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**NEW MEXICO LAW ENFORCEMENT ACADEMY  
REGULAR BOARD MEETING AND PUBLIC HEARING**

Thursday, June 19, 2008  
9:03 a.m.  
201 Main Street  
Red River, New Mexico 67558

21

22

23 Reported By:

TANYA M.. NIMS, RPR, NM CCR #168

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1           A P P E A R A N C E S

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4           B O A R D M E M B E R S

5           James R. Coon  
6           Robert D. Force  
7           Arsenio Jones  
8           Bernardo Perez  
9           Ray Schultz  
10          Faron Segotta  
11          Jocelyn Torres

12  
13          A L S O P R E S E N T

14          Nan Erdman  
15          Ernest Holmes  
16          Matthew Jackson  
17          Arthur Ortiz  
18          Zachary Shandler  
19          Suzanne Vigil  
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1           ITEM #1: CALL TO ORDER

2           MS. TORRES: I'm calling the meeting to order for  
3 the New Mexico Law Enforcement Academy Regular Board  
4 Meeting, Thursday, June 19, 2008, commencing at 9:03 a.m.  
5 at Lifts West Condominium Resort Hotel, Red River, New  
6 Mexico. My name is Jocelyn Torres.

7           I'm the assistant attorney general, and I'm  
8 acting chair on behalf of the Attorney General Gary King.

9           ITEM #2: ROLL

10          MS. TORRES: And at this time I'd like to go  
11 ahead and take roll. Go ahead, Mr. Perez.

12          MR. PEREZ: Bernardo Perez, citizen at large.

13          MR. SEGOTTA: Faron Segotta, chief of state

14 police, present.

15          MR. FORCE: Robert Force, citizen at large.

16          MR. JONES: Arsenio Jones, line officer

17 representative, Eddy County Sheriff's Office.

18          MS. VIGIL: Suzanne Vigil, assistant to Director

19 Ortiz, Law Enforcement Academy.

20          MR. ORTIZ: Arthur Ortiz, Director, New Mexico

21 Law Enforcement Academy.

22 MR. COON: Rob Coon, sheriff's representative,

23 Chaves County.

24 MR. SHANDLER: Zach Shandler from the attorney

25 general's office and Board counsel.

1 MS. ERDMAN: Nan Erdman from the attorney  
2 general's office, administrative prosecutor.

3 MR. HOLMES: Ernest Holmes, investigator of the  
4 New Mexico Law Enforcement Academy Board.

5 MS. TORRES: I'd like to announce that we have  
6 two new board members and that they will be actually  
7 introduced to you by the Director Art Ortiz at a later  
8 time when he gives his director's report.

9 ITEM #3: APPROVAL OF AGENDA

10 MS. TORRES: Also I'd like to call for a motion  
11 to approve the agenda. Is there a motion to approve the  
12 agenda?

13 MR. SEGOTTA: So moved.

14 MR. FORCE: Second.

15 MS. TORRES: All right. So is there a vote?

16 Everybody approves the agenda?

17 THE BOARD: (Nodded.)

18 MS. TORRES: Okay. All right.

19 ITEM #4: APPROVAL OF MINUTES

20 MS. TORRES: And then is there a motion to  
21 approve the minutes from the March 27, 2008 meeting?

22 MR. PEREZ: So moved.

23 MS. TORRES: Is there a second?

24 MR. SEGOTTA: Second.

25 MS. TORRES: Are the minutes approved by the

1 Board? Aye and a nay. Aye?

2 THE BOARD: Aye.

3 MS. TORRES: Also we'll go ahead then and defer

4 to the director's report. Mr. Ortiz.

5 ITEM #5: DIRECTOR'S REPORT

6 MR. ORTIZ: Good morning, Madam Chair. Good

7 morning, Board Members, Ladies and Gentlemen in the

8 audience. Red River Marshal Jerry Hogrefe, I want to

9 thank you for hosting us in your beautiful city.

10 Before I start with the director's report, I

11 would like to introduce two new board members recently

12 appointed by Governor Richardson. Our new sheriff

13 representative is Sheriff Rob Coon from Chaves County, and

14 the line officer is Arsenio Jones from the Eddy County

15 Sheriff's Department.

16 I will begin with Sheriff Coon. I first met

17 Sheriff Coon 20 years ago when I was a recruit in the

18 State Police Academy. He was a great mentor at the

19 academy and a person with high regards and respect for.

20 Sheriff Coon has 35 years of law enforcement in

21 the state of New Mexico. He goes by Rob. He graduated

22 from the 31st State Police Academy in December 1973. His

23 first duty station was Alamogordo for 14 years.

24 In 1987 he was promoted to sergeant and was

25 assigned to Lordsburg and was there for one year. He was

1 transferred back to Roswell in 1988 and stayed there until  
2 promoted to lieutenant and sent to District 1 in Santa Fe  
3 in 1993.

4 He served one year at the District 1 and then was  
5 transferred to the State Police Academy, where he was in  
6 charge of state police inservice training.

7 He has been in or through every community in New  
8 Mexico except Clayton. And I know the chief of police  
9 from Clayton is here, so maybe he can give you a little  
10 tour of his town one of these days.

11 MR. COON: Oh, okay. Cool.

12 MR. ORTIZ: In 1995 he was transferred back to  
13 Roswell as district lieutenant and retired on  
14 December 31st, 1997. On August 1st, 1998, he was  
15 appointed chief deputy of the Chaves County Sheriff's  
16 Department by Sheriff Pat Jennings.

17 In 2006 he ran for sheriff and was elected by a  
18 70 split 30 vote. On January 1st, 2007 he was sworn in as  
19 sheriff of Chaves County. He is currently on the  
20 executive board of the New Mexico Gang and Terrorism Task  
21 Force and chairman of the Chaves County DWI Task Force.

22        He graduated from Gallup High School in 1968 and  
23 has a bachelor's degree in sociology from Eastern New  
24 Mexico University in Portales in 1972. He has been  
25 married to Pamela for 37 years, and she is a school



1 teacher in Roswell.

2 He has three grown children: Spencer, who lives  
3 in Scottsdale; Justin, who is a Roswell police officer;  
4 and a daughter, Courtney, who works for Wells Fargo in  
5 Albuquerque; and one beautiful granddaughter Mackenzie,  
6 seven years old.

7 At this time I would like to welcome Sheriff Coon  
8 to the Law Enforcement Academy Board, and we look forward  
9 to working with you.

10 And if you'd like to say a few words, Sheriff  
11 Coon.

12 MR. COON: It's just an honor to be here. I've  
13 been to these board meeting before, and it's an honor to  
14 be sitting up here amongst my peers. And I do bring 35  
15 years with me of law enforcement experience.

16 And like you said, I've been through every town  
17 in the state except Clayton, New Mexico. When I was with  
18 the state police, I did a lot of traveling within service  
19 schools; and I missed Clayton. I made it to Raton, made  
20 it to everywhere else, just missed Clayton.

21 So I think that's the only town I've never been

22 in in New Mexico. But thanks for the opportunity to be up

23 here.

24 MR. ORTIZ: Thank you. Okay.

25 (Mr. Schultz entered the board meeting.)

1 MR. ORTIZ: Next is -- good morning, Chief

2 Schultz. Welcome.

3 MR. SCHULTZ: Thank you, sir.

4 (Mr. Jackson entered the board meeting.)

5 MS. TORRES: As an amendment to the roll, Chief

6 Schultz just joined us. So I just want to note that for

7 the record. And also Matthew Jackson from the litigation

8 division of the attorney general's office has also joined

9 us. Thank you.

10 MR. ORTIZ: Thank you. Okay, next is Sergeant

11 Arsenio Jones. When Sergeant Jeff Remington from APD was

12 promoted, he had to resign his position as a line officer

13 on the board. So I was asking everyone I knew to give me

14 a recommendation.

15 And as I was asking numerous people around

16 Santa Fe, the name Arsenio Jones kept coming up. I

17 thought who is this Arsenio Jones? So I gave him a call

18 to see if he would be interested. And sure enough, he

19 said it would be an honor and a pleasure to serve.

20 I had some other persons interested as well, so I

21 set up some interviews. And right away I took to Sergeant

22 Jones, found that he's a very committed law enforcement  
23 officer. His packet was submitted to the governor's  
24 office, and I was pleased that Governor Richardson  
25 appointed Sergeant Jones.

1       Sergeant Jones was born in Taos, New Mexico to  
2 Wendell E. Jones and Roberta Gallegos-Jones. Growing up  
3 he lived in several small northern New Mexico towns to  
4 include Cerro, Questa, Española, and Taos. I don't know  
5 how he ended up in Carlsbad after being in this beautiful  
6 area.

7       MR. JONES: Where it's warm.

8       MR. ORTIZ: After completing high school, he  
9 enlisted in the military and served three and a half years  
10 of active duty and eight years reserve. After completing  
11 active duty time, he went to work in the oil fields. He  
12 worked there until he was hired by the Eddy County  
13 Juvenile Detention Center in Carlsbad.

14       He worked there for a year and a half and then  
15 was promoted to the Eddy County Sheriff's Office. At the  
16 sheriff's office, he was a deputy sheriff assigned to the  
17 Carlsbad area. He became a member of the department's  
18 tactical response team and field training officer program.

19       After six years of service as a deputy, he was  
20 promoted to the rank of sergeant and was assigned as a  
21 supervisor at the Artesia office.

22       He is married to Monica Martinez-Jones, who is a  
23 criminal agent with the New Mexico State Police. They  
24 have four beautiful children: Ryan, 11; Megan, 7; Aaron,  
25 5; and Peyton, 3. He loves to take his family camping and

1 enjoys playing golf, and he takes his kids with him most  
2 of the time for golf.

3 Does that mean you're a good golfer or are they  
4 out shagging the balls off the fairway?

5 MR. JONES: They are taking care of everything.

6 MR. ORTIZ: He also loves to fish and bird hunt.

7 At this time I would like to commend

8 Governor Richardson for two excellent choices with Sheriff

9 Coon and Sergeant Jones and welcome both of them to the

10 Law Enforcement Academy Board. We look forward to working

11 with both of you.

12 And, Sergeant Jones, at this time, if you would

13 like to say a few words.

14 MR. JONES: Just that I'm honored to be here and

15 I hope to do a good job for everybody..

16 MR. ORTIZ: At this time, I want to welcome you

17 both.

18 MR. COON: Thank you.

19 (Applause.)

20 MR. ORTIZ: Madam Chair, Board Members, the

21 director's report is in Tab 5 in your binder, which will

22 describe some of the activities at the Academy that have  
23 transpired since the March 27th meeting in Albuquerque.

24       And I would like to just highlight some of the  
25 items.



1 MS. TORRES: That's fine, yes.

2 MR. ORTIZ: First, the staff and I at the Law

3 Enforcement Academy want to express our condolences to the

4 New Mexico State Police and to the family of Lieutenant

5 Michael Avilucea for the tragic loss on May 29th of 2008.

6 We will keep Lieutenant Avilucea and his family in our

7 hearts and prayers and the state police as well.

8 MR. SEGOTTA: I appreciate that very much.

9 MR. ORTIZ: On May 21st, 2008 the New Mexico Law

10 Enforcement Officer Memorial was held in Santa Fe where

11 four officers were honored: Officer Chris Mirabal from

12 the state police and Germaine Casey from the department of

13 public safety with Rio Rancho. Both of those officers

14 were killed in 2008.

15 We also honored Officer Leonard Daniel from the

16 Eunice Police Department, who was killed in 1953. And

17 Gallup Police Sergeant Barney Montoya was also honored.

18 One of the new things we had at the Academy was a

19 Wall of Honor with the fallen officers' photographs.

20 There's 181 fallen officers in the state of New Mexico.

21 Right now we currently have 82 of those photographs up

22 with the oldest one dating back to 1897.

23       It was very touching to the families. They

24 enjoyed seeing the face of their loved one being honored.

25 So if you ever get a chance to stop by in Santa Fe, I

1 encourage you to stop and visit it. So, we're going to  
2 try and get them all.

3       Okay. On April 24th, 2008, we held our second  
4 bi-annual meeting of the Law Enforcement Academies, the  
5 satellite academies. We met in Hobbs, New Mexico with  
6 director August Fons. He was a gracious host.

7       The meeting was very productive as we exchanged  
8 ideas, and we got to tour the Hobbs Academy. And he is  
9 doing an outstanding job in Hobbs.

10       Some changes have taken place at the Law  
11 Enforcement Academy in Santa Fe with the resignation of  
12 Advanced Bureau Chief Scott Blackledge. Scott went on to  
13 take the position with the Albuquerque Police Department  
14 as a firearms instructor. And we wish Scott the very  
15 best. APD is getting a great firearms instructor.

16       Mark Shae, who is a bureau chief with the basic,  
17 has been reassigned to the advanced to replace Scott. And  
18 Brian Coss, who is present here today, has been assigned  
19 as the bureau chief of the basic bureau. And I'm looking  
20 forward. They are both doing a great job. And good  
21 things are going to happen.

22        We also hired a new instructor, Phillip Hill. He  
23 retired after 20 years of law enforcement in Alaska. He  
24 was at Juneau Police Department and the airport police in  
25 Anchorage. Mr. Hill obtained his master's police

1 certification, as well as instructor certification in  
2 numerous topics. And he brings a great deal of expertise  
3 and energy to the bureau..

4 Also we were able to obtain a fellow intern from  
5 the governor's office, Randy Pino; and she's working with  
6 us this summer as an intern receptionist. We welcome  
7 them.

8 Some concerns lately have -- well, there's been  
9 some concerns that I've heard from a lot of chiefs and  
10 sheriffs regarding the length of the academy. And we've  
11 been exploring that. And something we're exploring is  
12 right now we have 800 hours that are required.

13 And we're going to maintain those 800 hours, but  
14 what we're thinking of doing at the Law Enforcement  
15 Academy in Santa Fe is reducing it by four weeks. Instead  
16 of 20 weeks, we'll have it 16 weeks. And we can run three  
17 academies a year.

18 We'll go 16 weeks, two-week break, and 16 weeks.  
19 And that 160 hours they can do online before coming to the  
20 academy. So we've already been working with the Santa Fe  
21 Community College and some of the other satellite

22 academies at the colleges to see if we can develop the  
23 curriculum online where the officers can obtain and pass  
24 this. That way they are still out there in the field, and  
25 they'll be able to fill the needs of the agencies.

1       Once they complete that 160 hours, then they  
2 would do the physical fitness pretest. If they pass that,  
3 then they enter the academy, complete that 16 weeks. And  
4 then upon successful completion of the Law Enforcement  
5 Certification Examination, the LEOCE test, then they would  
6 obtain their certification and graduate.

7       The positive sides are we can reduce our  
8 classes. Instead of the two classes where we have about  
9 50 cadets, we can maybe have 30. And I think it would be  
10 better for the staff and better for the students. So I  
11 think that will be great, and it will have the officers  
12 out in the field.

13       On the negative side, the agencies would have to  
14 pick up their tuition for those 160 hours at the college  
15 online. That would be the agency's responsibility to pay  
16 the tuition.

17       So, something we're exploring. And during the  
18 public comments, if any of you have any input, we'd be  
19 pleased to hear it.

20       At this time, I'm going to go ahead and pass it  
21 over to our new bureau chief of the basic academy, Brian

22 Coss.

23 MR. COSS: You all have everything pretty well

24 laid out in front of you, as far as -- and I guess

25 formerly being with the advanced training bureau, I'll be



1 more than happy to answer those questions as well because  
2 I've been in this new position now for all of weeks. So  
3 anything on the advanced training side, I would be glad to  
4 ask -- answer those questions.

5 A pretty arduous schedule for that quarter in  
6 advanced training. We were able to accomplish about  
7 19-plus-thousand hours' worth of training for folks around  
8 the state of New Mexico. So pretty pleased by the --  
9 pretty pleased with the schedule.

10 You see the projects. You see the plans that  
11 are -- that are laid out. Some of these are being taken  
12 over by or being spearheaded by the advanced training  
13 bureau. Some are being kind of collectively between  
14 myself and Mr. Mark Shae.

15 Again, I'm trying to learn my new position. He's  
16 trying to learn a position that -- that I had to -- had a  
17 great deal to do with previously, so. Working pretty well  
18 together to try to accomplish those things.

19 As the director was talking about, we -- we are  
20 looking at some distance learning initiatives, be it for  
21 the biennium, those lecture based hours, being able to

22 maybe absorb some of those through a lecture based or

23 distance learning kind of a program. Via

24 telecommunicators is another possibility for their

25 inservice requirements as well.

1 And even looking at some collegiate based courses  
2 distance learning that will help officers obtain levels,  
3 such as moving towards their midmanagement or their --  
4 their executive level kind of programs.

5 Those particular programs will be a -- be a split  
6 kind of a program. There will be some that will be  
7 decentralized or distance learning based, and then there  
8 will be some that will be hands-on.

9 So there will have to be some stuff that they are  
10 doing online and then some stuff they actually come and  
11 spend X number of hours demonstrating these skills that --  
12 that they are trying to learn in the distance learning  
13 initiative.

14 I think that's -- you know, that's probably a  
15 pretty good way to be at least exploring these  
16 opportunities. Do we know it's -- it's the definitive  
17 answer? Well, I don't know yet until you really get in  
18 there and open up that dialogue and start exploring them.

19 And then we can find more -- as the director  
20 pointed out -- more of those pluses and minuses. I  
21 definitely think it's worth the effect of wandering down

22 that road and seeing if this is going to be effective or

23 not.

24 Little bit of an update on the -- on the numbers

25 here since this has printed. We've had a class 175. It's

1 listed there that you have five cadets that resigned.

2 That's seven now, so we're sitting at 45, okay?

3 One resigned after the last firearms

4 remediation. He just didn't feel like his skills were

5 able to be where they needed to be. And he felt like he

6 was letting all of you down. So he chose to step down,

7 even though we have still yet another opportunity to try

8 to remediate some more. He just didn't think he was quite

9 there yet.

10 And another one resigned with the agency. And so

11 all we got word was that he resigned over the weekend

12 coming back to us. So not really sure what all happened

13 there.

14 We're looking at about 19 known applications for

15 the next basic class, but there's many more in the works

16 that are in the hopper. And those all have to be in by

17 the 30th before the mandatory assessment..

18 A couple of the initiatives that we tried in this

19 particular go around was the defense -- defensive tactics

20 block was taught one day a week over sustained weeks,

21 rather than a two-week block of instruction.

22        That two-week block of instruction we're finding  
23 that that is a pretty arduous two weeks; and we're getting  
24 lots of not necessarily permanent or debilitating  
25 injuries, but lots of nagging injuries, little sore

1 shoulders, sore knees, sore ankles, those kinds of things.

2 On top of that for those of you guys who remember  
3 going through this stuff, when you -- you know, when you  
4 get an arm-bar takedown done on you a couple dozen times  
5 and then you've got to do it again, a feather could drop  
6 on your arm and you'd be screwing yourself into the  
7 ground. So it's kind of -- at some point it becomes kind  
8 of a moot point.

9 So a new program for us. This is the first one.  
10 I just did the test out yesterday, and it was great  
11 success. So the retention over the longer period of time  
12 I think was greater, the longer exposure to the mer- -- to  
13 the material over a protracted length of time. I think it  
14 was a wonderful thing.

15 Arduous for staff, no doubt. Bringing adjunct  
16 instructors together for two weeks, that's easy. Trying  
17 to get adjunct instructors to come in a day a week over  
18 many weeks, that's a little more harder task, but I -- I  
19 think it's more than worth the -- worth the -- worth the  
20 initiative.

21 A little bit of a change in the -- in the PT

22 program. And I -- and I say that kind of tongue-in-cheek.

23 There's a huge change in it. There's a lot more than just

24 going out and running. We've got huge broad range from

25 aerobics to swimming to strength training to Kettlebell



1 workouts and to include running.

2 We're -- I haven't crunched all the numbers yet;  
3 but best I can recall in my years here at the academy,  
4 we're probably as close to the top physical fitness level  
5 for this particular class than we've ever been.

6 Again, I haven't -- haven't crunched the numbers  
7 completely, but these folks are rocking. We've got folks  
8 that are graduating in the -- in the 98th percentile on  
9 the Cooper standards. So the program is -- is working.  
10 And that was the program that was derived by Deputy  
11 Director Gil Najar in conjunction with Albuquerque Police  
12 Department and Art Savedro (pronouncing). Is that close  
13 without totally hacking up his name?

14 So it's been a great program, and we've seen a  
15 great deal of success. We're also seeing that we're not  
16 getting all the shin splints and all the other things that  
17 you normally get by going out and pounding the ground for,  
18 you know, two or three miles everyday, five days a week.

19 Okay. Again, if there's any questions either on  
20 the advanced side or on the basic side, I will be glad to  
21 try to answer them to the best of my ability.

22 MR. COON: How do you stand on the court security

23 training right now?

24 MR. COSS: We -- we are moving forward with

25 that. The Bureau Chief Mark Shae, that is -- that is one

1 of the first things that he really started getting under  
2 his belt. Scott Blackledge had made it just a little bit,  
3 and then Mr. Shae was able to pick that up.

4       The curriculum was all but developed. And once  
5 that is finalized, then we're going to start moving  
6 forward with putting on some regional -- regional training  
7 classes, even looking at the potential of trying to come  
8 up with some trainer -- trainer type classes, so that it  
9 can kind of get up to speed a little bit quicker across  
10 the state.

11       But it is -- it's right there on the edge. I  
12 know that this is long over due. But it's right there. I  
13 don't have a time line, but I know the curriculum was all  
14 but complete. So once that's done, then like I say we'll  
15 start doing some regional -- regional training on that.

16       MR. SEGOTTA: Madam Chair, one question.

17       I'm interested in this online program that you  
18 have in this development stage. What's your backup in the  
19 event that an agency doesn't want to go that route? Is  
20 this going to be mandated that they send -- or get the 160  
21 hours before they show up?

22 MR. ORTIZ: Yes. Yes. That's what we're looking  
23 at. And Secretary Denko is in favor of it, as well as the  
24 governor's office, if we can keep the officers out there.

25 MR. SEGOTTA: Are you looking at any legislation

1 to offset maybe the cost of the tuition for the 160?

2 MR. ORTIZ: The Santa Fe Community College is

3 willing to develop it at no cost. They figured they'll

4 get the -- their tuition. So they'll make some on the

5 tuition, so they are planning on developing at no cost.

6 They're working with us on that..

7 MR. SEGOTTA: There will be a cost for the

8 student for each --

9 MR. ORTIZ: Yes.

10 MR. SEGOTTA: 30 bucks a credit hour?

11 MR. ORTIZ: Right. And the agency will pick that

12 up.

13 MR. SEGOTTA: I was asking maybe we ought not

14 look at some legislation to offset cost to some of the

15 smaller agencies that may not be able to afford \$4800.

16 MR. ORTIZ: Yes. Brian Condit did say he would

17 explore that as a possibility as well.

18 MR. COSS: And then you've also got, you know,

19 that's far in excess of their LAPF funds are, not that

20 they are not already tied up in different things --

21 MR. SEGOTTA: Sometimes a contentious subject

22 dealing --

23       MR. COSS: Absolutely. These are still the  
24 things that we know is the logistics are going to be  
25 there. It's just -- you know, it's a great time to open

1 up that dialogue and let's figure out.

