to the academy;
- Deletes the requirement that an academy applicant provide personal references;
- Deletes reporting requirement;
- Deletes the requirement that specialized training for instructors be approved by the Board; and
- Deletes the requirement that lesson plans be annually reviewed.

Lt. Colonel Hunter made motion to adopt the proposed administrative rules in Title 13 Chapter 4 as listed in the Notice of Proposed Rulemaking. The motion was seconded by Inspector General Barcello and passed unanimously.

Lt. Colonel Hunter made a motion that the Board proceed with the process of amending its rules by filing the Notice of Proposed Rulemaking, as adopted by the Board, with the Office of the Secretary of State. The motion was seconded by Inspector General Barcello and passed unanimously.

#### H. Final Action Cases:

1. 2023-214 – Price A. D'Antonio – Payson Police Department

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. D'Antonio was not present.

Lt. Colonel Hunter made a motion to accept the Administrative Law Judge's Findings of Fact and Conclusions of Law. The motion was seconded by Division Chief Mundell and passed unanimously.

Assistant Attorney General Joe Dylo discussed staff's recommendation regarding discipline.

Detective Cook made a motion to temporarily deny peace officer certification to Mr. D'Antonio for 24 months, beginning October 31, 2023, and ending October 31, 2025; after which he may be eligible to reapply for certified status. The motion was seconded by Division Chief Mundell and passed unanimously.

2. 2022-230 – Lee J. Azurin – Mammoth 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. Mr. Azurin was not present. Inspector General Barcello made a motion to accept the proposed consent agreement for a 24-month suspension of Mr. Azurin's peace officer certification. The suspension shall be in effect beginning July 20, 2022, and ending July 20, 2024. The motion was seconded by Lt. Colonel Hunter and passed unanimously.

3. 2024-022 – JayQuinn D. Brown – AZ Department of Public Safety

*Lt. Colonel Hunter recused himself from this case.* The Board considered comments from Assistant Attorney General Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Mr. Brown was not present. Inspector General Barcello made a motion to accept the proposed consent agreement for a 24-month temporary denial of peace officer certification for Mr. Brown, beginning November 22, 2023, and ending November 22, 2025; after which he may be eligible to reapply for certified status. The motion was seconded by Division Chief Mundell and passed unanimously.

4. 2024-175 – Kyle S. Rose – Maricopa County Sheriff's Office

The Board considered comments from Assistant Attorney General Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Mr. Rose was not present. Detective Cook made a motion to accept the proposed consent agreement for a 12-month temporary denial of peace officer certification for Mr. Rose, beginning June 28, 2024, and ending June 28, 2025; after which he may be eligible to reapply for certified status. The motion was seconded by Inspector General Barcello and passed unanimously.

I. New Charging Cases:

1. 2024-041 – Mercedes A. Hernandez – Apache Junction Police Department

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

2. 2024-008 – Adam Shipley – Tempe 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. Shipley’s peace officer certification. The motion was seconded by Division Chief Mundell and passed unanimously.

3. 2024-186 – Michael J. Fernandez – Phoenix Police Department

This case was tabled.

4. 2023-217 – Robert V. Villescaz Jr. – Quartzsite Police Department

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

J. Future Agenda Items

Executive Director Giordano stated he would like to discuss integrity and pre-Garrity dishonesty and would like to place this discussion on the October agenda. All Board members were in agreement to place this on next month’s agenda.

K. Adjournment

The meeting was adjourned at 11:10 a.m.