



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING DECEMBER 19, 2012 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on December 19, 2012, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff John Armer, Chairman
Sergeant Chris Andreacola
Mr. David Brown
Chief Steven Campbell
Mr. H. Jeffrey Coker
Chief Kevin Kotsur
Sheriff Scott Mascher
Ms. Leesa Morrison representing Attorney General Tom Horne
Deputy Anthony Nelson
Director Charles Ryan
Professor Cornel Stemley
Deputy Director Dennis Young, representing Director Bobby Halliday

Members Absent:

Detention Director Mike Olson

Staff in Attendance:

Ted Brandon
Dan Ciernia
Jim DeLung
Mike Deltenre
Marie Dryer
Bob Irish
Steve Jacobs
Lori Ketron
Jeff Kirkham
Lyle Mann
Gary Maschner
Paul Orfe
Sandy Sierra
Chester Szoltysik
Don Yennie

Assistant Attorney General
Diana Stabler
Nancy Beck

A. CALL TO ORDER

Chairman Armer called the meeting to order at 10:00 a.m.

B. Introductions, Presentations and Announcements

Executive Director Lyle Mann introduced new Board member Jeffrey Coker; he replaces Wendy Larsen as one of the two public members on the Board. He also presented a plaque to Joe Duarte from the Federal Public Defender's Office for his years of service on the POST Board. Mr. Duarte was a POST Board member from 2004 to 2012. He also sat as Board chairman from 2008 to 2012.

C. Legislative Update

Executive Director Mann stated that the Arizona Confederation of Motorcycle Clubs will be running legislation mandating and/or requiring some level of training for police officers when dealing with motorcycle riders; he will monitor this legislation. He also stated the officer's associations are focusing on 38-1101 which deals with the disciplinary process for officers.

D. Tucson Police Department Petition on Behalf of Applicant Crystal J. Morales

The Tucson Police Department petitioned the Board to determine that the pre-employment drug usage by Crystal J. Morales was experimental.

Sheriff Mascher made a motion to grant the petition for a determination that the pre-employment marijuana use by Crystal J. Morales was experimental, seconded by Professor Stemley, motion carried unanimously.

E. Final Action Cases:

Case #1 – Wayne A. Lesperance – Winslow Police Department

The Board considered comments from Assistant A.G. Diana Stabler and Wayne Lesperance. Ms. Morrison made a motion to adopt the Consent Agreement, Decision and Order and impose a 6-month suspension of peace officer certification beginning on December 19, 2012, and ending on June 19, 2013, seconded by Sheriff Mascher, motion carried with one nay vote.

Case #2 – Jennifer Zwak – Prescott Valley Police Department

The Board considered comments from Assistant A.G. Diana Stabler and Jennifer Zwak made herself available for questions.. Deputy Nelson made a motion to adopt the Consent Agreement, Decision and Order and impose a 6-month suspension of peace

officer certification beginning on December 7, 2011, and ending on June 6, 2012, seconded by Professor Stemley, motion carried unanimously.

Case #3 – Todd R. Duthie – Mesa Police Department

The Board considered comments from Program Manager Bob Irish. Chief Campbell made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Nelson, motion carried unanimously.

Case #4 – Bracken G. Sevey – Maricopa County Sheriff's Office

The Board considered comments from Program Manager Bob Irish. Ms. Morrison made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Professor Stemley, motion carried unanimously.

Case #5 – Robb G. Evans – AZ Department of Public Safety

Deputy Director Young and Mr. Coker recused themselves from this case. The Board considered comments from Program Manager Bob Irish. Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sgt. Andreacola, motion carried unanimously.

F. New Charging Cases:

Case #1 – David E. Allen – Graham County Sheriff's Office

The Board considered comments from Compliance Specialist Jeff Kirkham. Deputy Director Young made a motion to **Initiate Proceedings**, seconded by Mr. Brown, motion carried unanimously.

Case #2 – Robert L. Andazola – Mesa Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Ms. Morrison made a motion to close this case with **No Action**, seconded by Chief Campbell, motion carried unanimously.

Case #3 – Brian K. Andrews – Camp Verde Marshal's Office

Sheriff Mascher and Deputy Director Young recused themselves from this case. The Board considered comments from Compliance Specialist Gary Maschner. Chief Campbell made a motion to close this case with **No Action**, seconded by Mr. Brown, motion carried unanimously.

Case #4 – Travis W. Todd – Camp Verde Marshal's Office

Deputy Director Young recused himself from this case. The Board considered comments from Compliance Specialist Gary Maschner. Deputy Nelson made a motion to close this case with **No Action**, seconded by Director Ryan, motion carried unanimously.

Case #5 – Anthony L. Baca – Maricopa County Attorney's Office

Ms. Morrison and Deputy Director Young recused themselves from this case. The Board considered comments from Compliance Specialist Jeff Kirkham. Chief Campbell made a

motion to ***Initiate Proceedings*** and to include rule violations R13-4-109(A)(8 and 9), seconded by Director Ryan, motion carried unanimously.