2 MR. SEGOTTA: I think it's a great idea. I  
3 just -- it's worry about impact on some of the smaller  
4 agencies that may not have the ability to -- or haven't  
5 already budgeted for this cost, so. But it looks like you  
6 have a plan, so. Thank you.

7 MR. ORTIZ: Just for Sheriff Coon. We are  
8 planning on the first one being that this was your -- your  
9 idea as having you host the first training on the court  
10 security.

11 MR. COON: Right.

12 MR. ORTIZ: So we'll get together with you, and I  
13 think right after July we'll see if we can get that going.

14 MR. COSS: Any other questions that I could  
15 answer for you? Thank you all very much for your time.

16 MS. TORRES: Thank you. Mr. Ortiz, anything else  
17 for the director's report?

18 MR.. ORTIZ: No, just if the Board has any other  
19 questions.

20 MS. TORRES: Are there any questions from the  
21 Board? No? Okay. Thank you.

22           ITEM #6: PUBLIC COMMENTS

23           MS. TORRES: Okay. Agenda Item No. 7 has to do  
24 with Old Business. The discussion is "How we receive  
25 citizen complaints and whether or not we will accept



1 them."

2       Actually, there were two letters that were

3 circulated to the --

4       MR. SEGOTTA: Madam Chair, if I may. I think we  
5 missed Item No. 6.

6       MR. ORTIZ: Public comments.

7       MS. TORRES: Oh, I'm sorry.

8       MR. SEGOTTA: Unless you did want to skip that  
9 over.

10       MR. ORTIZ: We have a gentleman that drove up  
11 from Hobbs.

12       MS. TORRES: And, actually, J.D. Sanders. So I'd  
13 like to hear from Mr. Sanders. I'm sorry. I got ahead of  
14 myself, Mr. Sanders. Go ahead.

15       MR. SANDERS: That's okay. I'll tell you what;  
16 it's a hike too, Director.

17       Madam Chairperson and Board Members, it's an  
18 honor to be here, and I appreciate the time. And I'm  
19 going to try to be as brief as I can. First, I'd like to  
20 commend the director. He and I had a long conversation  
21 about the topic he was talking about awhile ago about the

22 length of academies last week.

23       And it looks like he's already taken some action

24 in looking at it. And I appreciate that. That's very

25 professional of you to be that responsive, and I

1 appreciate it.

2 Let me start -- and I don't like to bore folks to  
3 death. But I'm new to New Mexico. I came here from  
4 Tennessee in the first of April. And I served as a police  
5 chief in Tennessee from '95 to 2003 and then took a leave  
6 of absence and brain for awhile and moved to Mississippi  
7 for three years. And I say that kind of tongue-in-cheek.

8 Mississippi is a fine state. They've just got a  
9 long way to go in law enforcement, I'll tell you that.  
10 They are 15 years behind most things. But it was an  
11 interesting experience for three years in Columbus,  
12 Mississippi.

13 Then I went back to Tennessee for a year before I  
14 got my calling to Hobbs. And, first of all, I love it in  
15 New Mexico. But let me tell you something, it's a long  
16 way from Hobbs to Red River.

17 It's worth the drive, though, Marshal. This is  
18 beautiful country up here.

19 Just a little background on myself just so I can  
20 preface my remarks here a little bit. I'm a graduate of  
21 the Tennessee Law Enforcement Training Academy and the

22 Mississippi Law Enforcement Training Academy. I also  
23 graduated from the FBI National Academy, the National  
24 Center for Rural Law Enforcement, LEADS, and a whole host  
25 of other things.

1       If I had to total it up -- and I haven't done  
2 it -- Tennessee requires 40 hours of inservice every year  
3 since I started in '81. So do the math. Most of that  
4 since '95 has been in management and supervision and  
5 leadership kind of courses because that's what the police  
6 chief association pushes. And then there's 40 hours  
7 required to go through the police chief association.

8       I served two terms as president of the Tennessee  
9 Association Chiefs of Police, and I was very honored to do  
10 that. And during my two terms, there was a lot of  
11 upgrading and standards improving, I think, in law  
12 enforcement training across our state.

13       We'd get some similar issues that were here. It  
14 costs a fortune nowadays to get somebody from point A to  
15 point B. I've done the math. In Hobbs, for example, and  
16 what brings me here today is that.

17       When I came to Hobbs, one of the issues that we  
18 had in talking to my staff is recruiting. We have ten  
19 vacancies now. We have 81 authorized positions. And  
20 there's a variety of reasons of why recruiting is tough.

21       And we all are experiencing them. If we can do

22 like Chief Schultz does and just raise the pay up to about

23 58,000, it solves a lot of the problems; but all of us

24 can't do that.

25       So in talking with staff and asking what some of

1 the recruiting issues were and getting people on -- in the  
2 service, one of the recurring things was the lengthy  
3 academy. And I was kind of taken aback when I found out  
4 that ours was 22 weeks after going through two that were  
5 10 weeks.

6       When I went through Tennessee, it was eight. So  
7 I'm real dumb. But in looking at the curriculum, it began  
8 to call several questions for me just from a newcomer's  
9 point of view of is this -- are we getting the best bang  
10 for our buck?

11       Now, I will tell you this: I am impressed with  
12 the professionalism of both the Hobbs Academy and our  
13 State Academy. No questions that our guys are getting top  
14 flight stuff.

15       But think about this and chew on this just a  
16 second. And the chiefs and the sheriffs sitting here at  
17 this table will appreciate this. They are very familiar  
18 with this.

19       I did the math. And from the time we start  
20 recruiting somebody, to get them through all the initial  
21 tests, including psychological examinations, mental

22 evaluations, and physical evaluations, and all the written

23 tests and oral interviews and all that stuff and offer

24 them a position, do our prefield training before they go

25 to the academy, send them to the academy for 22 weeks, get



1 them back and go through our 16-week field training  
2 program that we have in Hobbs, it costs just a little less  
3 than \$92,000.

4 Now, think about that just a second. That's  
5 \$92,000 before we got one day's work out of them. 92,000  
6 in a year. So I applaud any efforts that we've got to get  
7 this down to 16-weeks.

8 And, Chief, it will be a -- kind of offset in  
9 this -- the tuition for those credits just in salary.  
10 Just think, that's four weeks of salary that you don't  
11 have to pay for them to be in academy and those costs.  
12 And they are tremendous costs.

13 Now, we're in -- we're in pretty good economic  
14 times in Hobbs right now. We're in oil country, as you  
15 all know that. And it kind of comes and goes. But right  
16 now it's coming real good.

17 But there are many, many, many more departments  
18 across the state of New Mexico that are five- and six-men  
19 departments than they are the size of Chief Schultz's and  
20 mine -- mine, even. I hadn't done the numbers, but I'd  
21 say we're probably in top ten in number of certified

22 officers in municipal departments.

23       So there's a lot of little-bitty departments, and

24 they can't afford a hundred thousand dollars a year. They

25 can't afford sometimes to wait. If they've got five

1 people and they lost two spots and they've got to send  
2 them to the academy and leave two spots open for an entire  
3 year, they can't afford it. They are working three people  
4 for a year.

5       What they end up doing in our part of the  
6 world -- and I'll bet you it's an example all across the  
7 state -- we end up becoming cannibals. And by that I mean  
8 instead of having to send somebody through the academy, we  
9 find the benefits in recruiting them from somewhere else,  
10 upping the salary a little bit and maybe improving the  
11 take-home pay some and adding all the other benefits to  
12 get them to go from one department to another department.

13       And that brings on a myriad of problems. We're  
14 not going to do that at Hobbs, but there are some that if  
15 under stressful situations sometimes they'll do that.  
16 Sometimes they feel like they have to do that.

17       So I implore this Board to think about some ways  
18 like the director had of trying to cut the time. I do  
19 not -- I am not in favor of cutting the quality of  
20 training one bit. Today's police officer is much  
21 different than it was when I started 27 years ago in the

22 demands of the things that they have got to know and got

23 to be able to do. So I'm not in favor of that.

24       But I do think that we're putting maybe too much

25 emphasis on the basic academy and not enough emphasis on

1 the recurring things. I think that maybe in addition to  
2 this idea that maybe we can look at an idea of shortening  
3 the basic academy and then having to up our requirements  
4 for each year from 20 hours -- or 40 hours over two years  
5 to 40 hours per year.

6       And then have some directed training that we have  
7 in that 40 hours first year that would be complementary to  
8 a first-year police officer. And the second year be  
9 complementary to a second-year police officer.

10       If they are a sergeant like Sergeant Jones is,  
11 make that training complementary to somebody that's in  
12 management and supervision in that level. Make it -- a  
13 chief of police have to get training in what's good to be  
14 a chief of police and a sheriff for a sheriff. And make  
15 it match up.

16       And I'll end by saying this: This is not just  
17 me, and I certainly come in peace. I certainly am not  
18 trying to say New Mexico is backwards or New Mexico is  
19 doing anything wrong. I've had a couple shots fired  
20 across the bow about the new guy coming in thinks he knows  
21 everything; and I'm certainly not that.

22       It just ended up kind of falling in my lap. But

23 I wanted to see how the rest of the state felt, and I

24 felt the sent-out survey -- myself and some of you have

25 seen that survey. It asks ask three basic questions.

1           One was do you think the academy is too long,  
2 just right, or too short. The second one was, do you  
3 think the mile and a half run is fair. And the third one  
4 is how many openings do you have now and -- and how many  
5 vacancies do you have?

6           I got 39 responses back from that questionnaire.  
7 And 35 of those responses said that the academy was too  
8 long. That's from police chiefs. So, you know, some of  
9 those police chiefs were pretty -- had some pretty  
10 directed comments in addition to that write in across the  
11 paper about not being listened to.

12          And I'm not accusing anybody of that. I'm just  
13 saying if there's 35 out of 39 police chiefs and sheriffs  
14 thinks the academy is too long, then we are to look at  
15 it. We are to do something together. Maybe put a  
16 committee of those police chiefs and sheriffs together to  
17 look at some alternative ways of doing this.

18          I'd like to be able to have more than one  
19 academy. I've got one, for example, that we hired two  
20 months ago that's not going to get to go through the  
21 academy until January so she is -- it will be July of next

22 year before she's a certified officer. That's a long

23 time.

24 And, you know, that's a long time and a burden on

25 anybody. So I just -- I close by saying this. I applaud



1 the quality. I think we can do some things about the  
2 length. I'm willing to do anything I can to help.

3       And one other thing too. And this is just kind  
4 of off the top of my mind. I was asked a lot about when  
5 in talking to some people across the state, well, why  
6 don't the chiefs come and say things like this and talk  
7 about it?

8       I can tell you one reason they don't. If you've  
9 got a five-man department and you're the chief, most  
10 likely you've got to cover day shift. And if you've got  
11 to drive six hours one way, you just don't go. So maybe  
12 we need to look at some other ways of communicating too  
13 because communication seems to me to be a big issue in  
14 this.

15       I appreciate your time. Chief Schultz, I  
16 appreciate the time you spent with me a couple weeks ago  
17 trying to educate me on some of this stuff. And Sheriff  
18 Coon. Both of you have done me a lot of -- give me a lot  
19 of help. And Director Ortiz.

20       And if I can answer any questions, I'd be glad  
21 to. And I'll sit down and shut up if you want me to.

22 MS. TORRES: Any questions from the board

23 members? (No response.) Thank you, sir.

24 MR. SANDERS: Thanks.

25 MS. TORRES: Yes, sir.

1 MR. HATCHER: Madam Chair, Board Members, I'm  
2 Roger Hatcher. I'm the chief of Tucumcari Police  
3 Department. And I have to agree with the Hobbs chief on a  
4 lot of those points. One of the things that -- that we  
5 have is the -- the year to get certified. And I noticed  
6 in the minutes that that was addressed at the last  
7 meeting.

8 When I took over in February, we had just hired  
9 five officers.. Daniel Lopez was the intern chief. And  
10 that accounted for 33 percent of our force. We were able  
11 to send one officer to the academy. He will be graduating  
12 here very shortly. I have four others to go.

13 The problem is that we couldn't send more because  
14 the officers that had been working were working 12-hour  
15 shifts and they do this for over two years. We had to  
16 have these guys on the street.

17 Now we've come to a position where we have  
18 another academy coming in July, and I can't afford to send  
19 all four of those to this academy because I'm going to be  
20 in the same place.

21 I'm going to be back to 12-hour shifts with a

22 crew that is very fatigued, is what I would like to say.

23 I haven't been able to get through all the minutes. But I

24 do think that we need to look at the ability to get a

25 waiver so that if an officer can't get into the academy

1 within that year's time, that we can do something to  
2 alleviate that burden.

3 We're looking at having to let these guys go or  
4 according to what I read so far decommissioning them until  
5 they can get into the academy. With only two academies a  
6 year, that -- that puts a burden on us.

7 I appreciate Mr. Ortiz in his efforts to get an  
8 additional academy and shorten the time. One of the  
9 concerns that I would have is where's the money going to  
10 come for that 160 hours that we have to provide.

11 I think that the chief of Hobbs made some very,  
12 very good points. And I would just like the Board to take  
13 that into consideration.

14 MS. TORRES: Okay, thank you. Are there  
15 questions or comments from the board members? From the  
16 director?

17 MR. ORTIZ: Yes. The statute -- what he's  
18 referring to is in State Statue 2976, qualifications for  
19 certification, Subsection B: A person employed as a  
20 police officer by any law enforcement agency in the state  
21 shall forfeit his position unless no later than 12 months

22 after beginning his employment as a police officer the  
23 person satisfies the qualifications for certification set  
24 forth in Subsection A of this section and is awarded a  
25 certificate to attest to that fact.

1 So in order to change that, that would have to be  
2 through the legislature.

3 MR. HATCHER: Okay. Is there -- if I could ask a  
4 question. Is there any move by the sheriffs or the chiefs  
5 to get that amended through the legislature?

6 Do you know of anything, Sheriff?

7 MR. COON: They are at the Association of  
8 Counties this week, and I'm sure with Rob Brown being  
9 there after reading this -- and Rob has a way of kind of  
10 stirring it up, I'm sure there will be a resolution.

11 And maybe at the next -- if they'll get together  
12 and maybe find somebody to sponsor a bill to the upcoming  
13 legislature, maybe they'll do that.

14 MR. HATCHER: Okay. Thank you very much.

15 MS. TORRES: Thank you.

16 Yes, sir.

17 MR. McCLOSKEY: Hi, I'm Mark McCloskey with the  
18 San Juan County Sheriff's Office. Just a quick question,  
19 the shortening the length of the academy. We're fortunate  
20 in San Juan County to have a satellite academy. Has there  
21 been discussion on how that would affect the satellite

22 academies?

23 MR. ORTIZ: It's not really going to affect the

24 satellite academies. And it's something we have to still

25 get together and look at.



1 MR. McCLOSKEY: Okay.

2 MR. ORTIZ: But, no, because you guys have your  
3 programs, it's -- so we'll have to look into that.

4 MR. McCLOSKEY: Okay. Thank you.

5 MS. TORRES: Thank you. So I take it that there  
6 are no more public comments on that issue? Okay. Thank  
7 you.

8 ITEM #7: DISCUSSION

9 HOW WE RECEIVE CITIZEN COMPLAINTS

10 AND WHETHER OR NOT WE WILL ACCEPT THEM

11 MS. TORRES: We'll go ahead then and move to  
12 No. 7 on the agenda. This is the Old Business.

13 "Discussion--How we receive citizen complaints and whether  
14 or not we will accept them."

15 And I just want to indicate that the Board has  
16 received two letters. I'd like to attach them as exhibits  
17 to the minutes. One is from Fred Chilton from Las Cruces  
18 and another one is from Paul Borrunda, also from Las  
19 Cruces.

20 The action that had been previously requested was  
21 that the NMLEA board members and audience members offer

22 input on developing a procedure to address this issue of  
23 accepting citizen complaints. This item was tabled at the  
24 March 27th, 2008 meeting, and it was placed on the agenda  
25 for this meeting.

1 I did have a chance to speak with Mr. Borrunda  
2 yesterday. He indicated that it was too far for him to  
3 travel to Red River. He also indicated that he planned to  
4 be present at the next meeting in Silver City. He said  
5 that was closer to Las Cruces.

6 Are there any comments or questions from either  
7 the director or the board members on this item -- agenda  
8 item?

9 MR. PEREZ: Question. There was a --

10 MS. TORRES: This is Mr. Perez. Yes.

11 MR. PEREZ: I'm sorry. There was a question of  
12 the attorney general was directly approached by these two  
13 people from Las Cruces. Did the attorney general give you  
14 any guidance regarding his thoughts on this matter?

15 MS. TORRES: I did speak with -- I've spoken a  
16 couple of times to the Attorney General Gary King. I also  
17 reviewed the statute and -- well, a few of the statutes.

18 And I think on this being that I'm a lawyer I guess I  
19 would tend to want to plunge into a legal opinion, but I  
20 would like to defer to Mr. Zach Shandler, who is the  
21 Board's attorney, on this issue.

22 Mr. Shandler?

23 MR. SHANDLER: Sure. Madam Chair and Mr. Perez,

24 I haven't had any discussions with AG King. But in

25 looking at the statute and discussions with Mr. Ortiz, it

1 doesn't look like the statute expressly permits a citizen  
2 to directly file a complaint against the certified officer  
3 to the academy staff.

4       And the absence of that in the statute and  
5 regulation I guess gives -- gives us pause whether that  
6 should be permissible. There's also pragmatic arguments  
7 about -- that I'm just going to repeat from the  
8 Albuquerque meeting.

9       One argument is that would this swing the  
10 pendulum so much that a citizen who had a complaint about  
11 an officer who stopped myself for a traffic ticket,  
12 what -- could I file a complaint?

13       And then leading to the second pragmatic issue,  
14 would that mean that Mr. Ortiz and his staff would then be  
15 flooded with these types of complaints and without really  
16 the mechanism and the infrastructure to review the ones  
17 that legitimately rise to something that should be  
18 disciplined and something that maybe should be handled  
19 differently.

20       So the combination of the absence of the statute  
21 or the rule that authorizes it and the combination of

22 the -- combined with the ramifications, it's my  
23 understanding from talking to staff, staff doesn't think  
24 that there should be a mechanism to allow a citizen to  
25 directly file something with Mr. Ortiz's shop.

1 Now, there may be some other alternatives; but I  
2 think I'm just trying to answer the question that's before  
3 me. And if you have a follow-up question, I'll answer  
4 that as well.

5 MR. PEREZ: The question -- I've been on the  
6 Board -- this is my second four-year term I'm beginning.  
7 I don't recall having received a complaint or this matter  
8 coming up before of a direct -- usually the system appears  
9 to be working well.

10 Director Ortiz to his credit has been making this  
11 system work better. We were having a problem -- I  
12 remember the first four years -- with getting departments  
13 to file the -- what's the number of the form?

14 MR. ORTIZ: The LEA 90 form.

15 MR. PEREZ: To get that form. And I think that  
16 it's improving. And I think that rather than enact new  
17 rules or legislation, if we have a system, we should just  
18 make it work.

19 But if we have an exception or we have a case  
20 such as this one, which I'm a little familiar with --  
21 apparently these complainants are talking about the Las

22 Cruces Police Department and the district attorney.

23       And they have approached me in the past. Five

24 years ago I was approached on this matter. I was the

25 former special agent in charge of the FBI in New Mexico



1 when I retired in '95. And I suggested that they use the  
2 system. In other words, go to the FBI and file a  
3 complaint.

4 When you file a complaint of police brutality  
5 with the FBI, a complaint is taken; but it's forwarded on  
6 to the Department of Justice in Washington. And as we  
7 know now, the problems in Washington are quite serious  
8 with lack of attention to different matters.

9 So you still have the citizen complaining because  
10 the department rarely in my experience of 35 years with  
11 the FBI comes back and authorizes further investigation.  
12 Usually you have to have somebody severely beaten and/or  
13 killed before they will authorize anything else.

14 They could not file against the district attorney  
15 down there because that's the person in charge. And the  
16 allegations that I heard with the DA is pretty much  
17 running the show and has the various police agencies doing  
18 her bidding.

19 I met with several former judges and magistrates,  
20 state judges and magistrates, while I was down there in  
21 Las Cruces who came to me -- I was not conducting any

22 investigation -- complaining about how they had been  
23 basically railroaded out of town; and they were now  
24 commuting into Alamogordo and other neighboring cities to  
25 work as attorneys, having been forced from their

1 positions.

2       The matter has to be looked at. And I have  
3 spoken with the FBI agents asking them, you know, what  
4 they have done. And they said that they have followed the  
5 procedures. They have taken the complaints and passed  
6 them on. And they feel frustrated also.

7       So, again, what do you do in a situation like  
8 this where citizens come to us as the Board representing  
9 the people of New Mexico, basically. Do we have a check  
10 and balance system? When the system doesn't work, is  
11 there another level? And that's the question.

12       Apparently there is nothing in the law that says  
13 that we can't take the complaints, but what do we tell --  
14 what can we tell these people. And I say not "we," but  
15 the Board as through the director.

16       MR. FORCE: Madam Chair?

17       MS. TORRES: Yes, sir.

18       MR. FORCE: In considering this, I mean,  
19 Mr. Perez, I somewhat agree with you on the last point  
20 that you made as to what is a final remedy or where is a  
21 final course laid out in cases where you have an agency

22 that for some reason or the other has been exhausted on an  
23 appeal process or a grievance process.

24       Because it's my understanding that the attorney

25 general's office doesn't handle complaints against public

1 agencies or against district attorney's offices. So, you  
2 know, the only problem that I, again -- and I'll reiterate  
3 it again, as I stated in the last Albuquerque meeting, is  
4 that I'm not sure that we ought to be that conduit.

5 Our scope should be the certification of a law  
6 enforcement officer. We really don't take any positions  
7 or we have no authority when we look at the commissioning  
8 of a chief or a sheriff as an entity.

9 We obviously have the ability to take  
10 certification or to have hearings on that certification.

11 But, again, I think, again, we just kind of open up  
12 Pandora's box when we begin looking at -- you know, we  
13 make an exception on one rule, then it's going to open up  
14 a Pandora's box on other issues.

15 So in this case, I mean -- that's why we have a  
16 civil system that's in place for appeals or grievances  
17 when other recourses have been completely exhausted. And,  
18 you know, when we're looking at color of law violations  
19 and other things and we can only do what is within our  
20 authority.

21 And I think we ought to stay focused on that.

22 And our authority is the commissioning of certification of  
23 officers, not of reviewing color of law violations or  
24 allegations of color of law against entities of agencies,  
25 so.

1 MS. TORRES: Thank you. Are there any other  
2 questions or comments from the board members?

3 I'm going to go ahead and recommend that this --  
4 or move that this issue be tabled again and be addressed  
5 as Old Business at the Silver City meeting. I think  
6 Mr. Borrunda made it clear that he would like to address  
7 the Board on this issue. And I think that, you know, we  
8 should take some comments from Mr. Borrunda at that time.

