

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
FEBRUARY 16, 2011
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on February 16, 2011, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Sheriff John Armer
Detective Lee Ann Dobbertin
Chief Patricia Huntsman
Chief Kevin Kotsur
Mr. Gerald Richard, representing Attorney General Tom Horne
Director Charles Ryan
Director Jerry Sheridan
Sergeant Robert Thompson
Deputy Director Dennis Young, representing Director Bobby Halliday

Members Absent:

Dr. Scott Decker
Ms. Wendy Larsen
Sheriff Tom Sheahan

Staff in Attendance:

Harry Atkins
Ted Brandon
Dan Ciernia
Jim DeLung
Marie Dryer
Faith Fennell
Rosalee Fitch
Jon Heiden
Debbie Howard
Bob Irish
Lori Ketron
Lynn Larson
Gary Maschner
Curt Milam
Paul Orfe
Sandy Sierra
Chester Szoltysik
Rick Watling
Maria Wheaton
Don Yennie

Assistant Attorney General
Nancy Beck
Diana Stabler

A. Call to Order

Chairman Duarte called the meeting to order at 9:02 a.m.

B. Introductions, Presentations and Announcements

Assistant Attorney General Diana Stabler informed the Board that Executive Director Lyle Mann would not be at today's meeting due to being at the Legislature to testify on two bills being presented today. She updated the Board on last month's revenues and informed the Board that former Board member Pat Spence, who sat on the Board from 1994-1999, passed away and provided information on the services.

C. Legislative Issues Directly Involving AZ POST – HB 2613

Mr. Richard recused himself from participation in this matter.

Assistant Attorney General Diana Stabler informed the Board that the Phoenix Law Enforcement Association (PLEA), through its associate organization, the Arizona Police Association (APA) had House Bill 2613 drafted. House Bill 2613 would amend ARS 41-1828.01 to allow the "president or chief executive officer of any agency recognized law enforcement employee association within a law enforcement agency that represents the interests of peace officers" to report to the board any peace officer misconduct, in violation of the rules. She requested the Board review House Bill 2613 and provide staff with direction on how it wants to proceed.

Sheriff Armer made a motion to oppose House Bill 2613, seconded by Chief Huntsman, motion carried unanimously.

Director Sheridan made a motion to direct Executive Director Mann to invite any employee organization that wishes to address the Board regarding any issues or concerns it may have, to a Board meeting to discuss these issues, seconded by Chief Kotsur, motion carried unanimously.

D. Proposed New Firearms Qualification Courses

A Firearms Qualification Committee was formed to begin reevaluating the 50-Shot Daytime Firearms Qualification Course described in AZ POST Rule R13-4-116(E) which has been in use for over twenty (20) years and originally designed for use with a revolver. As a result, it was learned that the vast majority of officers are armed with semi-automatic pistols.

Training Specialist Harry Atkins addressed the Board to update the Board on the proposed new courses. The presentation was for informational purposes only. There is a meeting scheduled on March 10, 2011, for all agency heads, training coordinators and subject matter experts, to discuss the proposed new course. All recommendations are welcomed and will be reviewed and considered by the committee for incorporation into

the draft course. An update or a draft for Board consideration will be presented to the Board at the April meeting.

Chief Kotsur made a motion to accept the recommendation to hold a meeting for further review of the proposed new courses, seconded by Chief Huntsman, motion carried unanimously.

E. Chandler Police Department Petition on Behalf of Brian Wagner

The Chandler Police Department petitioned the Board to determine that the sale of marijuana by Brian Wagner at the age of sixteen was juvenile indiscretion.

Mr. Richard made a motion to grant the petition for a determination that the two marijuana sales transactions by Brian Wagner constitute juvenile indiscretion, seconded by Director Sheridan, motion carried unanimously.

F. Final Action Cases:

Case #1 – Jeffrey W. Avery - Eloy Police Department

The Board considered comments from Compliance Manager Bob Irish. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Detective Dobbertin, motion carried unanimously.

Case #2 – Kyle Q. Nisson - AZ Department of Transportation - MVD

The Board considered comments from Compliance Manager Bob Irish. Sheriff Armer made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Sheridan, motion carried unanimously.

Case #3 – Frank A. Fitts – Wellton Police Department

The Board considered comments from Compliance Manager Bob Irish. Director Sheridan made a motion to dismiss the complaint and close this case, seconded by Mr. Richard, motion carried unanimously.

G. New Charging Cases:

Case #1 – Timothy G. Barber - Navajo Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Director Sheridan made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Kotsur, motion carried unanimously.

Case #2 – Shawn C. Bodie - Apache County Sheriff's Office

The Board considered comments from Compliance Specialist Ted Brandon. Director Sheridan made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Kotsur, motion carried unanimously.

Case #3 – Carrisse I. Nez - Apache County Sheriff's Office

The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Armer made a motion to close this case with ***No Action with Agency Discretion***, seconded by Detective Dobbertin, motion carried unanimously.

Case #4 – Latroy D. Campbell - Goodyear Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Richard made a motion to **Initiate Proceedings**, seconded by Chief Kotsur, motion carried unanimously.

Case #5 – Wayne P. Crum - Safford Police Department

Chief Kotsur recused himself from this case. The Board considered comments from Compliance Specialist Gary Maschner. Sheriff Armer made a motion to **Initiate Proceedings**, seconded by Mr. Richard, motion carried unanimously.

Case #6 – David French - Tempe Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Mr. Richard made a motion to **Initiate Proceedings**, seconded by Director Sheridan, motion carried unanimously.

Case #7 – William E. Gatewood - Maricopa County Sheriff's Office

Director Sheridan recused himself from this case. The Board considered comments from Compliance Specialist Gary Maschner. Mr. Richard made a motion to **Initiate Proceedings**, seconded by Chief Kotsur, motion carried unanimously.

Case #8 - Darrin L. Harper - Cottonwood Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Mr. Richard made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #9 - Jacinta A. Rivera - Phoenix Police Department

The Board considered comments from Compliance Specialist Curt Milam. Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Detective Dobbertin, motion carried unanimously.

Case #10 - Joshua E. Samuelson - Flagstaff Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Mr. Richard made a motion to **Initiate Proceedings**, seconded by Sheriff Armer, motion carried unanimously.

Case #11 - Casey L. Shook - Buckeye Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Mr. Richard made a motion to **Initiate Proceedings**, seconded by Chief Kotsur, motion carried unanimously.

Case #12 - Paul D. South III - Tohono O'Odham Police Department

Mr. Duarte recused himself from this case. Director Sheridan was acting Chair for this case. The Board considered comments from Compliance Specialist Curt Milam. Mr. Richard made a motion to close this case with **No Action**, seconded by Chief Kotsur, motion carried unanimously.

Case #13 - Anthony J. Vann - Navajo Police Department

Mr. Duarte recused himself from this case. Director Sheridan was acting Chair for this case. The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Armer made a motion to close this case with ***No Action with Agency Discretion***, seconded by Mr. Richard, motion carried unanimously.

H. Adjourn

Chairman Duarte adjourned the meeting at 10:57 a.m.