Case #6 – Jack D. Mitchell – Maricopa County Attorney’s Office

Ms. Morrison and Deputy Director Young recused themselves from this case. The Board considered comments from Compliance Specialist Jeff Kirkham. Deputy Nelson made a motion to ***Initiate Proceedings*** and to include rule violations R13-4-109(A)(8 and 9), seconded by Director Ryan, motion carried unanimously.

Case #7 – David H. Barnes – Phoenix Police Department

Ms. Morrison and Chief Campbell recused themselves from this case. The Board considered comments from Compliance Specialist Steve Jacobs. Deputy Director Young motion to ***Initiate Proceedings***, seconded by Deputy Nelson, motion carried unanimously.

Case #8 – Dwayne Billsie – Navajo Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Chief Kotsur made a motion to ***Initiate Proceedings*** and to include rule violations R13-4-109(A)(8 and 9), seconded by Director Ryan, motion carried with 5 nay votes.

Case #9 – Loren M. Chavez – Prescott Valley Police Department

Sheriff Mascher recused himself from this case. The Board considered comments from Compliance Specialist Jeff Kirkham. Deputy Nelson made a motion to ***Initiate Proceedings***, seconded by Chief Campbell, motion carried unanimously.

Case #10 – Fidel Florez – Tucson Police Department

Sgt. Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre. Professor Stemley made a motion to ***Initiate Proceedings***, seconded by Sheriff Mascher, motion carried unanimously.

Case #11 – Joseph R. Kirby – Buckeye Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Deputy Director Young made a motion to ***Initiate Proceedings***, seconded by Mr. Brown, motion carried unanimously.

Case #12 – Matthew F. Manzano – Goodyear Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Chief Campbell made a motion to ***Initiate Proceedings***, seconded by Ms. Morrison, motion carried unanimously.

Case #13 – Mark H. Petersen – Coolidge Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Sheriff Mascher made a motion to **Initiate Proceedings**, seconded by Chief Kotsur, motion carried unanimously.

Case #14 – Hans J. Schramm – Gilbert Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Deputy Nelson made a motion to **Initiate Proceedings**, seconded by Director Ryan, motion carried unanimously.

Case #15 – Ole J. Thomsen – Yavapai County Sheriff's Office

Sheriff Mascher recused himself from this case. The Board considered comments from Compliance Specialist Jeff Kirkham. Deputy Director Young motion to **Initiate Proceedings**, seconded by Chief Campbell, motion carried unanimously.

The following six cases all relate to the Quartzsite Police Department. Executive Director Mann acknowledged Compliance Specialist Paul Orfe and the Arizona Department of Public Safety for their hard work and support in completing the investigations on these cases.

Case #16 – Heriberto Dominguez – Quartzsite Police Department

Ms. Morrison, Deputy Nelson and Deputy Director Young recused themselves from this case. The Board considered comments from Compliance Specialist Paul Orfe. Chief Campbell motion to close this case with **No Action**, seconded by Sheriff Mascher, motion carried unanimously.

Case #17 – Stephen E. Frakes – Quartzsite Police Department

Ms. Morrison, Deputy Nelson and Deputy Director Young recused themselves from this case. The Board considered comments from Compliance Specialist Paul Orfe. Sheriff Mascher motion to close this case with **No Action**, seconded by Professor Stemley, motion carried unanimously.

Case #18 – James C. Kemp – Quartzsite Police Department

Ms. Morrison, Deputy Nelson and Deputy Director Young recused themselves from this case. The Board considered comments from Compliance Specialist Paul Orfe. Professor Stemley motion to close this case with **No Action**, seconded by Mr. Coker, motion carried unanimously.

Case #19 – Michelle L. Norris – Quartzsite Police Department

Ms. Morrison, Deputy Nelson and Deputy Director Young recused themselves from this case. The Board considered comments from Compliance Specialist Paul Orfe. Chief Kotsur motion to close this case with **No Action**, seconded by Sheriff Mascher, motion carried unanimously.

Case #20 – William A. Ponce – Quartzsite Police Department

Ms. Morrison, Deputy Nelson and Deputy Director Young recused themselves from this case. The Board considered comments from Compliance Specialist Paul Orfe. Sheriff Mascher motion to close this case with **No Action**, seconded by Chief Campbell, motion carried unanimously.

Case #21 – Herlen Yeomans – Quartzsite Police Department

Ms. Morrison, Deputy Nelson and Deputy Director Young recused themselves from this case. The Board considered comments from Compliance Specialist Paul Orfe. Sgt. Andreacola motion to close this case with **No Action**, seconded by Chief Kotsur, motion carried unanimously.

J. Adjourn

Chairman Armer adjourned the meeting at 11:44 a.m.