9 So I move to include this on the agenda for the  
10 Silver City meeting. Is there a second?

11 MR. PEREZ: Second.

12 MS. TORRES: All in favor?

13 MR. FORCE: Madam Chair? I believe the order is  
14 to have a discussion after the motion --

15 MS. TORRES: Okay. Is there discussion?

16 MR. FORCE: -- and second.

17 MS. TORRES: Sure. Discussion, please.

18 MR. FORCE: Madam Chair, I -- I don't agree with  
19 tabling this. And the reason being is that we've already  
20 discussed this in the December meeting and here we're --  
21 we've got it on the agenda again to discuss it. And the

22 issue is we need to make a decision on it.

23       Either we agree with this and we pursue it and

24 look at enacting additional regulations and NMAC to

25 include it, or let's just be done with it and let's move



1 forward.

2 To make a regulation based on one incident or one  
3 individual issue I think is improper. You know, I think  
4 we've had enough facts that are laid before the Board to  
5 make a decision. We've got a letter. And, you know,  
6 we've got information; and I think we have clear enough  
7 direction to make a decision, so.

8 MS. TORRES: Okay. Any more discussion?

9 MR. SCHULTZ: Madam Chair, if I may.

10 MS. TORRES: Chief Schultz.

11 MR. SCHULTZ: I agree with Mr. Force. I think --  
12 one, I think it's pretty clear that it is not permissible  
13 and it's probably something of an area we should not  
14 venture in as well. I think the issue at hand is  
15 criminal. State statutes do allow the attorney general to  
16 investigate.

17 If it's a civil matter, that's what the courts  
18 are for. Municipal governments or county governments also  
19 have the opportunity to set up their own additional police  
20 oversight if they feel it's warranted.

21 I think we allow those decisions to lie with the

22 respective governments. And I think -- I have no problem

23 with just getting rid of this altogether right now as

24 well.

25 MR. SEGOTTA: Madam Chair?

1 MS. TORRES: Yes.

2 MR. SEGOTTA: I don't believe that we are going  
3 to be treating Mr. Borrunda or anybody else differently if  
4 we make a decision today to put this to rest, so to  
5 speak. They will still have an opportunity at any meeting  
6 to have public comment. And they can come forward and  
7 make this argument.

8 And I think at that time it would be appropriate  
9 for this Board to let Mr. Borrunda and any others know  
10 that there is a process, maybe give them some guidance on  
11 the mechanisms that they have available to them, as  
12 Mr. Perez had mentioned earlier.

13 So that they know -- Mr. Borrunda and  
14 Mr. Chilton, whomever -- that the Board isn't going to  
15 take the issue up any further, and we're not just going to  
16 keep prolonging this and kind of keeping them on the  
17 hook.

18 And those individuals with some expectation that  
19 we're going to see it from their perspective and make a  
20 determination to look at complaints from the citizenry, I  
21 agree with Mr. Force; it is not within our purview to do

22 that.

23 We look at certification issues. We're not here

24 to take complaints from the public. They -- they have a

25 process in place. We only can take action on matters that

1 are brought before the Board, and I think we can't go  
2 outside of our scope without change in the regulation and  
3 potentially some other changes.

4 So it would be my recommendation as well that we  
5 as a Board put this to rest and communicate directly with  
6 Mr. Borrunda and Mr. Chilton; tell them that we've made a  
7 decision that it's not within our scope and that they  
8 still have an opportunity to provide any concerns  
9 regarding law enforcement issues at any meeting during the  
10 public comment section. Thank you.

11 MS. TORRES: Thank you. Any further discussion?

12 MR. PEREZ: Yes. Question. Director Ortiz, I  
13 understand that you looked into this matter to a certain  
14 extent with the chief in Las Cruces. Could you comment on  
15 that, please.

16 MR. ORTIZ: Well, yes. They were making  
17 allegations that he wasn't in compliance. So I checked  
18 the database and saw that Chief Romero was in compliance.  
19 In fact, this week I had an informal hearing with one of  
20 his officers that he did report for misconduct.

21 MR. PEREZ: Regarding this matter?

22 MR. ORTIZ: No. Another matter, a domestic

23 violence issue with the officer.

24 So I feel -- I did call Mr. Romero to advise him

25 of the complaints by these citizens. He said it had been

1 looked at. There's no basis for these allegations. He  
2 looked into it. And he's been compliant with reporting  
3 the misconduct, so.

4 I'd advised these -- the citizens of other  
5 avenues and to seek an attorney and go civilly.

6 MR. PEREZ: There was information that there was  
7 an officer demoted in this matter, an Officer England --

8 MR. ORTIZ: Yes.

9 MR. PEREZ: -- or English? Is that true?

10 MR. ORTIZ: He was a lieutenant, and he was  
11 demoted to a sergeant.

12 MR. PEREZ: For his activity in this matter that  
13 we were --

14 MR. ORTIZ: Yes, with Mr. --

15 MR. PEREZ: -- that they were talking about?

16 MR. ORTIZ: Yes. I believe that was correct.

17 Suzanne checked on that. And it's been a few months, but  
18 my recollection is that he was --

19 MR. PEREZ: So action was taken?

20 MR. ORTIZ: Yes.

21 MS. TORRES: If there's no further discussion,

22 then I call for a vote by a show of hands. All in favor  
23 of tabling this issue on public comment go ahead and raise  
24 your hands.

25 (At this time, a show of hands from all board



1 members except for Mr. Perez.)

2 MS. TORRES: All in favor -- I mean, all against  
3 tabling this discussion indicate by raising your hand that  
4 you are against it.

5 MR. PEREZ: I abstain.

6 MS. TORRES: Is there another motion, then, on  
7 the floor with regard to this matter?

8 MR. SEGOTTA: Madam Chair, I would guess we make  
9 a motion that the director at least give a courtesy to  
10 Mr. Borrunda and Mr. Chilton that the Board has discussed  
11 this; we've taken a course of action; to let them know  
12 ahead of time before they show up in Silver City with some  
13 expectation that we're going to consider I guess their  
14 initial request, which is to review citizen complaints,  
15 which I think is clear that the Board doesn't feel at this  
16 point it can do that.

17 So I would make a motion that it's necessary that  
18 the director at least communicate with these gentlemen and  
19 let them know ahead of time so that they don't plan this  
20 trip to Silver City with some expectation of a different  
21 outcome. I think that's fair to them.

22           So I don't know exactly how to put that in the  
23 correct motion so everybody understands it, but I think  
24 the gist of it is out there.

25           MR. ORTIZ: Yes. I will send them a certified

1 letter to make sure they are aware of it.

2 MS. TORRES: Okay.

3 MR. FORCE: I'll second that long motion.

4 MR. SEGOTTA: Sorry.

5 MS. TORRES: Can we clarify the motion so that

6 it's clear on the record what the motion is?

7 MR. SEGOTTA: Just that we -- the motion is to

8 notify Mr. Chilton and Mr.. Borrunda -- they seem to be the

9 two that are most interested in this -- that the Board has

10 acted on their request to consider receiving citizen

11 complaints; and that we don't feel it's in our scope or

12 authority; and we want to notify them of that in advance

13 so that they are -- they don't have any expectation when

14 they show up in Silver City that the Board is going to

15 consider this matter again.

16 MS. TORRES: Okay. That's clear. Thank you.

17 Please vote by a show of hands. All in favor of the

18 motion?

19 (At this time, a show of hands from all board

20 members except for Mr. Perez.)

21 MS. TORRES: Okay.. All opposed?

22 (At this time, a show of hand by Mr. Perez.)

23 MS. TORRES: Mr. Perez.

24

25

1       ITEM #8: RATIFICATION OF CERTIFICATIONS  
2               FOR LAW ENFORCEMENT OFFICERS

3       MS. TORRES: Thank you. Agenda Item No. 8, New  
4 Business, Ratification of Certifications for Law  
5 Enforcement Officers. Mr. Ortiz.

6       MR. ORTIZ: Madam Chair, Board Members, on  
7 Tab No. 8 the director has verified that the list of  
8 police officers beginning with Certification No. 08-0005-P  
9 through 08-0030-P, 98-0297-P, 99-0322-P, 85-0213-P,  
10 96-0316-P, 85-0139-P, and 99-0390-P, they have all met the  
11 standards and requirements for the law enforcement  
12 certification. And we request that the Board ratify their  
13 certification.

14       MS. TORRES: Okay. Is there a motion?

15       MR. FORCE: So moved.

16       MS. TORRES: Is there a second? I'll second.

17 Okay. Let's take a vote. Just say aye in favor.

18       THE BOARD: Aye.

19       MS. TORRES: Anybody opposed? It's unanimous.

20       MR. ORTIZ: Okay. Thank you.

21       ITEM #9: RATIFICATION OF CERTIFICATIONS

22 FOR PUBLIC SAFETY TELECOMMUNICATORS

23 MS. TORRES: Okay. Now, Tab No. 9, New Business,

24 Ratification of Certifications for Public Safety

25 Telecommunicators. Mr. Ortiz.

1 MR. ORTIZ: Madam Chair, Board Members, on Tab  
2 No. 9, the director has verified that the list of  
3 dispatchers beginning with Certification No. 08-0042-PST  
4 through 08-0069-PST have all met the standards and  
5 requirements for certification and we ask that the Board  
6 ratify their certification..

7 MS. TORRES: Okay. Is there a motion?

8 MR. SEGOTTA: So moved.

9 MR. PEREZ: Second.

10 MS. TORRES: Call for a vote by saying aye.

11 THE BOARD: Aye.

12 MS. TORRES: It's unanimous. Okay.

13 ITEM #10: DISCUSSION: RULE 10.29.9.19

14 CONTINUATION OF CERTIFICATION AFTER SEPARATION

15 REQUEST FOR MODIFICATION

16 MS. TORRES: Item No. 10 on the agenda, this is a  
17 letter that we've received from Mr. Robert Denny dated  
18 March 7th, 2008. And he is asking for a modification of  
19 Rule 10.29..9.19. Is there any discussion with regard to  
20 this item of the agenda?

21 MR. ORTIZ: Let's see if Mr. Denny is present.

22 MS. TORRES: Is Mr. Denny present? Apparently

23 he's not present.

24 MR. ORTIZ: This is the second time he's been on

25 the agenda.



1 MS. TORRES: And he has not shown up.

2 MR. COSS: I did speak with Mr. Denny at  
3 length -- I want to say it was day before yesterday -- as  
4 part of this distance learning initiative that we're going  
5 over. And there was no discussion -- it was myself, the  
6 deputy director, and there's three representatives there  
7 from the community college.

8 And he didn't mention anything to me in that  
9 conversation. Again, our conversation was focused on the  
10 distance learning initiative. It was just day before  
11 yesterday, best I recall.

12 MS. VIGIL: I called him up personally on Monday  
13 to remind him, you know, and to make sure he had got his  
14 reservations. And he had made it clear he was going to  
15 attend, so.

16 MR. COSS: Something -- something odd must have  
17 happened. But, again, there was no conversation at that  
18 time about a rule modification.

19 MS. TORRES: Yes, Mr. Ortiz.

20 MR. ORTIZ: I did want to visit with Zach on this  
21 also and I apologize because we're looking at what he's

22 asking. He has 12 years in law enforcement, but some of  
23 it's out of state. Three years in New Mexico.

24       And if you read the rule, it doesn't say only in  
25 New Mexico. You have to have with five years or more

1 commissioned law enforcement employment. So I don't even  
2 know if we're going to need a modification if the Board is  
3 willing to accept his 12 years of law enforcement in other  
4 states.

5       And I'll just read it: In the event a New Mexico  
6 certified law enforcement officer with five years or more  
7 of commissioned law enforcement employment leaves his  
8 position in good standing, he will be eligible to continue  
9 his New Mexico certification status provided he complies  
10 with the procedures outlined below, so.

11       And it doesn't specify to only New Mexico.

12       MR. FORCE: Madam Chair?

13       MS. TORRES: Yes, Mr. Force.

14       MR. FORCE: I would -- I would think it would  
15 probably be appropriate at this point, number one, because  
16 Mr. Denny's missed two different agenda items now in a  
17 row. I guess I question how much does he really care  
18 about this, because here it is a second go around he  
19 doesn't show and yet we make the effort to put him onto  
20 the agenda. So I guess that's, number one, a concern of  
21 mine.

22       Number two, I'm not really knowing specifically  
23 what is it he's asking to modify? I mean, both the  
24 letters -- I guess they are actually the same letter. He  
25 just reduplicated from the one in Albuquerque to now.

1           It really doesn't give a question that it -- it  
2 really doesn't give us enough information about what is he  
3 asking for modification. So at this point I guess I think  
4 it's probably more appropriate that either you or your  
5 staff meet with Mr. Denny, specifically find out what is  
6 he asking for, and does it fall within the purview of  
7 where we even need to make a ruling on that.

8           And if it does need to be made, then I would ask  
9 that this agenda item be brought forth after your staff  
10 and you consider that. If Mr. Denny doesn't want to meet  
11 with you about it, don't bring it back here.

12          MS. TORRES: I would like to discuss what  
13 Mr. Force has mentioned. I mean, my concern is if we're  
14 going to address this issue, then I would want to see a  
15 resume; and I would want to see some qualifications and  
16 some backing as to what Mr. Denny or anybody else would be  
17 contending on this.

18          And so possibly we just need to pass on this  
19 agenda item for today; and if he were to bring it back up,  
20 I think he's going to need to substantiate his claims and  
21 let us know specifically what he's asking for. So I agree

22 with what Mr. Force has mentioned.

23 MR. ORTIZ: Okay.

24 MS. TORRES: Is there a motion that we pass on

25 this agenda item? I'll move.

1 MR. SEGOTTA: Second.

2 MS. TORRES: All in favor, aye.

3 THE BOARD: Aye.

4 MS. TORRES: Anybody opposed? (No response.)

5 Unanimous. And I think that concludes my participation at

6 this time. Thank you very much.

7 MR. FORCE: Madam Chair, if I could. There was

8 one other item that we actually haven't talked about.

9 MS. TORRES: Sure. Go ahead.

10 MR. FORCE: And if I could. We brought it up in

11 the last meeting, in the Albuquerque meeting; but I can't

12 find it in the minutes, to be honest with you. And it was

13 an issue where we talked -- where Captain Suazo from the

14 Albuquerque Police Department approached the Board about

15 issues on the reserve certifications.

16 MS. TORRES: Yes.

17 MR. FORCE: Was that -- that's what I recall in

18 the meeting, because I actually made a question to Captain

19 Suazo and then got volunteered to impanel a committee to

20 research reserve certification issues.

21 Does anybody remember that or is that just out of

22 my....

23 MS. VIGIL: No, it is in there where you were

24 assigned the reserves committee.

25 MR. FORCE: It is in here? I was looking in here



1 for it. Well, anyway, I wanted to just advise the Board  
2 if I could.

3 MS. TORRES: Sure. Please do.

4 MR. FORCE: We had a meeting with a group of  
5 individuals with the reserve program -- to look over  
6 rather, issues on the reserve certification.

7 And on that -- on the committee -- the  
8 invitations for the committee were sent out to Mr. Gil  
9 Najar, deputy director; Randy Irwin with the New Mexico  
10 Mounted Patrol; Brandon Dwyer, the reserve; Jesus Garay  
11 with the training office with the Albuquerque PD; Captain  
12 Matt Suazo; Captain Pat Werick with the New Mexico State  
13 Police; Jason Harmon, a reserve with the Bernalillo County  
14 Sheriff's Department; Bill Ream, representative; and then  
15 Chief Val Panteah.

16 We also sent a couple other -- I think Chief  
17 Segotta was also invited, and we sent a couple other  
18 invitations.

19 MS. VIGIL: Johnny Valdez.

20 MR. ORTIZ: Cibola County Sheriff.

21 MR. FORCE: Cibola County Sheriff.

22           And, anyway -- but all those individuals except  
23 for Sheriff Valdez and Chief Segotta were able to attend.  
24 Anyway, we met, and I can provide more of a formal report,  
25 but we -- the bottom line to the meeting was, is that

1 we -- the committee came into agreement that whatever the  
2 standards are for obtaining certification as a police  
3 officer currently on the books today should be  
4 maintained.

5 There should not be a separate standard or a  
6 secondary lowering of the standard for a reserve officer,  
7 so far as certification is concerned; that the standards  
8 should be the same for a full-time officer as it would be  
9 for a reserve.

10 The issue right now is that there is really no  
11 mechanism in place within the NMAC or practice, I guess,  
12 between the academy and reserve functions to obtain  
13 certification. So that's what the committee will be  
14 focusing on is looking at -- making recommendations back  
15 to this Board for possible NMAC amendments, looking at  
16 reserve certification for some of these agencies, such as  
17 mounted patrol, Albuquerque PD, and a lot of them actually  
18 have got a lot of training and the issue is now going  
19 through a verification of that training, so.

20 MS. TORRES: Okay. Thank you.

21 MR. FORCE: I would stand for any questions from

22 the Board.

23 MS. TORRES: Are there any questions or comments

24 from the board members? From the director?

25 MR. ORTIZ: No.

1 MS. TORRES: Okay. Mr. Shandler? All right. At  
2 this point in time, the attorney general recuses himself,  
3 so I will recuse myself. And we will take a short break,  
4 15 minutes; and then we'll begin with -- Nan Erdman will  
5 present the prosecutions and licensee violations.

6 Thank you.

7 (Off the record from 10:10 until 10:27 a.m.)

8 MR. PEREZ: We'll go back into session. It is  
9 now 10:27 p.m. {sic} on the 19th of June, and we're back  
10 in session. The Acting Attorney General Jocelyn Torres  
11 has recused herself. We will now go into the disciplinary  
12 portion, public portion; and we will have the Assistant  
13 Attorney General Nan Erdman will present the case  
14 information, please.

15 ITEM #11: ANTHONY COBLE

16 MS. ERDMAN: First, we have several defaults.  
17 The first is Anthony Coble.. And the information that I  
18 have on him is that he has resigned from the Las Cruces  
19 Police Department.

20 He's accused of making a traffic stop involving a  
21 female driver. He asked the female driver to follow him

22 to the fire station if she wanted to have her tickets  
23 taken care of. She then followed him -- he wrote four  
24 citations out for her, and I'm not clear about what the  
25 citations were.

1 But then she followed him and then pulled off  
2 somewhere before they got to the fire station, and he  
3 stopped. He tried kissing her. He tried touching her and  
4 then tried to get her to follow him to the fire station  
5 yet again.

6 She finally agreed to follow him to the fire  
7 station where there was no one else present. He made  
8 comments that he would be gentle with her. She said she  
9 didn't feel comfortable. He ripped up the four tickets.

10 He asked her for a kiss. She left. And that's  
11 as far as it went from the information that's in the  
12 record. Anthony Coble didn't attend an informal hearing,  
13 so we don't have his side of the story.

14 He was served with an NCA and did not respond.  
15 In addition, the director has learned that he's been found  
16 guilty on three felony charges; but I don't have the  
17 information about what those felony charges are.

18 Do you, Art?

19 MR. ORTIZ: I think in his file we should have  
20 what was faxed up by the district attorney's office.

21 MR. FORCE: Mr. Chairman?

22 MR. PEREZ: Yes.

23 MR. FORCE: Ms. Erdman, I don't -- we have the  
24 packets in front of us. I don't want to -- this may be a  
25 question for Zach too, but I'm not sure that we actually



1 need to hear on the defaults -- I don't know. I mean,  
2 unless a person is showing today, I guess -- I mean, I  
3 would just expedite the issues --

4 MS. ERDMAN: Should I go through the defaults  
5 faster?

6 MR. FORCE: Yes.

7 MS. ERDMAN: I can do that.

8 MR. FORCE: If you could run through and say,  
9 "Here is the case. Is Mr. So-and-So here?" If he's not,  
10 let's move forward.

11 Is that correct?

12 MR. SHANDLER: For defaults, as long as the  
13 person -- Mr. Perez asks if the person's here --

14 MR. PEREZ: Is Mr. Anthony L. Coble present? I  
15 hear no reply. Apparently, he's not present.

16 MR. ORTIZ: He's incarcerated.

17 MR. PEREZ: He's unable to be present,  
18 apparently. Okay. Continue then.

19 ITEM #12: JONATHAN McCHRISTON

20 MS. ERDMAN: The next is Jonathan McChriston. He  
21 was terminated from APD. He's accused of saying that he

22 can't remember a traffic accident and using his badge of

23 authority to get a key back for a friend.

24 He was served with an NCA and received the NCA

25 and didn't respond. He was served with the NFD but didn't

1 sign for it.

2 Does the Board have any questions about that?

3 MR. PEREZ: Is Mr. Jonathan McChriston present?

4 No reply. Next.

5 ITEM #13: STEVE ORTIZ

6 MS. ERDMAN: The next is Officer Steve Ortiz.

7 He's accused of inadequately investigating alleged child

8 abuse at an elementary school. He was served by certified

9 mail with the NCA and the NFD. Both were signed for by

10 Mr. Ortiz and has failed to respond.

11 Do you have any questions?

12 MR. PEREZ: Yes. This one happened in 2005. Is

13 there any reason for the delay before its coming to our

14 attention?

15 MR. HOLMES: This is the Santa Fe Police

16 Department case, and we were having a hard time getting

17 reports from them. We finally had to go through a

18 subpoena, and then we had to go look at the records

19 there. We had a hard time getting reports from the PD.

20 MR. PEREZ: There was another -- the first case

21 we had was also 2005.

22 MR. ORTIZ: We were waiting to let the courts  
23 take their action on the charges, on the felony charges.

24 MR. PEREZ: Okay. Thank you. I have a question  
25 regarding that. Zach, perhaps you can give us some

1 guidance. We, this Board, is guided by a preponderance of  
2 the evidence and not -- we do not require guilt beyond a  
3 -- or innocence -- or guilt beyond a reasonable doubt.

4       Is there any reason why when we have a case, for  
5 instance, like this of alleged child abuse that we cannot  
6 decertify the officer. We had previous incidents with two  
7 Santa Fe police officers, which were quite notorious. And  
8 they were finally -- well, they finally submitted their  
9 resignation after a couple of years.

10       Can we -- do we have to wait for the legal  
11 process, the criminal process to continue before we can  
12 decertify?

13       MR. SHANDLER: Mr. Chairman, that is the historic  
14 model that the attorney general's office uses. And I  
15 think the rationale is that if they are convicted of a  
16 felony, then right there is the grounds for your Board to  
17 take action.

18       I think also the rationale is that it's perceived  
19 that the court system because of the due process  
20 protections in the formal court system may have  
21 opportunity for an adjudication there.

22        So I guess I would advise you to follow that  
23 traditional rule. And I guess if there are exceptions  
24 that come up, we can discuss them on a case-by-case  
25 basis. I think that rule has worked well in the past, and

1 I recommend you continue with it.

2 MR. FORCE: Mr. Chair?

3 MR. PEREZ: Mr. Force.

4 MR. FORCE: Zach, doesn't it -- even within the

5 rule we don't have to have a conviction in order to take

6 action on decertification. I think that's Mr. Perez's

7 question.

8 MR. PEREZ: Right.

9 MR. FORCE: I mean, this Board does have the

10 authority based on the preponderance of evidence, not upon

11 beyond a reasonable doubt standard to take action on

12 decertification.

13 Although what I'm hearing from you, Zach, correct

14 me if I'm wrong, is that we need to make sure on a

15 case-by-case basis that that preponderance of evidence is

16 clear and unequivocal; is that correct?

17 MR. SHANDLER: I should have answered your

18 question more directly, Mr. Chairman. Yes, nothing

19 precludes you from taking action in advance of the

20 criminal court system. My remarks more go to my

21 recommendation on that, so.

22 MR. PEREZ: The ques- -- I'm sorry. Excuse me.

23 Did you finish?

24 MR. SHANDLER: I should have said, yes, you can

25 do that.



1 MR. PEREZ: The question, however, is though the  
2 Board does not know -- is not aware of these situations  
3 until they come before us at this time. So we could have,  
4 for example, in this case, the matter of Steve Ortiz  
5 involving an alleged child abuse --

6 MS. ERDMAN: I'm sorry. He's accused of  
7 inadequately investigating child abuse. He's not accused  
8 of child abuse himself.

9 MR.. PEREZ: I apologize. I apologize. I misread  
10 that.

11 MR. SCHULTZ: Mr. Chairman, if I may for the  
12 record, though. I know each individual department has  
13 their own rules for submission to Mr. Ortiz. I know the  
14 Association of Counties has their members wait until  
15 criminal charges are done before they do any employment  
16 action, whereas most municipal governments go forward with  
17 that without criminal.

18 So I think that's why you will see a disparity  
19 and differences in when cases are submitted, and I guess  
20 it's the individual decisions of the respective agencies.

21 MS. ERDMAN: This particular case was submitted

22 to the director. And there's a stamp marked that it was  
23 received February 7th, 2008. And so that was working its  
24 way through the Santa Fe Police Department before it was  
25 ever referred to the Board.

1 MR. PEREZ: That, I think, is the problem that --  
2 I think that the Board -- the director needs to be  
3 notified on these matters in a more timely basis. I don't  
4 know how we can do that if you don't know, unless you  
5 would hear somehow in the newspapers or you could -- these  
6 matters are not in the papers until they're adjudicated.

7 But it is a problem that I think we have to make  
8 the heads of departments aware that when they have a  
9 problem like that, a serious problem, we do not have to  
10 wait -- the Board does not have to wait for it to go  
11 through the legal process for us to take action.

12 And I think that there's an expectation in the  
13 citizenry that we should be able to do that and not just  
14 be a rubber stamp for the courts.

15 MS. ERDMAN: Mr. Chair, can I address that?  
16 Because as a prosecutor, Matthew and I will be -- and this  
17 has been the process that I've used, is when I get a case,  
18 after it's been referred to the agency -- Art is very  
19 prompt about forwarding them to us.

20 And then we go through and evaluate the process  
21 that considers what the charges are, what evidence we have

22 to support disciplinary action based on those charges, and  
23 the seriousness of those charges.

24       And so there have been a number of times when I  
25 as a prosecutor have made the decision to move forward

1 with the case before there was a conviction because I felt  
2 as though we had enough evidence to show that he committed  
3 acts that fall within your statute and code that we could  
4 take action against, and that it was serious.

5 And some -- and, Art, wouldn't you agree it's  
6 probably been about 50/50 on those?

7 MR. ORTIZ: Yes.

8 MS. ERDMAN: Probably in the last six months or  
9 so. So we do look at that from a prosecutor's  
10 perspective; and if there's something that we feel needs  
11 to take action on now, we do, particularly if it's someone  
12 who's currently active. And we try to take all of those  
13 factors into consideration.

14 But one of the things I'd just like to mention  
15 now to the Board is that the actions on which we can take  
16 disciplinary action are severely restricted. If there  
17 isn't a conviction, really the only other acts that we can  
18 take action on are lying and fraud or moral character that  
19 also inhibits someone's ability to do their duty.

20 MR. PEREZ: "We" meaning the attorney general?

21 MS. ERDMAN: The prosecutor. Your statutes and

22 codes restrict us if there isn't a conviction to those

23 three things.

24 MR. PEREZ: But we are not held to those

25 standards?

1 MS. ERDMAN: I believe that we are.

2 MR. PEREZ: We need a conviction before we can --

3 MS. ERDMAN: Well, you either have a conviction

4 or fraud and deceit --

5 MR. PEREZ: Right.

6 MS. ERDMAN: -- or moral character problems that

7 also affect the officer's duty to do his job.

8 MR. PEREZ: That's exactly the issue. It is my

9 understanding that the attorney general's office has had a

10 case referred to you by internal affairs of the Santa Fe

11 Police Department involving high-ranking officers for over

12 a year, and we have not heard about that.

13 MR. FORCE: Mr. Chairman?

14 MS. ERDMAN: We should probably -- if you have a

15 particular case in mind, I'm happy to talk to you about

16 that after the meeting; and I think we should because

17 there is -- there are issues particularly with certain

18 departments.

19 MR. PEREZ: I don't want to --

20 MR. FORCE: Mr. Chairman?

21 MR. PEREZ: Mr. Force.

22 MR. FORCE: I think we may -- getting back to I  
23 think the spirit of what you brought up is, I think this  
24 is an issue that we discussed in the December meeting. We  
25 had a workshop session on this question about how



1 complaints are received and how they are processed.

2       What has continuously been brought up -- and

3 we -- I don't know that we really probably dealt with this

4 yet. And it may be something we may want to discuss again

5 on the next meeting and put it on the agenda again, but

6 that is there seems to be -- and Chief Sanders brought

7 this up from Hobbs Police Department.

8       He brought up I think very eloquently there is an

9 apparent miscommunication between the Board as to the

10 Chiefs of Police Association and to the Sheriff's

11 Association on what is being expected or what should be

12 expected on when these agencies should report.

13       Along with that, as Chief Schultz has stated,

14 dependent upon an agency policy or practice or that

15 association that they may have and risk management, there

16 are also -- there are also additional stipulations on when

17 reporting has occurred.

18       And I must say this: In my short stint here on

19 the Board, I've been very impressed with Director Ortiz,

20 his diligence in clearing up a lot of the old case files.

21       Number two, I also have to commend Ms. Erdman and

22 the attorney general staff. Ever since she's came on  
23 board there has been a tremendous turnaround in the  
24 diligence effort from the attorney general's office on  
25 prosecuting and moving forward these cases.

1           There still is left I think a void that we ought  
2 to revisit. And this void issue is, when is it that the  
3 agency should be mandatorily reporting misconduct cases?

4 Because in any travels in talking to various chiefs and  
5 sheriffs, it's still pretty much very vague.

6           And as Ms. Erdman has addressed, the statute as  
7 well as our rules -- I think specifically our rules need  
8 to be clarified and very well outlined on when is it that  
9 within the statute authority that we expect agencies to  
10 report, because right now I think it really is, it's very,  
11 very vague.

12          And it leaves a lot of question as to practicing  
13 and conflicts of what we expect versus what the chiefs and  
14 sheriffs association are expecting. I think we have to  
15 clean up our rule first. And I'd like to see us revisit  
16 that on the next meeting.

17          MS. ERDMAN: As your prosecutor, I really  
18 recommend that you address both changing both your statute  
19 and your code, just to make it more clear about what --  
20 what sort of conduct we can address.

21          MR. PEREZ: It's been a problem for the last five

22 years, that very issue of when and how these things get

23 reported to the director.

24 MR. FORCE: I recommend we look at it in the next

25 agenda; and let's take some action instead of getting --

1 taking bunny trails on this issue. That seems to be the  
2 issue every time we talk about it.

3 We bring up all these weird things that seem to  
4 be not norm issues, and we lose the heart of clarifying a  
5 direction within NMAC at least, within the current statute  
6 and maybe even progressing to change in the statute, so.

7 MR. HOLMES: The rules -- actually, there is a  
8 rule and the rule states -- it indicates 30 days. The  
9 departments have within 30 days they have to report  
10 misconduct. But the confusion has always -- has been the  
11 word "conviction."

12 The department is saying, "Well, we were waiting  
13 for the conviction. We don't know if this guy has  
14 actually committed misconduct." And if he's exonerated  
15 for some reason, some departments don't submit those  
16 reports.

17 But here again we don't -- like Mr. Ortiz has  
18 argued and has explained many times to a lot of agencies,  
19 an example we use is if a person is arrested for DWI and  
20 it shows clearly that he is under the influence but yet  
21 the courts dismiss that or it's not -- for some reason the

22 courts don't like to -- or prosecutors don't like to

23 prosecute police officers through the system.

24       They go only so far, and then that's it. Either

25 they are dismissed in court, the officer doesn't show up.

1 Doesn't mean that the act didn't occur. It happened. And  
2 some of those cases the argument from the agency is,  
3 "Well, he wasn't convicted; therefore, we don't need to  
4 send a report."

5       And I think that's where the confusion is. That  
6 word "conviction" there is a -- it is a thorn on our side  
7 from our perspective. If we had that word eliminated from  
8 there or something added, "convicted or." Something added  
9 to that to make it more clear for the agencies to report,  
10 then I think we would eliminate what we're talking about.

11       MS. ERDMAN: I'm sure this is out of the rules of  
12 order, but can I recommend that someone officially move to  
13 put these two issues on for the next agenda?

14       MR. FORCE: I'll so move.

15       MR. PEREZ: Been moved. Can we do this at this  
16 time, Zach? It's an awkward situation. Do we have to go  
17 back into --

18       MR. SHANDLER: What I -- what I recommend is once  
19 you finish the disciplinary process and talk about  
20 scheduling the next meeting, you as the chairman give  
21 directive to Art Ortiz that you want an agenda item the

22 next time to start the rule-making process.

23 I think it will be incumbent on staff to bring

24 you some proposed language. And I think as the acting

25 chair you have that directive power.. You don't have to



1 have a motion at the end of the meeting.

2 MR. PEREZ: Thank you for your brilliant legal

3 guidance.

4 If you would continue then, please.

5 ITEM #14: DANIEL RAMIREZ

6 MS. ERDMAN: Thank you. The next matter I

7 believe is Daniel Ramirez. He has pled guilty to one

8 felony count of federal charges of money laundering and

9 theft. He was properly served and received the NCA and

10 the notice of final decision and did not respond. He's

11 retired from the Santa Fe Police Department currently.

12 Are there any questions?

13 MR. PEREZ: Is former Officer Daniel V. Ramirez

14 here? No reply. Was this man allowed to retire?

15 MR. ORTIZ: I'm not sure.

16 MR. COON: I believe it was -- I don't know if it

17 was an agreement made or whatever, but he did -- he was

18 allowed to retire, according to the news services.

19 MR. PEREZ: This is exactly what we're talking

20 about, that this matter was -- happened -- the allegations

21 of the crime were two or three years ago; and yet there

22 was some plea bargaining done. And people just got

23 Kings X and walked away.

24 Plus, I don't know whether the other officer

25 involved got his retirement also, but this -- the people

1 know about this. The public knows about this. And this  
2 is what causes us problems, because we as a board will get  
3 up here and go through these matters where an officer  
4 drank too much and ran into a bridge or something like  
5 that; and we're very firm on dealing with it.

6 But these matters here are the ones that are most  
7 damaging to the reputation of law enforcement throughout  
8 the state, and that gives an impression that they're being  
9 allowed to get away with it.

10 MR. FORCE: Mr. Chairman, I agree with you. It's  
11 an ugly public perception issue. But as far as the Board  
12 is concerned, the issues of retirement is not within the  
13 purview of this Board. The issue I think that we have to  
14 stay focused on is whether this individual maintains  
15 certification or not..

16 I do agree -- I think it's very -- I think it's  
17 awful that you have individuals who have -- public  
18 servants who have misconduct, integrity breaches and are  
19 still yet allowed to retire under the PERA system.

20 However, again, I think what we're here for --  
21 our only purview is the certification.

22 MR. PEREZ: I understand that because I think  
23 it's -- and I don't know about this particular case, but  
24 there was a time period involved. Did he qualify within  
25 that period? Was there a lag left so that this might have

1 happened. Where if we had taken prompt action, not that  
2 that is our business, but our business is to take prompt  
3 action when it comes to our attention. And, again, the  
4 problem is it's not coming to our attention officially.

5 MR. FORCE: We need to -- we need to tie up the  
6 loose ends --

7 MR. PEREZ: Yes.

8 MR. FORCE: -- with the new charge.

9 MR. PEREZ: I'm sorry. Go ahead. Please.

10 MS. ERDMAN: Are we ready to move onto the next  
11 one?

12 MR. PEREZ: Yes, please.

13 ITEM #15: STEVEN SAIZ

14 MS. ERDMAN: It's Steven Saiz, and he's accused  
15 of mishandling a firearm, firing out of his vehicle.

16 There were shell casings found. He was served with a NCA  
17 and the NFD and failed to respond.

18 MR. PEREZ: Is Officer Saiz present? No reply.

19 Next.

20 ITEM #16: SHANE SCHULTZ

21 MS. ERDMAN: This is Officer Shane Schultz, who

22 is currently certified. And my last information he was  
23 working with the Pojoaque Tribal Police Department. He's  
24 accused of also asking a woman to follow him. She  
25 followed him. There was sexual conduct involved. He tore

1 up her ticket.

2 He was served with the NCA, attended an informal  
3 hearing, denied the allegations, but failed to respond to  
4 the NFD.

5 MR. PEREZ: Is Officer Schultz present? Shane  
6 Schultz? No reply.

7 ITEM #17: NICHOLAS ARMENTA

8 MS. ERDMAN: That concludes the defaults. So  
9 most of the remainder of the cases are stipulated orders.

10 The first is Officer Nick Armenta. He was  
11 accused of DWI.. His blood alcohol content was .17 to .18.  
12 He admitted to drinking before being pulled over. He's  
13 resigned from DPS.

14 And the director is requesting a 90-day  
15 suspension, one-year probation, ethics courses, and  
16 alcohol screening program, and eight hours of community  
17 service.

18 MR. PEREZ: Is Officer Nicholas Armenta present?

19 No reply.

20 MR. FORCE: Mr. Chairman?

21 MR. PEREZ: Mr. Force.

22       MR. FORCE: On this case, this falls within the  
23 purview of the past practice that this Board has been  
24 acting upon on these types of allegations.

25       Is that correct, Ms. Erdman?



1 MS. ERDMAN: We did not wait for a conviction in  
2 this case. We moved forward once we thought we had  
3 sufficient evidence to prove by a preponderance of the  
4 evidence that he was drinking and that -- but we can't  
5 accuse him of being convicted of a DWI, nor is there a  
6 statute that says if you can show by a preponderance of  
7 the evidence that he was driving while intoxicated, you  
8 can take discipline.

9 As a prosecutor, what I have to rely on is this  
10 is an indication of poor moral character that indicates an  
11 inability or interferes with his ability to be a police  
12 officer. And I feel like I can make that argument, and I  
13 can make it validly; but it would be much easier if a  
14 conviction wasn't required.

15 MR. FORCE: I understand that. But it's my  
16 understanding at least on past practicing -- Chief  
17 Schultz, am I correct -- that DWI first offense it's  
18 normally been the practice for revocation for 90 days.  
19 Isn't that what we've normally done?

20 MS. ERDMAN: For 90 days?

21 MR. FORCE: The 90-day suspension.

22 MS. ERDMAN: Yes. And that suspension is

23 standard.

24 MR. ORTIZ: And I just discussed this with him on

25 the phone and he was accountable for his actions and

1 apologetic and was willing to take responsibility for his  
2 actions.

3 ITEM #18: JOHN A. ARMIJO, III

4 MS. ERDMAN: The next is Officer John Armijo.  
5 John Armijo was a Socorro police officer and has since  
6 resigned. I don't have any information that he's working  
7 anywhere else. He got into a fight while off duty at a  
8 local picnic area near Socorro.

9 He admits to being in the fight, knocking someone  
10 down. Someone was hurt. There were allegations that  
11 someone identified themselves as a police officer and was  
12 waving a gun around. There are contrary witnesses that  
13 say that the person waving the gun around was not Officer  
14 Armijo.

15 Officer Armijo admits to being in the fight. He  
16 admits to having 12 to 14 beers at the party over a  
17 seven-hour time frame, and the director is requesting --  
18 he also states that he did not initiate the incident.

19 And he also at a hearing would present evidence  
20 that he was defending himself and that he was not the  
21 officer waving the gun. And he would have evidence to

22 support that.

23       The director is recommending a 14-day suspension,

24 a six-month probation, ethics training, and an alcohol

25 screening program. And he was not on duty when the event

1 occurred.

2 Are there any questions?

3 MR. SHANDLER: Let me ask: 14 days, what's --

4 how did you come to that number, Mr. Ortiz?

5 MR. ORTIZ: He didn't initiate it. He was

6 somewhat of a victim. You had a car -- I don't want to

7 refer to them as thugs -- that drove up to the party and

8 started shooting. And he was there with his family and

9 defended himself and the family.

10 But being that he is a law enforcement officer

11 and being that he was extremely intoxicated and what

12 occurred, I felt that he should serve a suspension.

13 MR. SCHULTZ: Mr. Chairman, Mr. Ortiz, in 2004

14 there was a termination. Was that submitted to this Board

15 for review; do you know?

16 MR. ORTIZ: He was terminated?

17 MR. SEGOTTA: In 2004 from the Socorro --

18 MR. ORTIZ: From the sheriff's department?

19 No, sir.

20 MS. ERDMAN: Shall we move forward to the next

21 one?

22 MR. PEREZ: Is Officer John Armijo present? No

23 reply.

24 MR. FORCE: I do have one question before we move

25 on. Was there a blood alcohol concentration or a breath

1 alcohol on him?

2 MR. ORTIZ: No, just his admission.

3 MR. FORCE: Just his admission to 12 to 14 beers?

4 MR.. ORTIZ: Correct.

5 MS. ERDMAN: And there was no accusation that he

6 was driving.

7 MR. FORCE: Right.

8 MS. ERDMAN: Are we ready to move onto the next

9 one?

10 MR. PEREZ: Yes.

11 ITEM #19: DARRELL CHAVEZ

12 MS. ERDMAN: The next is Officer Darrell Chavez..

13 Officer Chavez is accused of failing to disclose a prior

14 conviction when he filled out his academy application. He

15 made his academy application I believe in 2006. The

16 conviction was from the year 2000. It was for a battery,

17 for a fight with his brother.

18 He was given a 180-day suspended sentence and a

19 \$50 fine. The director learned about the charge through a

20 misconduct report, the chief of Tularosa Police

21 Department. They felt that they wanted to disclose this

22 information, but we -- Officer Chavez also attended an  
23 informal hearing and gave us information that he was  
24 directed to do so by a supervising officer; that he was  
25 directed to leave that information off of his



1 application.

2 He now concedes and admits that his actions were  
3 wrong, but he's remorseful for his actions. This was when  
4 he was considerably younger. He did have a BAC taken,  
5 which was .17 and .18 during the fight with his brother.

6 The director is recommending a 60-day suspension,  
7 one-year probation, ethics training, an alcohol screening  
8 program, and any necessary recommended treatment from that  
9 program, as well as eight hours of community service.

10 And I believe that Mr. Chavez is here today.

11 MR. PEREZ: Mr. Chavez? Darrell Chavez.

12 MR. CHAVEZ: Yes.

13 MR. PEREZ: Would you like to address the Board,  
14 please.

15 MR. CHAVEZ: Ladies and Gentlemen of the Board,  
16 if I may have my lieutenant at my side with your  
17 permission.

18 MR. PEREZ: You can go ahead and speak first,  
19 please.

20 MR. CHAVEZ: Yes, sir. Simply put, I accept full  
21 responsibility for what I did. The circumstances are well

22 known; however, the fact of the matter is I did what I  
23 did. And I apologize to each and every one of you, to my  
24 wife and kids, and to anybody that was affected by this  
25 incident.

1 Again, it is an honor to serve. I would just  
2 like to thank everyone. I would like to thank the  
3 Director Art Ortiz for giving me an informal hearing that  
4 I might be able to explain myself.

5 MR. PEREZ: You admit that you lied on your  
6 application?

7 MR. CHAVEZ: Yes, sir.

8 MR. PEREZ: Anything else that you would like to  
9 say?

10 MR. CHAVEZ: No, sir, not at this time.

11 MR. PEREZ: Anybody else wish to speak on this  
12 matter? Sir, please come to the podium.

13 You may sit down, please.

14 MR. CHAVEZ: Thank you, sir.

15 MR. RUPP: Board members, my name is Chris Rupp.  
16 I'm currently --

17 MR. PEREZ: I'm sorry. Your name?

18 MR. RUPP: Christopher Rupp, R-U-P-P. I'm  
19 currently Officer Chavez's supervisor. Again, Officer  
20 Chavez admits to what his fault was on the day of the time  
21 of the application. On Mr. Chavez's behalf on this, at

22 the time he was new to law enforcement, new to the  
23 program.

24       At the time he did have a supervisor that did  
25 misguide him. Mr. Chavez does understand now where the

1 misguidance was. He does understand his actions and is  
2 willing to take any consequences that the Board is willing  
3 to give to Mr. Chavez for this event.

4 I would like to say Officer Chavez, since I've  
5 gotten to know him since he started the department and  
6 I've taken over as being supervisor, he is one of my best  
7 officers I do have out there.

8 He's honest. His integrity is just phenomenal  
9 out there. He has brought a level of training and he  
10 continues to educate himself in law enforcement. He has  
11 just recently gotten his Forensic 101 on his own, which  
12 has never happened to the Village of Tularosa. We've  
13 never had anybody going and putting forth the education  
14 that he's bringing to himself and to the department right  
15 now at this time.

16 Even in the light of all this, he continues to  
17 strive forward and continues to give guidance to some of  
18 our newest officers. Again, I know under Mr. Chavez's  
19 behalf he was just at the time trying to follow what his  
20 supervisor was advising him..

21 You do have some documentation with what was

22 going on with his original application with the village.

23 And, again, please, just bear in mind he just had a bad

24 supervisor at the time; and we've tried correcting that

25 since then so this does not happen again. Thank you.

1 MR. SCHULTZ: Lieutenant, is the supervisor with  
2 the Village of Tularosa still employed?

3 MR. RUPP: No. No, sir.

4 MR. SCHULTZ: Okay. Thank you.

5 MR. SHANDLER: Mr. Ortiz, does that mitigate your  
6 60-day penalty when -- with that allegation that he was  
7 misguided on what to do on the application?

8 MR. ORTIZ: Yes, based on the knowledge of the  
9 supervisor, who he is, and the supervisor's been involved  
10 in misconduct before.

11 I checked with the bureau chief. He came out of  
12 the academy in '07 and he was one of the top cadets in the  
13 academy. When the bureau chief heard about this, they  
14 were shocked. A lot of people looked up to Mr. Chavez in  
15 the academy as one of the top students.

16 So based on this and what they are telling me,  
17 you know, Tularosa is a small department. They are  
18 shorthanded. I've heard nothing but good about  
19 Mr. Chavez. This incident happened eight years before.  
20 It was a family fight with his brother. And he took  
21 responsibility for that.

22       He explained it. And that supervisor -- when  
23 they did a records check, it was not on there. And his  
24 supervisor said, "Well, if it's not on there, you don't  
25 need to include it."



1 And he was trying to be honest and that was the  
2 guidance that supervisor gave him. It was bad  
3 information. And that's what happened.

4 MR. SHANDLER: You don't sound like a man that  
5 wants a 60-day suspension, though, so. Are you still  
6 standing by the 60-day, or should it be lower?

7 MR. ORTIZ: I think Ms. Erdman wants to have it  
8 lower. I myself want to see -- in looking at what some of  
9 the other states are doing, I'd like to see the Board  
10 start raising these.

11 And I myself are looking at some of the things  
12 going on in Utah and Arizona. I think we need to start  
13 increasing these and send a stronger message to the law  
14 enforcement community that we will not tolerate this  
15 misconduct.

16 So I think 60 days is adequate. I'll let  
17 Ms. Erdman give her take on that.

18 MS. ERDMAN: I'll let the Board decide. They  
19 have all the information they need.

20 MR. SHANDLER: And, again, I don't have a vote  
21 either. My job is just to ferret out the information, so.

22 MR. FORCE: Mr. Chairman.

23 MR. PEREZ: Mr. Force..

24 MR. FORCE: Lieutenant, had this information been  
25 revealed at the time of the application -- I don't know if

1 you can speak on behalf of your department on hiring  
2 practices -- but would that have made a different decision  
3 on employing Officer Chavez?

4 MR. RUPP: What we have done now is we've had to  
5 go back -- again, Tularosa is a very small community. I  
6 don't know if you're familiar with it. Right now,  
7 including the chief, we have a total of seven.

8 And right now we're even short. We're working  
9 three men a day and sometimes we're only working -- we're  
10 working seven days. Currently, I just got off a 14-day  
11 rotation working 12's we're so short handed.

12 With that being said, we have a high turnaround.  
13 Tularosa has had it. We've gone through a lot of chiefs.  
14 This is my third chief in four years since I've been  
15 there. So we are continuing to go forward. We have  
16 progressed quite a bit.

17 We've completely rebuilt the police department.  
18 Since this incident has come up, we have been working on a  
19 new hiring process in order to eliminate -- elimination of  
20 this so it won't come up again.

21 Due to Officer Chavez's conduct on the specific

22 date eight years ago, again, we had to go back and do some  
23 research into it as well. Something like this, if we had  
24 had any questions been -- we'd immediately have contacted  
25 the academy in question before we would have hired

1 Mr. Chavez.

2 But, again, we've had to go back and do some  
3 research on the actual charges for the days the events  
4 that took place, and, again, what has been done to correct  
5 those days. Officer Chavez had -- ever since this has  
6 came back around has a -- seeked an attorney and had had a  
7 reversal, I believe, on the charges, if I'm correct,  
8 because there was some misguidance and he was charged  
9 improperly at the time.

10 With that being said, if we could go back in  
11 time, if I could go back and look at everything, knowing  
12 Mr. Chavez, if he had had that information on his  
13 application, if we had gone through the Board and done  
14 everything correctly the first time, I would have no  
15 problem hiring Mr. Chavez again today.

16 MR. PEREZ: Any further questions? (No  
17 response.) Thank you, sir.

18 MR. RUPP: Thank you.

19 MR. PEREZ: Next item.

20 ITEM #20: CHRISTOPHER DALE

21 MS. ERDMAN: The next item is Officer Christopher

22 Dale. His department received a complaint from a woman  
23 with whom he was living, accusing him of physical and  
24 emotional abuse.. Her accusations included things such as  
25 threatening to tase her, holding a dull knife against her

1 forearm, also inserting a beer bottle into her vagina, and  
2 threatening to do her physical harm.

3       These complaints were sent to the department.

4 The department {sic} who was working in the Gallup Police  
5 Department at the time, referred Officer Dale to a  
6 clinical psychologist, who found that Officer Dale was not  
7 fit for duty.

8       He was seen by a second clinical psychologist,  
9 Dr. Laurie Martinez, who reached the same conclusion.

10 Officer Dale was then sent to a third psychologist,  
11 Gabriel Munoz, a Ph.D., who recommended that the  
12 respondent retain his position as a police officer but  
13 receive psychotherapy and counseling.

14       Since that time, the complainant has come forward  
15 and said that she admits to exaggerating the claims and  
16 her accusations against Mr. Dale because she was having  
17 her own emotional problems.

18       And so the director is recommending a 60-day  
19 suspension, one-year probation, ethics training,  
20 counseling, an alcohol screening program, in which he  
21 complete any recommended programs from that screening, and

22 eight hours of community service.

23       And I just want to talk to you for a minute about

24 as a prosecutor the difficulties there would be with

25 evidence in this case. The primary witness against



1 Officer Dale would be a woman who has since recanted much  
2 of her initial accusations.

3 There would still be evidence from the two  
4 psychologists that declared that he was unfit; but that  
5 evidence would be countered by a later, more recent  
6 evaluation saying that he is fit for duty.

7 Are there any questions? And I believe that  
8 Officer Dale is present and would like to speak on his own  
9 behalf.

10 MR. PEREZ: Officer Dale, are you present?

11 MR. DALE: Yes, sir.

12 MR. PEREZ: Would you like to speak?

13 MR. DALE: Yes, sir, I would.

14 Mr. Chairman, Ladies and Gentlemen, Members of  
15 the Board, I'd like to accept responsibility for my  
16 actions. They are my personal life. And I would accept  
17 any orders that the Board recommends that I -- that deems  
18 necessary. And that's all I have to say.

19 MR. PEREZ: Any questions of the Board? (No  
20 response.) Thank you. Anyone else?

21 MR. FORCE: Mr. Chairman? Sorry to be so slow.

22 Officer Dale, what is it that -- I mean, looking at this,

23 you're admitting to the issue of the incident with the

24 beer bottle in the shower; is that correct?

25 In the informal hearing it says that you admitted

1 to that incident taking place and apologized for the beer  
2 bottle incident saying it was an accident.

3 MR. DALE: My -- my statement at that time was I  
4 wasn't sure if it did or not insert any part of her. But  
5 I admit to using a bottle in that area. And I'm not sure  
6 if it -- if there was any -- any penetration or insertion.

7 MR. FORCE: Outside of that, are you -- is there  
8 any other part of her allegation that you're admitting  
9 to?

10 MR. DALE: No, sir.

11 MR. FORCE: Are you -- you're denying -- I mean,  
12 that's what I'm trying to get from you. From reading the  
13 document here, you're denying everything except possibly  
14 -- I mean, in the record it says, "The respondent did  
15 admit during the informal hearing that the incident with  
16 the beer bottle in the shower did occur but said that he  
17 was rubbing her back with it and accidentally entered her  
18 anus."

19 Now, outside of that, you're denying all other  
20 claims that she makes; is that correct?

21 MR. DALE: Yes, sir. That's....

22 MR. FORCE: And you're currently employed and  
23 acting as a police officer now in Clayton?

24 MR. DALE: Yes, sir.

25 MR. FORCE: And the psychological or the psych --

1 psychological eval cleared you, is that right, the last  
2 one?

3 MR. DALE: Yes, sir. She found me fit for duty.

4 MR. FORCE: And it said that you were to engage  
5 in psychotherapy and/or counseling?

6 MR. DALE: Yes, sir.

7 MR. FORCE: And has that occurred or ongoing  
8 still? Has it occurred? Did you get psychotherapy and/or  
9 counseling since the last psychological?

10 MR. DALE: No, sir, I have not.

11 MR. SHANDLER: If I could follow up. So what is  
12 the understanding -- the basis of the bargain says  
13 counseling. How would you define counseling? What's  
14 going to happen.

15 MS. ERDMAN: Well, Director, what would you  
16 require for the counseling requirement? It's my  
17 understanding that the last psychological evaluation said  
18 that he was fit given that he attended counseling. And he  
19 didn't do so.

20 MR. ORTIZ: Right.

21 MS. ERDMAN: And so what would you require in the

22 way of counseling?

23 MR. ORTIZ: That he attend that counseling, that

24 he abide by her instructions and get that psychotherapy

25 and counseling.

1 MS. ERDMAN: Would you require it a number of  
2 times per week, a number of times per month?

3 MR. ORTIZ: Whatever the counselor would see  
4 fit.

5 MS. ERDMAN: And who would approve the counselor?

6 MR. ORTIZ: We can make a recommendation. We can  
7 have a counselor, assigning one in that area. I think the  
8 chief has been working on it as well. He's the one who  
9 set this up. We can get with the chief and see who's in  
10 that vicinity.

11 MS. ERDMAN: So you've been working with the  
12 chief from the Clayton --

13 MR. ORTIZ: Yes. He is present here.

14 MR. PEREZ: I have a question. If he denies the  
15 allegations about the possible violence and there's no  
16 evidence to the contrary that the beer bottle incident  
17 may -- or was involuntary on the part of the alleged  
18 victim, what's the crime?

19 And it says that the doctor recommended that the  
20 respondent retain his position as an officer and that he  
21 engage in psychotherapy. She didn't -- it says she

22 recommends it. Does that mean she's ordering it or that

23 it's mandatory. What is he going to do counseling for?

24 What did he do wrong?

25 MS. ERDMAN: Well, I think you have to -- if you



1 look at the picture as a whole, there are these  
2 allegations. And although the complainant has retracted  
3 some of the allegations, she hasn't retracted them in  
4 whole. She's saying that she maybe exaggerated some of  
5 them, maybe made the scene more dramatic than it was.

6 But she didn't completely retract it. We don't  
7 know what she would say at a hearing. Short of  
8 subpoenaing her and having her testify, we don't know what  
9 she would say at a hearing. So there's still that  
10 question in there.

11 There's also still the question of whether he is  
12 fit for duty, because there were two psychological  
13 evaluations that declared that he wasn't.

14 And if you look at his record on the whole, he  
15 was with the Gallup Police Department for several years.  
16 And over that period of time, there were numerous  
17 disciplinary actions taken against him that resulted in  
18 the psychological evaluations.

19 I'm concerned that there are two -- two  
20 psychological evaluations that declare him fit {sic} for  
21 duty. A third that says, "Well, he's probably fit for

22 duty so long as he -- he is fit for duty so long as he

23 attend counseling or psychotherapy."

24 To allow him to be a police officer without

25 meeting that recommendation would concern me.

1 MR. FORCE: Ms. Erdman, just so I heard you  
2 correctly, according to the record, there were two  
3 evaluations that found him unfit for duty and then the  
4 third found him to be fit for duty under the stipulation  
5 that he goes through psychotherapy and/or counseling,  
6 correct?

7 MS. ERDMAN: Yes. Yes.

8 MR. PEREZ: Any further comments? Questions?

9 MR. SHANDLER: Mr. Chairman, just for the record,  
10 I would instruct you to not factor in his prior  
11 allegations of misconduct. We're only focusing on the  
12 four corners of this document.

13 MR. PEREZ: We will disregard that -- the  
14 previous allegations -- or allegations of previous  
15 misconduct. We're dealing with this issue and this issue  
16 alone.

17 Do you have anything else further to say,  
18 Officer?

19 MR. DALE: No, sir.

20 MR. FORCE: Mr. Chairman, I would like to hear if  
21 we could from the chief, if he's willing.

22 MR. PEREZ: Yes. Do you wish to speak, sir?

23 MR. JULIAN: Yes, sir. Mr. Chairman, Members of  
24 the Board, Director, thank you for allowing me to speak on  
25 Officer Dale's behalf today. One year ago I hired

1 Christopher Dale as a patrolman for the Clayton Police

2 Department.

3 I had no reservations whatsoever about offering

4 him the position. He went through our standard background

5 process. The lieutenant that conducted that investigation

6 informed me that there was nothing in his background that

7 would prevent him from becoming employed with our

8 department.

9 I met with the officer, felt no reservations

10 whatsoever with employing him. He's been under my command

11 for one year now. I have to say in the 15 years that I've

12 been in law enforcement, Christopher Dale is one of the

13 best officers I've worked with.

14 He has very, very high standards for himself, for

15 those around him. He has a mission goal, and that's to

16 serve the community of Clayton in the best possible way.

17 I have numerous letters and cards in my office that I've

18 received from our community thanking me for hiring this

19 officer, clearly showing that he is out there working with

20 the community.

21 He is not a threat to our community. He's not a

22 threat to the law enforcement community. And he's not a

23 threat to himself. I work with him on a daily basis. I

24 would not keep him on the street if he was a danger to

25 anyone.

1           As a result of Officer Dale's performance with my  
2 department, his professional demeanor, and his commitment  
3 to serve our department and our community, I recently  
4 promoted him to the rank of corporal. That's the devotion  
5 and dedication that I have to this officer, the commitment  
6 that I'm willing to make.

7           You have -- you have an incident that allegedly  
8 occurred. There are no arrests. There are no  
9 convictions. I believe that this man deserves the right  
10 to be treated, you know, with dignity and respect. You  
11 have a victim -- or alleged victim that has come forward  
12 and now recanted her story.

13          This alleged victim met this man several weeks  
14 before I spoke with the director in Tucumcari, New Mexico  
15 where she stayed the night with him in a hotel room.  
16 There's too many inconsistencies in the story.

17          I would ask that the Board take that into  
18 consideration when you make your decision regarding this  
19 officer's future. I feel in my personal opinion that the  
20 majority of the order that has been brought forward is --  
21 well, I would agree to it.

22 I would not agree to a 60-day suspension when you  
23 have no arrests, no convictions, conflicting stories. I  
24 would ask that that be reduced to a 30-day suspension.  
25 The officer is willing to meet the director's order. I



1 have no problem with assisting him with that.

2 Last week he obtained an eight-hour ethics class  
3 course. I've already made arrangements for the officer to  
4 meet with a mental health worker in Clayton that will work  
5 with him to determine if he even needs psychotherapy.

6 The last psychological report clearly says that  
7 the psychologist feels that he should maintain his  
8 position and seek the counseling. It's the wording that  
9 you have to look for, that we have to be very careful  
10 about.

11 Once, again, that's all I have. If you have any  
12 questions.

13 MR. FORCE: Mr. Chairman.

14 MR. PEREZ: Yes, Mr. Force.

15 MR. FORCE: Chief, one of the main concerns that  
16 I'm looking at just based on what we're seeing here is  
17 that you mentioned that the last psychologist recommended  
18 that he engage in psychotherapy -- or it says and/or  
19 counseling.

20 MR. JULIAN: Right.

21 MR. FORCE: Have you made any attempts or has

22 there been any follow-up on your behalf or the  
23 department's behalf to ensure that steps are being taken  
24 to get him that psychotherapy or ensure that he is getting  
25 it?

1 MR. JULIAN: Yes, sir. He's not currently  
2 getting it at this time; however, I have taken the steps.  
3 Once we received the stipulated order, I contacted this  
4 company called TriState Mental Health Counseling in  
5 Clayton.

6 Their main office is in Raton, but we have two  
7 therapists on staff in town. And I don't think they would  
8 have a problem at all meeting with the officer.

9 MR. FORCE: Okay. And is that -- is that  
10 counseling or psychotherapy -- is that on the department's  
11 behalf that would have to pick that up or are you  
12 looking -- would that be on Officer Dale's behalf?

13 MR. JULIAN: That would be on Officer Dale's  
14 behalf.

15 MR. FORCE: Okay. And when was it that the --  
16 let me look again. It was in April that the last  
17 psychological came out, right?

18 MR. JULIAN: Yes, sir.

19 MR. FORCE: Okay.

20 MR. PEREZ: Are you finished, sir?

21 MR. FORCE: Yes.

22 MR. PEREZ: Any further comments, Chief?

23 MR. JULIAN: No, sir.

24 MR. SHANDLER: Mr. Chairman? Sorry to talk so

25 much. So now the chief mentions TriState Mental Health

1 Counseling. And I just want to make sure since this is a  
2 stipulated order everyone -- the basis of the bargain is  
3 agreed on.

4 So, Mr. Ortiz, is that your understanding when  
5 the word is "counseling" in the order, Dale can go to  
6 TriState Mental Health Counseling?

7 MR. ORTIZ: Yes.

8 MR. SHANDLER: And then the part that I'm still  
9 unclear on, is there an idea there's just one initial  
10 session. And if everything is okay, no further sessions?  
11 Or is there -- are you -- do you want to see multiple  
12 sessions regardless of what happened in that first  
13 session?

14 MR. ORTIZ: I think that's up to the counselor  
15 when they first meet with him. If additional sessions are  
16 required, that then he comply with that.

17 MS. ERDMAN: Do you require a clearance --

18 MR. ORTIZ: Yes.

19 MS. ERDMAN: -- from the counselor before he is  
20 dismissed from counseling?

21 MR. ORTIZ: Yes.

22 MR. PEREZ: Any further questions? Thank you.

23 Next item.

24 ITEM #21: BEN GARCIA

25 MS. ERDMAN: The next is Officer Ben Garcia. He

1 at the time of the incident was with the Isleta Tribal  
2 Police Department. He's since been terminated by that  
3 department. The information I have is that he is  
4 currently not working as a police officer.

5 He was involved in a fistfight. The allegation  
6 is that there was a wedding at a church. A grandfather  
7 wanted to take his granddaughter to the rest room.  
8 Officer -- the officer said, "No, there's a reception in  
9 this area. You can't come in through here."

10 They went outside; the discussion escalated.  
11 There was a fight. Officer Garcia admits that there was a  
12 fight but claims that he was attacked first. Of course,  
13 the claimant contends that the officer sucker punched  
14 him.

15 There was a second, separate incident that  
16 occurred that -- the first incident was in December of  
17 2006. The second incident occurred in April of 2007. And  
18 in this incident someone hit and left his personal mobile  
19 home. Someone crashed into it and then drove away.

20 So he got in his car and chased the suspect  
21 down. And in attempting to subdue the subject claims that

22 he accidentally struck the subject on the side of the head

23 with his baton while he was trying to deflect a shot to

24 his face.

25       The subject -- the complainant, of course, claims



1 that there was no reason for the officer to hit him in the  
2 head, that he caused a laceration that required stitches.  
3 However, the complainant also refused treatment at a  
4 medical facility and was inebriated at the time.

5 And again all of this information is as was given  
6 to us by the respondent and in the complaints that we have  
7 on record. The respondent attended an informal hearing.  
8 He claims that, again, both claimants instigated the  
9 incident.

10 The director is recommending a six-month  
11 suspension, two-year probation, ethics training, and anger  
12 management counseling, and 16 hours of community service.

13 MR. PEREZ: Any questions by the Board? Is  
14 Officer Ben Garcia present? Not present. Any further  
15 questions? (No response.) Next item.

16 ITEM #22: JOEY GOMEZ

17 MS. ERDMAN: The next is Officer Joey Gomez. He  
18 was before you last time on default for these same issues.  
19 We've reach a stipulated agreement with his counsel since  
20 that time. It was originally I think a default  
21 revocation; is that correct?

22           Officer Gomez is accused of driving his  
23 department-issued vehicle with alcohol in his system.. His  
24 breath test was at a .12 -- or the alcohol level. I'm not  
25 sure whether that was a breath test or a BAC.

1 He, as far as I understand, is a current active  
2 member of DPS. The director is recommending a 90-day  
3 suspension, which is the standard for DUI, one-year  
4 suspension, complete alcohol screening program, and any  
5 recommended treatment, and an ethics course.

6 MR. COON: You mean one-year probation?

7 MS. ERDMAN: One-year probation. I'm sorry.

8 MR. SEGOTTA: He resigned in lieu of termination.

9 MS. ERDMAN: He resigned in lieu of termination.

10 Thank you.

11 MR. PEREZ: Is Officer Joey Gomez present? No  
12 reply. Any questions from the Board regarding this  
13 matter? (No response.) Next item.

14 ITEM #23: BILLY HINDS

15 MS. ERDMAN: The next item is Officer Billy  
16 Hinds. He was also up for a default revocation at the  
17 last meeting but made a personal appearance in front of  
18 you to begin the process again. We have since reached a  
19 stipulated order of agreement with him.

20 Billy Hinds is accused of DWI. His blood alcohol  
21 concentration registered at .16, which is twice the legal

22 limit. It was his second DWI arrest. The first had

23 occurred in January of 1994.

24 As his second suspension -- the second DUI, the

25 director is recommending a 180-day suspension, one-year

1 probation, DWI school, as well as alcohol screening  
2 program and recommended treatment, of course an ethics,  
3 and eight hours of community service.

4 MR. PEREZ: Any questions from the Board?

5 MR. SHANDLER: Mr. Chairman, you have a range  
6 usually when you have a second offense ranging from 180  
7 days if there's no mitigation up to a year. So why 180  
8 days? Were there mitigating factors, Mr. Ortiz?

9 MR. ORTIZ: It was my understanding that on  
10 second, the Board was looking at a six-month suspension.

11 MR. PEREZ: Is Billy Hinds present? No reply.

12 Next item.

13 ITEM #24: RODNEY MORRIS

14 MS. ERDMAN: The next item is Rodney Morris.

15 This matter also has been before the Board before. I

16 presented this case at the last meeting in Albuquerque.

17 And the director requested -- was it a 90-day suspension

18 at that time?

19 MR. ORTIZ: (Nodded.)

20 MS. ERDMAN: I think --

21 MR. SHANDLER: Yes.

22 MS. ERDMAN: I think the original request was for  
23 a 90-day suspension. Officer Morris is accused of several  
24 violations. He had sex with a 17-year-old. He admits to  
25 that. The district attorney at the time determined that

1 there were not -- that the conduct was not sufficient for  
2 them to bring charges as statutory rape.

3 I know that was a question that the Board had.

4 That is something that was evaluated by the district  
5 attorney. That question was raised. And the district  
6 attorney chose not to prosecute that case.

7 The 17-year-old later worked at the department as  
8 a service --

9 MR. COON: PSA.

10 MS. ERDMAN: Yes. Thank you. I don't have all  
11 of the acronyms down yet. -- and claims that he was  
12 harassing her.

13 The main accusation -- the respondent claims that  
14 he said she was having a bad day. And his response was  
15 that he claims he said in a joking manner was, "You just  
16 need to get laid." And again this case, as with the other  
17 cases involving sexual harassment, the difficulty is  
18 obtaining -- in putting evidence on.

19 We have the initial internal affairs  
20 investigations that determined that this and a couple of  
21 other acts of sexual harassment happened. But in order to

22 present that evidence, it would not pass muster in a  
23 district court to simply present the internal affairs  
24 investigation.

25 That would leave you with hearsay. And while



1 hearsay is permitted to some extent in the more informal  
2 administrative hearings, if you do not have some direct,  
3 admissible, nonhearsay evidence to tie to the hearsay  
4 evidence, your case cannot rest on mere hearsay evidence  
5 alone. It will be dismissed.

6       So there has to be at least some admissible  
7 evidence. And the difficulty in cases as sexual abuse or  
8 sexual harassment is cooperation with the witness.

9       So I'm not saying we could not get the evidence  
10 or that we couldn't put it together. I just want you to  
11 be aware that that's an extreme difficulty in these kinds  
12 of cases, and especially when you're asking victims to  
13 come to Santa Fe from far reaches of somewhere else.

14       And so I'm supportive of the 120-day suspension,  
15 two-year probation, and ethics training, and counseling,  
16 along with sexual harassment training, and 16 hours of  
17 community service that the director is recommending.

18       MR. PEREZ: Any questions from the Board?

19       MR. ORTIZ: He did reject this offer and was  
20 requesting a formal hearing, and about a week later he  
21 called and said he would accept this.

22 MR. PEREZ: Is Rodney Morris present? No

23 response. Next item.

24 ITEM #25: JAMES NARANJO

25 MS. ERDMAN: The next is Officer James Naranjo.

1 James Naranjo went into a store, A-1 Communications. He  
2 discovered a hand-held I-C-O-N or Icon radio. The  
3 proprietor valued that radio at \$194.98. The Icon radio  
4 was there before Mr. Naranjo walked into the store. The  
5 radio was gone after Mr. Naranjo walked out of the store.

6 And most of his actions during the time he was in  
7 the store are on videotape. It showed -- it showed  
8 respondent looking at the radio, walking away from the  
9 radio, walking back to the radio, putting something in his  
10 pocket -- or under his coat; and then it showed him later  
11 walking out.

12 The radio was found in the respondent's assigned  
13 police unit. The respondent turned over the radio to the  
14 investigating officer. And this happened on March 12th of  
15 this year.

16 At an informal hearing in June, the respondent  
17 met with the director and agreed to the recommendations of  
18 the director as to discipline. He claims he accepts  
19 responsibility for his actions and is remorseful; that he  
20 had been on medical leave and in counseling prior to the  
21 incident and had depression and anxiety with work-related

22 issues.

23 He resigned after this incident, after a 19-year

24 career with his department. This incident happened just

25 before he was ready to retire. The director is

1 recommending a 60-day suspension, one-year probation,  
2 ethics training and counseling, and 16 hours of community  
3 service.

4 MR. PEREZ: Any questions from the Board? Is  
5 Mr. James -- Officer James Naranjo present?

6 MR. NARANJO: Yes, I am.

7 MR. GERAN: And his attorney.

8 MR. PEREZ: Would you like to address the Board,  
9 Mr. Naranjo? If you would, please.

10 Counselor, would you wait, please; and then we'll  
11 hear you.

12 MR. GERAN: I'm just going to sit down right  
13 here.

14 MR. PEREZ: That's fine.

15 MR. NARANJO: Thank you, Mr. Chairman, Ladies and  
16 Gentlemen. I take full responsibility for my actions. It  
17 was a bad decision. I love doing what I do. I would like  
18 to continue to serve God's people. I'm a third-generation  
19 officer. And it's very embarrassing in the decision I  
20 made.

21 I would like to continue my -- my goal. I love

22 what I do. I would love to continue to help the community  
23 and to teach law enforcement officers in all the knowledge  
24 that I know. Thank you for your time, and I'm just very  
25 sorry for what I did.

1 I've never done anything of that such nature.

2 And I'm striving to be the best that I can be. And I

3 thank you for your time.

4 MR. PEREZ: Excuse me. One question. There's a

5 statement here that you were -- had been on medical leave

6 and counseling prior to this incident due to depression

7 and anxiety regarding work-related issues that are

8 currently pending litigation.

9 Does that litigation involve you personally?

10 MR. NARANJO: Yes, sir.

11 MR. PEREZ: Is that -- Zach, can we get into this

12 or?

13 MR. SHANDLER: You're making me nervous, so. I'd

14 rather you not get into it unless he volunteers that it's

15 related to this, so..

16 MR. NARANJO: I think my attorney could probably

17 explain that better to you than I could, if that's okay.

18 MR. PEREZ: Are you finished, sir?

19 MR. NARANJO: Yes, sir. Thank you.

20 MR. PEREZ: Counselor?

21 MR.. GAREN: Just two things. I don't think --

22 MR. PEREZ: Your name, please.

23 MR. GAREN: My name is George Garen. I'm an

24 attorney in Santa Fe, New Mexico. Civil rights and

25 harassment and discrimination law are what I do.



1 Mr. -- well, former Sergeant Naranjo was up for  
2 promotion to lieutenant about 18 months ago. He was the  
3 high scorer on the lieutenant's exam. It's always been  
4 the practice of the sheriff's department to take the high  
5 scorer.

6 In this case, he was passed over for somebody  
7 else. At that point he was an 18-year police veteran and  
8 had a very limited discipline record at all up until that  
9 point and had been pretty much a stellar performer, I  
10 think.

11 And at that point, Sergeant Naranjo went in and  
12 complained to the current sheriff in Santa Fe County. And  
13 since that time, he's had -- he came and saw me. And we  
14 filed human rights division charges.

15 And since then at that time there's been things  
16 that the sheriff's department would say are disciplinary  
17 violations by Sergeant Naranjo. I think there have been  
18 four, maybe even five, over that 15-month period.

19 And so what eventually happened was on the second  
20 to the last of these disciplinary violations, Sergeant  
21 Naranjo was feeling forced out of the department and took

22 medical leave.

23 He came back from medical leave. Actually,

24 retired ten days before the shoplifting incident -- or

25 turned in his letter. And the unfortunate thing here is

1 we're involved in ongoing litigation and he was trying to  
2 leave.

3 And in circumstances like that, my orders to my  
4 clients are, you know, keep your head down and do  
5 everything anybody tells you to and try to be the best  
6 officer you've ever been. And, unfortunately, sometimes  
7 that's difficult when somebody feels like they are being  
8 forced out of a 20-year career.

9 So he was in counseling for two or three months  
10 before this and fairly intensive counseling and was held  
11 out of work. And he went back to work for just a couple  
12 of weeks, and this unfortunately happened.

13 And he's admitted what he's done. And we're  
14 going to proceed with our case. And that's where we are.

15 MR. PEREZ: He said he -- he retired? It says he  
16 resigned or retired.

17 MR. GAREN: Well, he's handed in his two-weeks  
18 resignation ten days before the shoplifting incident. He  
19 essentially --

20 MR. PEREZ: He had not completed his 20 years  
21 yet.

22 MR. GAREN: Right, he had not completed his 20  
23 years yet. He could not -- and, you know, he was in -- on  
24 medical leave for approximately two months before all this  
25 happened because, like I say, I think many of you might be

1 able to understand this. If you've got 17 years of a  
2 discipline-free record and then every time you turn around  
3 you get some kind of warning or suspension, it gets very,  
4 very difficult for certain people to handle.

5 MR. PEREZ: Yes, sir. Any questions of the  
6 Board?

7 MR. NARANJO: Mr. Chairman?

8 MR. PEREZ: Yes, Mr. Naranjo.

9 MR. NARANJO: I am currently retired, and I  
10 receive my pension from the PERA.

11 MR. PEREZ: You qualified for that?

12 MR. NARANJO: Yes, sir, I did. Twenty years.

13 MR. COON: Are you looking to get back into law  
14 enforcement?

15 MR. NARANJO: I would love to get back in law  
16 enforcement. That's my goal one day to be chief of -- to  
17 be chief of my tribe where I come from and serve my  
18 people. Thank you.

19 MR. PEREZ: Any further questions? (No  
20 response.) Thank you.

21 MR. SEGOTTA: Mr. Chairman, before you move on, I

22 have to excuse myself. My department is up for a  
23 legislative finance committee here in Albuquerque, and I  
24 have to depart in order to make that. So I apologize for  
25 leaving early.

1 MR. PEREZ: Yes, sir.

2 (At this time, Mr. Segotta exited the meeting.)

3 MR. PEREZ: Chief Segotta is leaving. Do we  
4 still have a quorum?

5 MR. ORTIZ: Yes. We're fine.

6 MR. PEREZ: Thank you. Next item, please.

7 ITEM #26: FRANK ROMERO

8 MS. ERDMAN: The next is Officer Frank Romero.

9 This case also was before the Board at the last board  
10 meeting. Officer Romero is accused of developing a  
11 suspect improperly in response to a robbery that happened  
12 at a home.

13 The respondent was called to investigate a  
14 burglary at a Taos County New Mexico residence. During  
15 the course of the investigation, he observed fingerprints  
16 at the crime scene. And after the investigation, he took  
17 fingerprints from the crime scene.

18 Also after the investigation, he developed a  
19 suspect at a pawnshop. Someone had turned in equipment  
20 that the owner reported as stolen at the time of the  
21 burglary. Based on this information, the respondent

22 filled out an affidavit for the arrest of the person whose  
23 fingerprint and name were on the items that were in the  
24 pawnshop.

25 He also claims that those fingerprints matched



1 the fingerprints that he had taken at the home. He admits  
2 that he didn't have an expert do the fingerprint  
3 matching. An expert later determined that the  
4 fingerprints were not a match.

5 But Officer Romero had filled out an arrest  
6 warrant in the meantime. The judge signed the arrest  
7 warrant -- I have one question though.

8 Was the suspect in jail at the time --

9 MR. ORTIZ: Yes, he was in the jail at the time.

10 MS. ERDMAN: Okay. The arrest warrant was issued  
11 for a \$64,000 bond. The charges were -- against the  
12 suspect were later dropped. The suspect -- I mean, the  
13 respondent appeared at an informal hearing. He admits to  
14 his mistakes and admits that he failed to conduct a proper  
15 investigation, claims that he feels remorseful about his  
16 actions, and is willing to agree to the director's current  
17 recommendations.

18 The recommendation at the last meeting was a  
19 one-year suspension. The current recommendation is a  
20 two-year suspension with a three-year probation, ethics  
21 training, and the respondent attend a 40-hour crime scene

22 investigation course, and an eight-hour community

23 service -- do eight hours of community service.

24       And it's my understanding that although Officer

25 Romero isn't here, there are representatives from his

1 department that want to speak? Oh, is Officer Romero  
2 here?

3 MR. HOLMES: He's here.

4 MS. ERDMAN: I didn't see you before. I'm sorry.  
5 I'm sure he would like to speak on his behalf.

6 MR. FRANK ROMERO: Can I go up?

7 MR. PEREZ: Yes, Officer Romero.

8 MR. FRANK ROMERO: Chairman, Members of the  
9 Board, Director, I'm Deputy Frank Romero, Taos County  
10 Sheriff's Office. At this time, I do admit my mistake.

11 Mistake was basically a poor choice of words that I chose,  
12 but I wanted to indicate on my affidavit was prints  
13 appeared to be a match; but I did put what I did.

14 I did put that prints actually did match. I do  
15 admit to my mistake, and I apologize for any of the  
16 inconvenience that I caused anybody, especially to my  
17 burglary suspect, which -- I mean, not even a week later  
18 he got convicted again, same crime. He's doing time right  
19 now.

20 But I am remorseful for the actions that I took,  
21 and I apologize remorsefully. And I've been a law

22 enforcement officer right now for seven years. If you  
23 look at my record, I have no repeatedly mistakes like  
24 this.

25       It was just something that -- that I -- it was

1 just a simple mistake that I did. And at the time also I  
2 was under pressure by my old administration, so I was  
3 trying to knock off the report as fast as I can because I  
4 was under pressure.

5 I'm not trying to put the blame on anybody else,  
6 but I was just saying that I was under pressure. As I was  
7 typing up my affidavit, like I said, I just indicated just  
8 used poor choice of words. And I admit my mistake, and  
9 I'm willing to take whatever is directed at me.

10 But I do apologize to my mistake.

11 MR. PEREZ: Any questions of the Board of  
12 Mr. Romero?

13 MR. FORCE: Mr. Chairman.

14 MR. PEREZ: Mr. Force.

15 MR. FORCE: On the information that we're given,  
16 Mr. Romero, it says that -- that the expert investigator  
17 had questioned you on the inconsistencies of the  
18 fingerprints.

19 MR. FRANK ROMERO: Uh-huh.

20 MR. FORCE: And that -- do you remember that  
21 happening where he questioned you?

22 MR. FRANK ROMERO: Yes, I do.

23 MR. FORCE: And then it says in here that the  
24 respondent laughed -- that you -- that you laughed and  
25 said that you had been under a lot of pressure from the

1 victim in the case.

2 MR. FRANK ROMERO: Yeah, it was just the way I  
3 react sometimes. But it's not I meant to laugh as far as  
4 making fun of the situation that was presented in front of  
5 me. It's just the way I react, you know. Just the way I  
6 react sometimes.

7 But I was, you know, not laughing because of the  
8 situation that was going on, because as far as any of my  
9 calls or anything that I do -- I mean, I take serious. I  
10 mean, this is a serious job. I take everything serious of  
11 what needs to be done.

12 But that, you know, it's just the way I react.  
13 I'm just the type of person -- I'm just an outgoing  
14 person. And, you know, I just -- it's not that I was  
15 actually making fun of what was going on.

16 MR. FORCE: And did you know it -- I mean, I  
17 guess the big question I have: Is this correct that you  
18 knowingly filed an affidavit when that information you  
19 knew was false on there?

20 MR. FRANK ROMERO: At first I did not know until  
21 later on when the chief investigator that I was talking to

22 brought it to my attention. I did not realize it. And  
23 then, like I said, I normally proofread everything before  
24 I turn it in. And that night I just -- I mean, I was  
25 tired. It was late.



1           And I just -- I admit to doing sloppy work. And  
2 I just turned it in the way it was. And then later on  
3 after I had already gotten the affidavit and already  
4 signed by the judge, the chief investigator that I spoke  
5 to pointed out the -- the mistake that I did.

6           But it was too late already. Everything was  
7 already turned in. I already had the warrant issued out  
8 for this guy, and Taos Police Department had already  
9 picked up the guy on the warrant. So I couldn't turn -- I  
10 mean, there's no way I could have, you know, reamend that  
11 affidavit, so.

12          MR. FORCE: Did you make any attempts to let the  
13 judge know that the information on the affidavit was  
14 incorrect?

15          MR. FRANK ROMERO: No. I was already -- it was  
16 already too late. The judge had already issued out the  
17 warrant because I actually -- once I typed out that  
18 affidavit, I had her sign right off the bat within -- and  
19 I'm surprised she didn't find the mistake either when I  
20 took it to her residence.

21          It was like late in the evening. And, like I

22 said, it was just bad -- I mean, just poor -- just

23 laziness I guess for not rereading my material. And

24 now -- I mean, now that I'm, you know, doing this -- you

25 know, I'm still on the street and I'm doing affidavits

1 again, I make sure I reread everything.

2 And now we have a new administration now with our  
3 sheriff's department and now we have good supervisors that  
4 could actually, you know, help me out and reread my  
5 affidavit and make sure that everything is correct.

6 And also I spoke with the district attorney --  
7 the Assistant District Attorney Mr. Daniel Romero. He  
8 told me that anytime I had any questions for me to feel  
9 free to go by his office and we'll -- he'll recheck my  
10 work before we turn it in. But, I mean, I've gotten  
11 sources now that I can actually count on to help me out.

12 But, like I said, nowhere within my seven years  
13 this kind of behavior has been in my law enforcement  
14 career, and I don't intend it to be a habit. This is just  
15 poor choice of words. And, like I said, it was just  
16 something that I just, like I said, just being lazy and  
17 not rereading my material.

18 MR. FORCE: Mr. Romero, if I could get you to  
19 just tolerate me for a second.

20 MR. FRANK ROMERO: Yes, sir.

21 MR. FORCE: I guess the alarming issue at least

22 on my behalf on this Board was as a police officer you're

23 given the public trust.

24 MR. FRANK ROMERO: Yes.

25 MR. FORCE: You're invested with that.

1 MR. FRANK ROMERO: Yes, that's correct.

2 MR. FORCE: And one of the highest areas of  
3 public trust is that -- your trust, your integrity when  
4 you sign a legal document within the criminal justice  
5 system that has a bearing upon the rights and privileges  
6 of our citizens.

7 And yet in this case -- I mean, the crux of the  
8 matter if we get down to it is that you lied on the  
9 affidavit.

10 MR. FRANK ROMERO: Yes, I -- I did. I mean, I'm  
11 not going to -- I'm not going to deny that. I did lie on  
12 the affidavit.

13 MR. FORCE: And are you in agreement with the  
14 two-year suspension being recommended?

15 MR. FRANK ROMERO: I am in agreement with that.  
16 You know, I would like it possibly lowered a little bit.  
17 I mean, you know, it's something, you know, like I said,  
18 it's just an honest mistake on my part.

19 And, I mean, I was recommending -- you know, I  
20 would recommend to the Board that they would consider  
21 maybe something a little bit lower or even go with the

22 first stipulated order, as far as the year or year and a

23 half.

24 That's what I basically would like to see happen,

25 I mean, if possible, you know, if you guys would have any

1 kind of, you know, remorse for me and, you know, just give  
2 me another -- second chance.

3 MR. FORCE: I guess -- you know, and I understand  
4 that. And I'm not questioning your remorse. I'm not  
5 questioning, "Boy, did I learn a lesson here."

6 MR. FRANK ROMERO: Uh-huh.

7 MR. FORCE: But once you breach integrity, once  
8 you breach that public trust ability, the big question is  
9 can you ever regain it. This incident is a documented  
10 public record that will follow you your entire career.

11 Do you understand that?

12 MR. FRANK ROMERO: Yes, I do. And right now, I  
13 mean, as far as Taos County, you know, there's a lot of  
14 people that, you know, have a lot of faith in me. I mean,  
15 I've been a good officer. I've been doing my work. As a  
16 matter of fact, I've received letters from people saying  
17 thanks for a good job.

18 I helped a popular artist, you know, with some  
19 of -- retrieving some of his stuff. I've gotten, you  
20 know, letters from people that, you know, really, you  
21 know, like the job that I do. And I feel, you know, I can

22 gain that public trust again within the county.

23 Like I said, I'm a well-known person here in Taos

24 County and a lot of people, you know, have a lot of trust

25 in me. And I'm there to help out citizens.



1 As a matter of fact, I live in a housing area  
2 where I'm the officer stationed there, and I help out the  
3 residents in that area. I mean, any kind of needs that  
4 they need. As a matter of fact, we have 80-year-olds,  
5 70-year-olds living behind me, and, you know, sometimes  
6 they need help.

7 I help them out as far as helping them out with  
8 their, you know, getting their meds. I help them out  
9 taking them to places for their appointments.

10 MR. PEREZ: Officer Romero, I appreciate that,  
11 but stick to the issue if you would, please.

12 MR. FRANK ROMERO: Okay. But I'm just saying  
13 that I could get that public trust again.

14 MR. PEREZ: Any further questions?

15 MS. ERDMAN: I have a question for the respondent  
16 if I may.

17 MR. PEREZ: Yes, ma'am.

18 MS. ERDMAN: I just want to make sure that I'm  
19 clear. You're saying that your mistake was the affidavit  
20 says that the fingerprints matched.

21 MR. FRANK ROMERO: Yes. Correct.

22 MS. ERDMAN: And you're saying that the affidavit  
23 should have said that the fingerprints appeared to match?

24 MR. FRANK ROMERO: Yeah. I should have  
25 reworded. It was just poor choice of words that I should

1 have --

2 MS. ERDMAN: And you're saying that the judge

3 should have caught that mistake?

4 MR. FRANK ROMERO: Well, I should have caught the

5 mistake. I shouldn't blame it on the judge.

6 MS. ERDMAN: Would there have been any way for

7 the judge to know that that was a mistake?

8 MR. FRANK ROMERO: Probably not.

9 MS. ERDMAN: Would there have been any

10 difference -- if your affidavit had said the fingerprints

11 appeared to match, would the warrant have been any

12 different?

13 MR. FRANK ROMERO: No. I kind of -- I still had

14 the -- being that this individual -- being that this

15 individual did pawn an item from the burglary scene that

16 still put him at the residence.

17 MS. ERDMAN: Well -- okay.

18 MR. SHANDLER: Can I ask a question? My job is

19 to make sure there is a basis of the bargain. In

20 accepting this, this is a two-year suspension. So what

21 are you going to do the next two years?

22 MR. FRANK ROMERO: My sheriff, me and him has --

23 we've made arrangements. And he could probably go over

24 that. He wants to speak on my behalf.

25 MR. SHANDLER: Okay.

1 MR. FRANK ROMERO: Any further questions?

2 MR. PEREZ: I have a question. You lied under  
3 oath and then you did not correct it when you were told  
4 that it was not true.

5 MR. FRANK ROMERO: I did not know at the time  
6 that I had made the mistake. I had already done the oath  
7 and then later on after upon talking to the investigator  
8 -- the investigator actually found the mistake after  
9 everything was done.

10 MR. PEREZ: But you didn't go and tell the judge.

11 MR. FRANK ROMERO: Afterwards, yeah, I told her,  
12 but this was already too late because --

13 MR. PEREZ: Did you tell the judge later that you  
14 gave false information?

15 MR. FRANK ROMERO: Yes, I did. But it was  
16 already too late. It was too late already. Like I said,  
17 Taos PD had already picked up this guy on the warrant  
18 already.

19 MR. PEREZ: Did you tell Taos PD that the  
20 information you furnished was wrong and that that person  
21 that was arrested --

22 MR. FRANK ROMERO: I did not tell Taos PD. No, I

23 did not.

24 MR. PEREZ: You did not.

25 MR. FRANK ROMERO: No. They had already served

1 it on a different time that I was off.

2 MR. PEREZ: You seem to keep saying it's too

3 late. When you do something wrong, it's not too late..

4 Somebody was arrested falsely.

5 MR. FRANK ROMERO: Yes.

6 MR. PEREZ: You should have stood up and said, "I

7 told a lie."

8 MR. FRANK ROMERO: Yeah, but after -- after that,

9 I did admit to I did tell a lie. After that, I did.

10 MR. PEREZ: Now you are, but at that time you

11 didn't. That man stayed in jail and the bond was set at

12 \$64,000.

13 MR. FRANK ROMERO: Yes.

14 MR. PEREZ: A very high bond.

15 MR. FRANK ROMERO: Yes.

16 MR. PEREZ: Any other questions?

17 MR. FRANK ROMERO: He stayed in jail like for two

18 days only.

19 MR. PEREZ: Two days he was deprived.

20 MR. FRANK ROMERO: And then he got right in

21 trouble right in the next few days.

22 MR. PEREZ: It doesn't matter what he did later.

23 We're talking about this incident. Do you have any

24 further statements?

25 MR. FRANK ROMERO: No. No, sir.



1 MR. PEREZ: Thank you.

2 MR. FRANK ROMERO: Thank you, sir.

3 MR. PEREZ: Anybody else wish to speak?

4 Yes, sir. Please come forward.

5 MR. MIGUEL ROMERO: Good morning, Mr. Chair,

6 Members of the Law Enforcement Academy Board. My name is

7 Sheriff Miguel Romero. I am Frank's --

8 MR. PEREZ: I'm sorry. Your first name, sir?

9 MR. MIGUEL ROMERO: Miguel.

10 Mr. Director. Welcome to Taos County.

11 Unfortunately, it's for one of these incidents that I have

12 to be here. I'm here on behalf of Frank Romero. The

13 incident that we're talking about happened prior to my

14 administration.

15 The chief investigator sent me this letter maybe

16 two days after I took office. Undersheriff Romero and I

17 brought in Frank. We explained to him what he had done

18 wrong. At the time he told us it was a -- he

19 misrepresented himself as saying it "matched" to

20 "appeared." So when we started documenting papers, we

21 seen that he did put his fingerprints did match.

22        We asked him if he was -- if he was a  
23 professional. He said no. What had happened is we found  
24 out that he -- he had -- the wording that he had said was  
25 after the arrest on this subject.

1       The date this subject was arrested -- he was  
2 arrested I believe by the town of Taos on concealing  
3 identity and -- I can't remember what the other charge  
4 is. So we started looking into it.

5       You know, we pretty much saying, yes, Frank, he  
6 messed up on his wording. What we've changed now is we go  
7 over everything now on the officers. I brought an  
8 undersheriff that inspects everything.

9       When Frank gave a statement to us, we told him he  
10 had to take full responsibility; and he has since. As far  
11 as apologizing to the judge or to the police department, I  
12 believe what we're trying to get to is if he ever told him  
13 that he was wrong.

14       Everything happened -- the arrest happened --  
15 after the arrest is when we were notified that he had done  
16 what he had done on the arrest warrant. That's just what  
17 I'm trying to bring up.

18       You know, I've spoke to him. Am I in favor of  
19 the two years, not really. We have a very small  
20 department. It's hard to get officers up here. When we  
21 received the first order, which was on -- see if I can

22 look -- February 20th, it was for one year.

23        Still then I was kind of hesitant, but he's a

24 good officer. I figured we could keep him on. We could

25 pull him into civil process just serving papers, doing

1 office work. I didn't know I had to come in front of the  
2 panel, the Board here that day to represent us.

3 We thought that by signing, it was an agreement.

4 We had already switched our schedules to take him off the  
5 shift. When we were notified a couple of months later, we  
6 received -- on May 1st we received a letter; and that was  
7 a notice of final decision to revoke his certification  
8 completely. We were in agreement.

9 A couple of weeks ago, we received the third one;  
10 and that was on the 5th, right after that. It's a  
11 two-year with three-year probation. He asked me if I  
12 could live with it, to keep him employed. I was okay with  
13 it because he's a good officer.

14 You know, we're not trying to blame any other  
15 administration. We'll take the blame for what he's done,  
16 and we'll try and correct that. But we are asking,  
17 please, help the county. It's an officer we're going to  
18 lose. Small agencies, you lose one officer, it hurts a  
19 community and it hurts other departments because you don't  
20 have that much coverage.

21 MR. PEREZ: Are you related to him at all?

22 MR. MIGUEL ROMERO: No, sir.

23 MR. PEREZ: Was the former sheriff related to

24 him?

25 MR. FRANK ROMERO: No.

1 MR. MIGUEL ROMERO: No.

2 MR. PEREZ: Or the chief deputy?

3 MR. FRANK ROMERO: Excuse me, sir?

4 MR. PEREZ: Was the former deputy related to you?

5 MR. FRANK ROMERO: No, sir, no relation.

6 MR. PEREZ: Any further statements, sir?

7 MR. MIGUEL ROMERO: I don't have any further

8 statements. I have my supervisors here. They are here in

9 support of him. My undersheriff is here also.

10 MR. PEREZ: Any questions of the Board? Does the

11 Board request to hear any more information from these

12 other officers? (No response.) Thank you very much, sir.

13 MR. MIGUEL ROMERO: Thank you for your time.

14 MR. PEREZ: Next item.

15 ITEM #27: TONY SEDILLO

16 MS. ERDMAN: The next item is Officer Tony

17 Sedillo. This case was also before the Board at the last

18 meeting. The original recommendation was for I believe a

19 60-day suspension. Director is now recommending a 90-day

20 suspension.

21 The respondent Officer Sedillo was working with

22 the Roswell Police Department, and he had a close personal  
23 relationship with a female subordinate. At one point he  
24 extended that personal relationship too far. They were  
25 having flirtatious, friendly conversations, bantering.



1 At one point he made an unsolicited advance  
2 towards her and caressed and cupped her breasts. She was  
3 very uncomfortable with this. She made a complaint. The  
4 respondent discontinued his behavior. He also resigned in  
5 lieu of termination and is now working for the Chaves  
6 County Police Department.

7 He had 25 years with the Roswell Police  
8 Department before he resigned. And my understanding is  
9 that he had an exemplary career before that time. This is  
10 another case where the case would depend on the  
11 willingness of the victim to come forward and testify and  
12 whether her testimony would agree with the accusations  
13 that she's made. It may be a difficult case to take to  
14 hearing.

15 MR. FORCE: Ms. Erdman, Mr. Chairman.

16 MR. PEREZ: Mr. Force.

17 MR. FORCE: I would recommend that we table this  
18 item. It's apparent just on the number of the Board at  
19 this point and based on Sheriff Coon's position that there  
20 would be a conflict of interest; is that right, Sheriff?

21 MR. COON: Yes.

22       MR. FORCE: And at this point -- I mean, the  
23 discussion and deliberation probably ought to take place  
24 in front of a voting board for this issue because at this  
25 point I mean, we can't act on it.

1 MS. ERDMAN: You can't act on this matter today.

2 MR. FORCE: Zach, would that be appropriate to

3 table it until the next meeting?

4 MR. SHANDLER: Yes, that is an option. The other

5 option is for the two or three items where there may be

6 another board member that has a conflict, may have to get

7 Chief Segotta available by phone.

8 So you have at least two options. I think

9 there's going to be around two or three cases to table to

10 the next meeting or to try to get Chief Segotta on the

11 phone. I don't know the logistics of that.

12 MS. ERDMAN: And I also want to say that Officer

13 Sedillo did travel from Roswell.

14 MR. ORTIZ: My understanding is that we had a

15 quorum seated and one of you'd have to abstain, that we're

16 still allowed.

17 MR. PEREZ: Do we still have enough?

18 MR. SHANDLER: That advice has been countermanded

19 as of the Las Vegas meeting where my supervisor instructed

20 me that if you have a conflict, you fall out of the

21 quorum. So that's different than we've been doing in the

22 previous years.

23 MR. PEREZ: So we do not have a quorum then?

24 MS. ERDMAN: If Chief Segotta was in the

25 executive session by telephone, is that what you....

1 MR. SHANDLER: Right, one option would be to get  
2 him available by phone.

3 MR. ORTIZ: And he is familiar with this case  
4 because he has heard it before.

5 MR. PEREZ: He should be on the ground by now.

6 MR. ORTIZ: And I have his cell phone number.

7 MR. PEREZ: I would think....

8 MR. FORCE: Okay. So I guess we ought to go  
9 ahead and proceed, and when we're in executive session we  
10 can get him on the phone.

11 MS. ERDMAN: Should we continue with Mr. Sedillo  
12 speaking on his behalf.

13 MR. PEREZ: Mr. Sedillo, would you care to speak  
14 on your own behalf?

15 MR. SEDILLO: Yes, sir.

16 Ladies and gentlemen of the New Mexico Law  
17 Enforcement Academy Board, Director, so forth, it's with  
18 great humility and shame that I'm before this Board. I've  
19 had 25 years of law enforcement and made a great mistake  
20 in judgment and overextended a friendship.

21 I personally know, of course, the ramifications

22 that go with something like this. And on the issue before  
23 the Board today, you know, I fully admit to making  
24 certainly a very wrong decision and especially from a  
25 knowledgeable person.

1 As far as today's action, I would hope since this  
2 has been back in place since February the 4th of 2008, of  
3 this year, and -- you know, I would like to basically take  
4 care of all business as much as possible. It's been four  
5 months. It's been four months of anxiety. I left my  
6 department January 31st of 2007.

7 I hired with Chief Coon after the 90-day  
8 mandatory PERA retirement and very quickly went back to  
9 work. And I don't know if this is the proper wording,  
10 unfortunately or fortunately, I'm a very work-orientated  
11 person. I have to work. I love working.

12 And, you know, I personally understand, you know,  
13 the shame that this brings on the law enforcement  
14 community, number one, also upon the person that stands  
15 before a Board such as this, and in the law enforcement  
16 community..

17 Then, of course, the other things that certainly  
18 you possibly don't think about at the moment is how is  
19 this going to affect other people in your lives such as  
20 your family. And, of course, this has been an issue that  
21 has been very difficult for my wife and I. We've been

22 married 20 years. You know, we have certainly made our  
23 best way through this as much as possible.

24       The one issue that I would really like to see if  
25 we could go into executive session, possibly get a hold of



1 Chief Segotta is to have a decision made on this because I  
2 stand ready to accept the actions of this Board.

3       You know, without a doubt, you know, I know the  
4 actions I took were wrong. However, I would still love  
5 and I still -- I enjoy working for the sheriff's  
6 department. It's been in community -- that's the  
7 community I was raised and born in.

8       I did my -- my career, my agency with the Roswell  
9 Police Department but also with the sheriff's department.  
10 We worked with them very closely, so as the option for  
11 PERA became -- PERA retire/rehire became available over  
12 the years, I strongly looked at that, very, very strongly  
13 going to the other agency.

14       You know, you live in the community. You have  
15 ties to the community. You have your family. You have  
16 your children there. I have a grandchild that there we  
17 are raising. We are a fair portion of her -- of an  
18 18-month little baby girl -- livelihood and shelter.

19       And, you know, those are the things that even  
20 although I still have my PERA, I enjoy the capacity that I  
21 serve for chief -- or Sheriff Coon, rather, as a deputy,

22 as a field deputy initially working the field, and then

23 now at the courthouse working with the -- the district

24 courthouse.

25       When at the last meeting I understand that

1 possibly that the stipulated order or suspension and  
2 probation be rejected. I can understand that because it  
3 puts each member of this board in a hard decision. And I  
4 understand that. And I apologize to each one of you for  
5 the position you're in.

6 This was a very embarrassing incident. With  
7 the -- within the department, you know, I had to be judged  
8 by my peers. Two fellow commanders who were in charge of  
9 the internal affairs division and the deputy chief and the  
10 chief of police, all of which that I had a very great,  
11 professional working relationship with, but upon this  
12 being brought forward, I've told them right off the bat  
13 there was no playing around.

14 Yes, I'm very sorry that this did occur. And to  
15 the very same peers, two other commanders, Darren  
16 Treadwell and Jody Scifres. And I apologized to them and  
17 I certainly hold no ill-will towards either one of those  
18 gentlemen.

19 Darren Treadwell has since retired from the RPD.  
20 We worked many years together. Jody Scifres and I worked  
21 many years together. Darren and I worked together for the

22 department. And it was certainly not a hollow or a false  
23 apology to either one of those gentlemen by putting them  
24 in that position.

25       Because we're working together now. And, I don't

1 know, maybe they think that they can't believe it was  
2 actually sincere, which it is. All I would ask out of  
3 this session here is, you know, I still care about the  
4 work and the ethic I bring to the department, any  
5 department I work for.

6       One of the things of concern is -- it's just not  
7 personal concern for myself -- to leave the other  
8 personnel that I've worked with high and dry. And  
9 essentially I think all departments know -- every  
10 department, large and small, suffers from the manpower  
11 restrictions when you lose one or two or three bodies,  
12 just like sergeant has been discussing personnel going to  
13 Law Enforcement Academy. And it ties them up, depending  
14 on the resources and the municipality or the county or the  
15 state agency that you're working with.

16       On this issue here, even if it means that the  
17 sheriff not be allowed to for me, that's fine. I would --  
18 but I'd just personally would like this to be handled and  
19 taken care of. It is, like I said --

20       MR. PEREZ: If you would please bring it to a  
21 conclusion.

22       MR. SEDILLO: Yes. And basically that's all I  
23 would ask to -- I stand ready to take the recommendation  
24 of the Board. And I would ask for you to hopefully take  
25 that into account and make a just decision.

1 MR. PEREZ: Did you apologize to the lady?

2 MR. SEDILLO: Yes, sir. She and I are very, very  
3 friendly. We have a --

4 MR. PEREZ: That's --

5 MR. SEDILLO: We are a -- we're best friends,  
6 let's say. We have a -- we have a friendship that goes to  
7 that level. Her mother and father, her sisters. And when  
8 I misread that, I immediately apologized to her.

9 MR. PEREZ: Thank you. Any further questions?

10 MR. FORCE: I have a question.

11 MR. PEREZ: Mr. Force.

12 MR. FORCE: Is there still a relationship that  
13 you have with her, a social relationship --

14 MR. SEDILLO: No, sir.

15 MR. FORCE: -- or has it all been cut off?

16 MR. SEDILLO: No, sir. Other than a professional  
17 relationship, I have enough concern for this young lady  
18 that I -- this was significantly embarrassing, of course,  
19 for myself and for her as well.

20 I did not -- and we still have friendly, as far  
21 as professional. She comes into the courthouse. I see

22 her in the field. "Hello. How are you doing?" But

23 nothing beyond that. And that's just to not besmirching

24 our characters any further.

25 MR. PEREZ: Thank you, sir.



1 MR. SEDILLO: Thank you.

2 MR. PEREZ: Any further questions? (No  
3 response.) Thank you.

4 MR. FORCE: I don't know if Sheriff Coon can  
5 speak on his behalf.

6 MR. COON: I don't know if that's going to be  
7 allowable or if I can do that.

8 MR. PEREZ: Zach?

9 MR. SHANDLER: Right. I mean, I think it's  
10 understood that you're not going to vote on this matter.  
11 Is that correct?

12 MR. COON: Right.

13 MR. SHANDLER: So once you've done that, you're  
14 now acting in a capacity as the sheriff, so you're free to  
15 speak if you'd like.

16 MR. COON: Thank you.

17 When all this happened at the Roswell PD, I was  
18 aware of it, bits and pieces. I knew it was going on. I  
19 knew Commander Sedillo at the time was given the option to  
20 resign or to be demoted. He opted to resign -- or retire,  
21 I'm sorry.

22        He came to my office and just divulged the whole  
23 thing to me just exactly the way he told it there. And he  
24 said, "I'm embarrassed. I've hurt my department, but I  
25 still want to stay in police work." He had to do his

1 90-days PERA separation.

2 I hired Tony to be a field deputy. And he went  
3 out and he fulfilled that. And I needed the work at the  
4 courthouse deputies, which I have about nine-tenths of my  
5 people at the courthouse are retired RPD, Roswell Police  
6 Department, deputies.

7 And Tony has been very honest with me. He's kept  
8 me abreast of everything that's going on here. I've  
9 talked to Mr. Ortiz about this matter. And again, like  
10 most departments, we're not small-small, but we're not  
11 great-big.

12 Losing a deputy for 90 days hurts. When the  
13 first stipulation at 60 days, I said, "We can work through  
14 this." The 60-day separation you know, that's going to  
15 hurt, but penalty's a penalty. I would if -- if at all  
16 possible would not have a bit of problem looking forward  
17 to the 60-day instead of the 90-day.

18 I've heard some stories here today that guys got  
19 a lot less than 60 days or up to 60 days for things a lot  
20 worse than what Commander -- or Deputy Sedillo has done.  
21 He's apologized. He's made his amends. He's already gone

22 and done his community service that he was asked to do.

23       The ethics class, we just haven't found one down

24 in our part of the country without having to go way up in

25 the northern part of the state. He will attend that

1 also. But I would like to see it back down to 60 days  
2 instead of 90.

3 And that was our -- I was going to come up here  
4 on behalf of him before I got appointed on this Board. I  
5 wasn't supposed to take effect until July 2nd. There was  
6 a rush for this. But I was going to come up here anyway.  
7 I had already made my reservations at this motel to come  
8 up and speak for Deputy Sedillo.

9 That's all I have. Thank you.

10 MR. FORCE: Sheriff Coon, to your understanding,  
11 were there any criminal charges brought against Deputy  
12 Sedillo?

13 MR. COON: No, there was no criminal charges. In  
14 fact, at the time Chief Balderston said it was the hardest  
15 thing he ever had to do, because that was his part of his  
16 command staff. And he knew he was under pressure to have  
17 to do something.

18 And he was just -- told him he was given the  
19 opportunity to retire or to be demoted, so he retired.  
20 But no criminal charges.

21 MR. FORCE: If I could just comment real quick.

22 I know it's my recollection when we had discussed this  
23 case previously, there is a question as to what criminal  
24 investigation had ever been ensued and if there were ever  
25 any pending charges or any investigation at the time, so.

1 That's why I wanted to ask that question.

2 MR. PEREZ: Thank you. Any further questions.

3 (No response.) Next item.

4 ITEM #28: MICHAEL ARBOGAST

5 MS. ERDMAN: The next item is Officer Michael

6 Arbogast. And this Board entered a default order in this

7 case on March 27th in 2008. The accusations against

8 Mr. Arbogast are two separate incidents. One is for

9 failure to report damage to his car and then falsifying

10 information or being untruthful during the investigation

11 of that incident of damage to his car and also falsifying

12 divorce papers.

13 His now ex-wife contends and the evidence in the

14 internal affairs investigation would strongly support that

15 he either falsified the signature of his wife and filed

16 divorce papers without her knowledge, or he got her to

17 sign them, got someone else to notarize them.

18 The notary testified in the internal affairs

19 investigation that the divorce papers were signed outside

20 of her presence and that Michael Arbogast brought them to

21 her alone; that the wife was not present when those

22 documents were notarized.

23       Those documents -- those court documents were  
24 since dismissed for the most part, and the divorce had to  
25 be refiled and redone. I understand now that the divorce



1 is complete. As I said before, this was a default order  
2 that the Board reached on March 27th, 2008.

3 Now I understand that Michael Arbogast is willing  
4 to request the Board to review his case again to give him  
5 a full chance for an informal hearing and a formal  
6 hearing.

7 Mr. Arbogast, would you like to speak on your  
8 behalf?

9 MR. COON: Before we start, I would like to -- on  
10 your agenda, No. 28 you have Tony Sedillo.

11 MR. ORTIZ: It was a typo.

12 MR. PEREZ: Mr. Arbogast.

13 MR. ARBOGAST: Mr. Chairman, Mr. Director,  
14 Members of the Board, I appreciate the opportunity that  
15 you've allowed me to come and speak before you today.

16 I do wish to request that I be allotted the time  
17 and the availability to sit down with all of the  
18 information that is completely involved in this -- in this  
19 case and be allowed to speak on my own behalf and a lot of  
20 the circumstances that have surrounded a -- the most  
21 terrible divorce I've ever even heard of in my entire

22 life.

23       It's been -- it's been a lot of anguish and

24 strength. I would just ask that you allow me that

25 opportunity to have an informal or formal hearing,

1 whichever you would desire, so that I may be able to be  
2 heard.

3 MR. PEREZ: According to the documentation, you  
4 were served with the NCA and the NFD, and you failed to  
5 make a request in writing for a hearing.

6 MR. ARBOGAST: Yes, sir; that is correct. At  
7 that time when receiving -- or those documents were sent  
8 out, I was no longer living at that address. I have  
9 actually had to move three to four times to get away from  
10 this -- this person.

11 MR. PEREZ: Did you receive those documents?

12 MR. ARBOGAST: No, sir, I never did receive any  
13 documentation.

14 MR. PEREZ: You did not.

15 MR. ORTIZ: They came back unclaimed. But what  
16 we did is we checked with the motor vehicle, and by state  
17 law they have ten days to update their driver's license.  
18 That's why I proceeded with the default.

19 MR. PEREZ: Apparently you did not receive them  
20 through no fault of your own; that's what you claim?

21 MR. ARBOGAST: I did not receive any formal or

22 informal documentation whatsoever.

23 MR. PEREZ: And that is why you did not reply?

24 MR. ARBOGAST: That is correct, sir.

25 MR.. PEREZ: Thank you. Any questions?

1 Mr. Force.

2 MR. FORCE: Mr. Arbogast, did you -- were you  
3 aware of the process that was involved with this Board  
4 over reviewing your certification at any time?

5 MR. ARBOGAST: I was aware of it after the  
6 decision had already been made. I had ran into a sheriff  
7 in the grocery store, and he had informed me. I asked him  
8 if he needed me for a reserve position within his  
9 department, I would be more than happy to help him out  
10 with that.

11 And he looked at me and he said, "Well, your  
12 certification has been revoked." And I was completely  
13 surprised. I had no idea that it had been done. I  
14 immediately got into contact with Mr. Ortiz and have been  
15 in communication with Mr. Ortiz and have met him on -- and  
16 spoke with him on the phone and met with him also.

17 MR. FORCE: So you resigned from the  
18 department --

19 MR. ARBOGAST: Yes, sir.

20 MR. FORCE: -- correct? You voluntarily  
21 resigned?

22 MR. ARBOGAST: I did resign, sir.

23 MR. FORCE: And after resigning, at any time did

24 you keep the academy aware of your current address --

25 MR. ARBOGAST: No, sir, I did not.

1 MR. FORCE: -- to receive communication?

2 MR. ARBOGAST: I did not.

3 MR. FORCE: I don't want to put words in your  
4 mouth. So my understanding is you resigned, had no idea  
5 about any of the process that was taking place until you  
6 ran into this deputy sheriff?

7 MR. ARBOGAST: That is absolutely correct, sir.  
8 I resigned from the police department, had moved three or  
9 four times, and had no idea that any of this -- didn't  
10 receive any documentation, had nobody discuss any kind of  
11 information with me.

12 Had I -- had I known, I would have absolutely  
13 been at the meeting. It's in Albuquerque. It's where I  
14 reside. I would have traveled anywhere, as I've traveled  
15 here today. This is very important to me, and I do wish  
16 to retain my certification.

17 MR. FORCE: Did you put any forwarding address to  
18 the postal service or anything as you were moving from  
19 place to place?

20 MR. ARBOGAST: I had. And I believe that the  
21 postal service after about six months -- or some allotted

22 time; I don't know the exact amount of time that the mail  
23 is not received -- where the address of -- later I found  
24 out where the address was -- all the information was being  
25 sent to was actually up into the East Mountains; and I had



1 since long moved from there.

2 And the postal service over there is little bit

3 different than it is in the big city.

4 MR.. PEREZ: So you're requesting a hearing to --

5 MR. ARBOGAST: I would request that -- to be

6 reinstated and to go through the process; yes, sir.

7 MR. FORCE: Zach, do you have any legal direction

8 for the Board? I mean, this is a case where we've already

9 got everything all done, all the notices were sent out.

10 MR. SHANDLER: Mr. Chairman, this happened one

11 time before when a person did -- I think it was a tribal

12 officer or something like that -- after the actual order

13 of revocation was issued did come in front of the Board

14 and make a similar type allegation that they did not

15 receive it.

16 My general advice to you is that when someone

17 pops up after a default to restart the process, because

18 judges do not like defaults once the person has shown up.

19 So based on past precedent and judicial experience, I

20 think that is an option for your to restart the process.

21 MR. PEREZ: The judge would be in favor of his

22 recontaining it?

23       MR. SHANDLER: Right. If he ever -- or based on  
24 past experience, if someone's been defaulted and then they  
25 go to court to challenge your decision, judges disfavor

1 defaults strongly.

2 MR. PEREZ: Any further questions?

3 MR. HOLMES: I got a question for Mr. Zach here.

4 Since the Board already took action to revoke and if we

5 start the process again, does that mean that his

6 certification is activated or is it still revoked?

7 MR. SHANDLER: Mr. Chairman, Mr. Holmes, my

8 memory of that one experience is the Board's motion was to

9 move to reinstate and then instruct staff to refile the

10 charging documents.

11 But a lot of options are on the table here.

12 MR. HOLMES: In other words, Mr. Arbogast could

13 go work now because he now has his certification if the

14 Board allows, because until the proper time he's allowed

15 to, we go through the whole process again; and then

16 sometime during the future he might be revoked or

17 suspended -- I don't know what's going to happen -- but

18 the question here now is it's kind of a paradox, a

19 predicament that we have here.

20 If we get a call and someone asks, "Is he revoked

21 or is he active," how do we answer that?

22 MR. FORCE: Mr. Chairman. To address that, I  
23 guess the one question I have is I -- based on the past  
24 case precedent, that was a fairly quickly notice of  
25 revocation that went out to where there was immediate

1 response.

2       When was this notice of revocation of default  
3 revocation sent out? Do we have that in the record?

4       MS. ERDMAN: I do. I have it. I think it was  
5 March 27th.

6       MR. FORCE: Of this year?

7       MS. ERDMAN: The default order was dated March  
8 27th of this year. That's -- yes.

9       MR. ORTIZ: We sent out at least four letters to  
10 two different addresses.

11       MR. FORCE: Zach, would it not be more  
12 appropriate for us not to reinstate but to allow at least  
13 until the hearing process has gone into place? Because  
14 the question here is the consideration of the revocation,  
15 is it not, and on the elements of the revocation?

16       MR. SHANDLER: Do you want me to answer that now  
17 or in closed session?

18       MR. ORTIZ: I also have a concern for you, Zach.  
19 If word gets out if we grant him another opportunity in a  
20 hearing, I think we should have some time line because now  
21 we can get guys from way back, "Well, I never got it. Now

22 I want to go."

23 I say if they don't get it by the next board

24 meeting, it's over and done with --

25 MR. ARBOGAST: And, sir, if I may.

1 MR. ORTIZ: I think -- I think we need to have  
2 some limit so it's just not floating out there for some  
3 guy to say, "Well, I was gone. I was out of state for a  
4 year. I came back. Now I'm asking for a hearing," and  
5 the Board has already revoked him.

6 I think by the next meeting that follows that  
7 revocation, we should limit it to that, or otherwise we're  
8 going to open up the flood gates.

9 MR. ARBOGAST: If I may, sir. I believe I found  
10 out about four days after the last meeting and I had  
11 immediately contacted Mr. Ortiz's office and begun the  
12 process of contacting him. And we actually went through  
13 the process of a possible hearing and whatnot.

14 This is -- as soon as I found out, I made  
15 immediate contact that same day. I did not wait any  
16 length of time at all whatsoever. And I apologize for the  
17 lack of --

18 MR. ORTIZ: I'm just concerned like he knows  
19 somebody that was defaulted also and says, "Well, I got it  
20 back." Now the guy at the next meeting shows up before  
21 you wanting his.

22 MR. PEREZ: Well, that's why we have a board --

23 MR. ORTIZ: Right.

24 MR. PEREZ: -- to decide these things. It

25 appears to be timely.



1 MR. ORTIZ: I think this is fair. That's why I  
2 allowed him to be on here.

3 MR. FORCE: I would rather we discuss that in  
4 closed session.

5 MR. PEREZ: Whether we reactivate or --

6 MR. FORCE: And how that's done.

7 MR. PEREZ: Okay.

8 MR. ARBOGAST: If I may, sir, just to ask the  
9 Board to please consider the reactivation of my  
10 certification until a time that I can proceed with showing  
11 the evidence that I have in this case, which is in my  
12 belief is a definitely preponderance of evidence on my  
13 behalf.

14 I would ask that the Board to please consider  
15 allowing my certification to be reinstated until the time  
16 we can go forth with the hearings.

17 MR. PEREZ: Thank you.

18 MR.. HOLMES: Would that be then -- would the  
19 revocation be annulled? Would it be voided? Is that what  
20 the Board --

21 MR. PEREZ: We're going to discuss that during

22 the closed session..

23 MR. HOLMES: Okay.

24 MR PEREZ: We've heard your statement. Thank

25 you, sir.

1 MR. ARBOGAST: Thank you, gentlemen. Thanks.

2 MR. PEREZ: Anybody else to speak on this

3 matter? (No response.) Next item?

4 ITEMS #29 & #30: EXEVIUS SEALS, LUKE DE LA GARZA

5 MS. ERDMAN: Those are all the items that I have

6 to present. The next two are disciplinary matters that

7 have gone to formal hearing, and I believe that's

8 something you'll discuss in closed session.

9 MR. SHANDLER: Mr. Chairman, you've come to the

10 point of the meeting where you're ready to go into the

11 closed session, but before we do that, I'd like everyone

12 to scan the list and see who they feel like they shouldn't

13 vote on.

14 MR. PEREZ: So that we get that on the record

15 now?

16 MR. SHANDLER: Yes.

17 The ones I'm focused on are the stipulated orders

18 going forward. The defaults I'm not so concerned about.

19 MR. PEREZ: So we can begin with the -- where

20 would we then begin?

21 MR. SCHULTZ: You can start with me, Chairman.

22 MR. SHANDLER: If you can raise your hand if you  
23 think you have an item you can't vote on. Chief Schultz,  
24 which one?

25 MR. SCHULTZ: Mr. Chairman, under stipulated

1 order section Item No. 12, Johnathan McChriston. He's a  
2 former employee of the Albuquerque Police Department.

3 MR. PEREZ: You're recused on that?

4 MR. SCHULTZ: Yes.

5 MR. SHANDLER: Actually, on that one I think  
6 you're going to be okay to vote because it's a default.

7 Next one?

8 MR. SCHULTZ: Item No. 28, Officer Arbogast.

9 MR. PEREZ: 28, okay.

10 MR. SCHULTZ: And that's it.

11 MR. PEREZ: Next.

12 MR. COON: Just on No. 27, Tony Sedillo. He is  
13 right now an employee of mine.

14 MR. PEREZ: Okay. I have no problems.

15 MR. FORCE: I have a question for Zach. Based on  
16 what you said before, as I was a hearing officer on the  
17 latter two items, can I still vote on those, based on your  
18 opinion?

19 MR. SHANDLER: Hearing officers are eligible to  
20 vote.

21 MR. FORCE: Okay. I have none to be abstained.

22 MR. PEREZ: Next?

23 MR. JONES: None to be abstained.

24 MR. PEREZ: Then next business will be in

25 executive session, and we will discuss only those matters

1 that have been brought before the Board. So I would ask  
2 you all to please excuse yourselves.

3 MR. SHANDLER: Can we walk through it for the  
4 record. If someone could make a motion to go into  
5 executive session to discuss the licensing matters?

6 MR. PEREZ: Do I hear a motion?

7 MR. FORCE: I'll make such motion.

8 MR. SCHULTZ: Second.

9 MR. SHANDLER: We need a roll call for --

10 MR. PEREZ: Roll call. All those in favor of  
11 going into closed session?

12 MR. SHANDLER: By name.

13 MR. PEREZ: By name?

14 MR. SHANDLER: Suzanne, if you could call out the  
15 roll, please.

16 MS. VIGIL: Okay. Mr. Gallegos. Chief Schultz.

17 MR. SCHULTZ: Yes.

18 MS. VIGIL: Sergeant Jones.

19 MR. JONES: Yes.

20 MS. VIGIL: Chief Segotta. Mr. Force.

21 MR. FORCE: Yes.

22 MS. VIGIL: Mr. Perez.

23 MR. PEREZ: Yes.

24 MS. VIGIL: Tribal Chief Panteah. And Sheriff

25 Coon.



1 MR. COON: Yes.

2 MR. PEREZ: And would you note that those that  
3 are absent.

4 MS. VIGIL: I did, sir.

5 MR. PEREZ: Then we will take a five-minute  
6 break, and we will go into closed session. We will take a  
7 ten-minute break.

8 (Off the record from 12:34 until 2:16 p.m.)

9 MR. PEREZ: We're back in session. It is now  
10 2:16 on June 19th.

11 MR. SHANDLER: Thank you, Mr. Chairman. Can I  
12 get you to have a motion on that?

13 MR. PEREZ: Can I have a motion that we go back  
14 into session?

15 MR. COON: I'll make a motion we go back into  
16 session.

17 MR. FORCE: I'll second.

18 MR. PEREZ: All in favor?

19 THE BOARD: Aye.

20 MR. PEREZ: All opposed? (No response.) We did  
21 not discuss anything during the executive session that was

22 not presented to us during the open session.

23 MR. COON: Right.

24 MR. SHANDLER: You're not required to do roll

25 call coming back, which has been your practice. Okay.

1 The first order of business is we need to see if  
2 we can get Chief Segotta on the phone.

3 MR. COON: Give me a phone number.

4 (At this time, Mr. Segotta was called and the  
5 phone was ringing.)

6 MR. SEGOTTA: Chief Segotta.

7 MR. COON: Hey, Chief. Rob Coon. We're here at  
8 our meeting. I've got you on a speaker phone on my cell  
9 phone.

10 MR. SEGOTTA: Okay.

11 MR. SHANDLER: Okay, Mr. Chairman, we're going to  
12 walk through this just quickly. We're going to jump down  
13 to Item No. 27, Tony Sedillo. And before you is a  
14 proposed settlement agreement of 90 days. And we know  
15 that Sheriff Coon is not going to vote.

16 So the question I have for you is: Will you  
17 entertain a motion to accept the stipulated agreement?

18 MR. PEREZ: Yes..

19 MR. SHANDLER: And can someone make that motion?

20 MR. FORCE: So moved.

21 MR. PEREZ: Do I hear a second?

22 MR. SCHULTZ: Second.

23 MR. PEREZ: All in favor?

24 THE BOARD: Aye.

25 MR. PEREZ: All opposed? (No response.)

1 MR. SHANDLER: And for the record --

2 MR. PEREZ: We heard Chief Segotta say aye for  
3 the record.

4 So the motion carries for a 90-day suspension,  
5 one-year probation, ethics training, individual  
6 counseling, sexual harassment training, and eight hours of  
7 community service.

8 MR. SHANDLER: Mr. Chairman, we're now going to  
9 go to Item No. 28, Michael Arbogast. And we know that  
10 Chief Schultz is recusing himself, and that's why we have  
11 Chief Segotta.

12 The fact pattern now is there was a default by  
13 revocation but he's now made himself available. And  
14 consistent with your past practices, when someone does  
15 make themselves available, you restart the process.

16 So I'm looking for a motion -- a two-part  
17 motion. Part one, a motion to reinstate his  
18 certification. Is anyone -- is that a motion that any of  
19 the board members would like to make?

20 MR. FORCE: I'll so move.

21 MR. PEREZ: Do I hear a second?

22 MR. COON: Second.

23 MR. JONES: Second.

24 MR. PEREZ: All those in favor?

25 THE BOARD: Aye.

1 MR. PEREZ: Chief Segotta said aye. All those  
2 opposed? Nobody opposed.

3 MR. SHANDLER: And then the second part of the  
4 motion is to make a motion to resend the process to  
5 Mr. Ortiz according to the disciplinary tract. Is someone  
6 willing to make that motion?

7 MR. FORCE: I'll so move.

8 MR. COON: Second.

9 MR. PEREZ: All those in favor?

10 THE BOARD: Aye.

11 MR. PEREZ: All those opposed? (No response.)

12 Chief Segotta said aye.

13 MR. SHANDLER: We can now tell Chief Segotta that  
14 he can hang up.

15 MR. COON: Thank you, Chief.

16 MR. SEGOTTA: Talk to you later. Bye.

17 MR. COON: Bye.

18 (At this time, Mr. Segotta hung up.)

19 MR. SHANDLER: We're going to now return to Item  
20 No. 11. These are default orders of revocation. And  
21 since they are uncontested, I'm going to advise that

22 everyone's free to vote, okay?

23 So, No. 11 is Anthony Coble. I'm looking for a

24 motion for a default.

25 MR. SCHULTZ: Move to accept.



1 MR. PEREZ: Do I hear a second?

2 MR.. COON: Second.

3 MR. PEREZ: All those in favor?

4 THE BOARD: Aye.

5 MR. PEREZ: All those opposed? (No response.)

6 Motion carries.

7 MR. SHANDLER: Item No. 12, Jonathan McChriston,

8 default order. I'm looking for a motion for default.

9 MR. COON: I make a motion for default.

10 MR. PEREZ: Do I hear a second?

11 MR. FORCE: Second.

12 MR. PEREZ: All those in favor?

13 THE BOARD: Aye.

14 MR. PEREZ: All those opposed? (No response.)

15 Motion carries.

16 MR. SHANDLER: Just for the court reporter's

17 record, when I say "by default," it's default by

18 revocation. That's your standard practice. So I'll be

19 more thorough in announcing them now.

20 But Steve Ortiz, a default -- a default by

21 revocation. Is someone willing to make that motion?

22 MR. FORCE: I'll so move.

23 MR. PEREZ: Do I hear a second?

24 MR. SCHULTZ: Second.

25 MR. PEREZ: All those in favor to approve the

1 default order of revocation say aye.

2 THE BOARD: Aye.

3 MR. PEREZ: All those opposed. (No response.)

4 Motion carries.

5 MR. SHANDLER: Mr. Chairman, the next item is

6 No. 14, Daniel Ramirez, a default order of revocation. Is

7 someone willing to make that motion?

8 MR. FORCE: So moved.

9 MR. PEREZ: Do I hear a second?

10 MR. COON: Second.

11 MR. PEREZ: All those in favor to approve default

12 order of revocation regarding Daniel V. Ramirez say aye.

13 THE BOARD: Aye.

14 MR. PEREZ: All opposed? (No response.) Motion

15 carries.

16 MR. SHANDLER: No. 15, Steven Saiz, default order

17 of revocation.

18 MR. COON: So moved.

19 MR. PEREZ: Do I hear a second?

20 MR. FORCE: Second.

21 MR. PEREZ: All those in favor?

22 THE BOARD: Aye.

23 MR. PEREZ: All those opposed? (No response.)

24 Motion carries to approve the default order of revocation

25 for Steven Saiz.

1 MR. SHANDLER: No. 16, Shane Schultz, default  
2 order of revocation.

3 MR. PEREZ: Do I hear a motion?

4 MR. SCHULTZ: Move to accept.

5 MR. PEREZ: Do I hear a second?

6 MR. COON: Second.

7 MR. PEREZ: All those in favor say aye.

8 THE BOARD: Aye.

9 MR. PEREZ: All those opposed? (No response.)

10 Motion carries to approve the default order of revocation  
11 for Shane Schultz.

12 MR. SHANDLER: Stipulated orders. Nicholas  
13 Armenta. The proposed agreement between the respondent  
14 and your prosecutor is 90 days. The event is a first-time  
15 DWI, as discussed that's consistent with your practice for  
16 first-time DWI's. Is this a stipulated agreement that you  
17 would like to accept or reject?

18 MR. SCHULTZ: Move that we accept the stipulated  
19 order.

20 MR. PEREZ: Do I hear a second?

21 MR. JONES: Second.

22 MR. PEREZ: All those in favor say aye.

23 THE BOARD: Aye.

24 MR. PEREZ: All those opposed? (No response.)

25 Motion carries, stipulated order of suspension and

1 probation for Nicholas D. Armenta.

2 MR. SHANDLER: No. 18, John A. Armijo, III, a  
3 proposed stipulated agreement. The proposed suspension is  
4 14 days. And just for the record, I just usually list the  
5 suspension days; but within the order is -- spells out if  
6 there's a probation and periods like that.

7 So it's a 14 day. The alleged event was an  
8 off-duty fight. The director said there's mitigating  
9 circumstances because the officer did not initiate the  
10 incident. Are you willing to accept or reject this  
11 stipulated order?

12 MR. COON: I make a motion we accept.

13 MR. PEREZ: Do I hear a second?

14 MR. FORCE: Second.

15 MR. PEREZ: All those in favor say aye.

16 THE BOARD: Aye..

17 MR. PEREZ: All those opposed? (No response.)

18 Motion carries, stipulated order of suspension and  
19 probation, plus the other items that Zach mentioned  
20 regarding John A. Armijo, III.

21 MR. SHANDLER: No. 19, Darrell Chavez. The

22 proposed suspension is 60 days. Two underlying events, a  
23 prior battery conviction and then lying on that  
24 application. You heard testimony of mitigation that  
25 Mr. Chavez may have been misguided by his then supervisor



1 about whether he had to disclose this item on the  
2 application.

3 The proposed penalty is 60 days. Is that  
4 something you want to accept or reject? And if you want  
5 to reject, should we discuss an alternative.

6 But, first, do you want to accept or reject 60  
7 days?

8 MR. FORCE: I would move to reject.

9 MR. PEREZ: Do I hear a second?

10 MR. COON: Second.

11 MR. JONES: Second.

12 MR. PEREZ: All those in favor of rejecting the  
13 motion say aye.

14 THE BOARD: Aye.

15 MR. PEREZ: All those opposed say nay. (No  
16 response.)

17 MR. SHANDLER: Okay. A possible -- since it  
18 appears that mitigating circumstances may be persuasive, a  
19 possibility is lowering the suspension from maybe 60 days  
20 to 45 days. And there also -- it may be a common sense  
21 approach to send a letter to the department head, maybe of

22 a letter of caution, expressing some concern about how the  
23 former supervisor acted.

24 Does anyone want to maybe discuss the proposed 45  
25 days and this proposed letter of caution in a little more

1 detail?

2 MR. PEREZ: Do I hear a motion?

3 MR. SCHULTZ: Actually, part of making the motion

4 I guess the Board did discuss this case, and we do feel

5 that the 60 days is probably a little excessive. The fact

6 that the investigation did review that there was some

7 conversation with a prior supervisor, who is no longer

8 with the respective agency, about the previous domestic

9 violence incident that that is reason to reduce the

10 recommended suspension of 60 days to 45 days.

11 At the same time, we feel it's important that the

12 department be given proper notice and formal notice from

13 the director in the form of a letter of caution; that that

14 the department was put in a bad position, as well as the

15 applicant, in this case Officer Chavez.

16 And as a result of that, he's going to serve a

17 suspension; but the department also needs to be aware that

18 this type of behavior is not acceptable.

19 MR. SHANDLER: Okay. And before you go forward

20 with accepting the proposed settlement, let's hear from

21 the two parties. So, Mr. Chavez, are you still here?

22 MR. CHAVEZ: Yes, sir.

23 MR. SHANDLER: Are you -- would you be willing to  
24 accept a settlement agreement of a 45-day suspension?

25 MR. CHAVEZ: Yes, I would, sir.

1 MR. SHANDLER: Okay. And let's turn to the  
2 director or his attorney -- or let's turn to the  
3 director. A 45-day suspension, is that a stipulated order  
4 that you would agree to?

5 MR. ORTIZ: Yes, sir.

6 MR. SHANDLER: So upon hearing a rationale that  
7 both parties are willing to agree to a modified stipulated  
8 order, Mr. Chairman, you could entertain a motion to  
9 accept this modification.

10 MR. PEREZ: Do I hear such a motion?

11 MR. FORCE: Mr. Chairman, I would move to modify  
12 the director's recommendation for acceptance on a 45-day  
13 suspension with the caveat that the director would also  
14 send a cautionary letter to the police department.

15 MR. PEREZ: Do we want the one-year probation,  
16 ethics training, and attend an alcohol screening program?  
17 Is that to be included in there, as well as in original?

18 MR. FORCE: I would -- yeah, I would recommend  
19 the 45 -- the 45 -- the only modification on the  
20 suspension is 45 days, but everything else remains the  
21 same.

22 MR. PEREZ: So it will be a 45-day suspension,  
23 one-year probation, ethics training, attend an alcohol  
24 screening program, and complete any recommended treatment,  
25 and eight hours of community service in the case of

1 Darrell Chavez. All those in favor -- do I have such a  
2 motion?

3 MR. FORCE: I move.

4 MR. SCHULTZ: Second.

5 MR. PEREZ: All those in favor?

6 THE BOARD: Aye.

7 MR. PEREZ: All those opposed? (No response.)

8 Motion carries.

9 MR. SHANDLER: Mr. Chavez, if you could stay  
10 behind. At the end of the meeting, we might be able to  
11 handwrite the changes; and then it will be executed today.  
12 So if you'll wait for the end of the meeting.

13 Mr. Chairman, No. 20 is Christopher Dale. The  
14 proposed stipulated order is a 60-day suspension. The  
15 allegation is threatened domestic violence and some type  
16 of allegation involving a beer bottle.

17 You've heard from the prosecutor about the  
18 complaining party has admitted to exaggerating some of the  
19 claims. I probably should focus in on some of the items  
20 besides the 60-day suspension.

21 As written right now, it would be a 60-day

- 22 suspension, one-year probation, ethics training,
- 23 counseling, complete an alcohol screening program, and
- 24 complete any recommended treatment.
- 25       So one option for you is to accept the stipulated



1 order as written, or you could reject it and see if you  
2 want to modify some of the instructions regarding  
3 counseling.

4 Let's start out by is there a motion to accept or  
5 reject the 60-day suspension with the -- as written?

6 MR. FORCE: I would move to reject this.

7 MR. PEREZ: Do I hear a second?

8 MR. COON: Second.

9 MR. PEREZ: All those in favor of rejecting this  
10 recommendation say aye.

11 THE BOARD: Aye.

12 MR. PEREZ: All those opposed? (No response.)

13 Okay, for the second part?

14 MR. SHANDLER: For the second part, there was  
15 discussion in the public session about how the counseling  
16 would be handled. There was discussion in the public  
17 session about how there were two prior evaluations and  
18 then a third evaluation.

19 So perhaps someone wants to make a motion  
20 regarding the Board's wishes about how this counseling  
21 should be set up and whether there should be kind of an

22 independent review process and does anyone have any ideas

23 about that.

24 MR. FORCE: Mr. Chairman, I'd like to make a

25 motion that the -- well, I don't know that we want to do a

1 motion yet. We have to have a discussion, right?

2 MR. SHANDLER: Okay.

3 MR. FORCE: Okay. What I think would be more

4 appropriate is to have a 60-day suspension, one-year

5 probation, ethics training, counseling, complete an

6 alcohol screening program, complete any recommended

7 treatment, and eight hours of community service, along

8 with requiring counseling or psychotherapy as approved by

9 the director and a licensed psychologist review such

10 counseling or psychotherapy and reports the findings to

11 the director.

12 That way it gives the opportunity for the

13 director to monitor and ensure that the counseling or the

14 psychotherapy is actually being conducted and what the

15 results are.

16 MR. PEREZ: Any further discussion?

17 MR. SHANDLER: Let me stop and ask the director:

18 Is that something that you could sign on for -- sign on

19 to?

20 MR. ORTIZ: Yes. I'll look into it, see if we

21 can do this. Yes.

22 MR. PEREZ: Do I hear a motion?

23 MR. SCHULTZ: If I may add to the record. The  
24 reason why the Board thinks that there be another licensed  
25 psychologist involved is to protect the director from any

1 HIPPA-protected information, so.

2       The information would flow from psychiatrist or  
3 psychologist to the other professional. And then you  
4 would just get an approval that, yes, it's satisfactory to  
5 what we're trying to achieve here today.

6       MR. ORTIZ: I'll work with Chief Julian who just  
7 came in now.

8       MR. FORCE: Do we need to get an agreement  
9 from --

10       MR. SHANDLER: Right. Did you hear the language  
11 that they added to your proposed order, Officer Dale?

12       MR. DALE: No, sir, I didn't.

13       MR. FORCE: Okay. So if you could repeat that to  
14 see if it's acceptable to you.

15       MR. PEREZ: If you would, Mr. Force.

16       MR. FORCE: We're recommending -- or discussing  
17 to recommend the same action that you've agreed upon in  
18 the stipulated order, but add on this part: That in  
19 addition, counseling or psychotherapy as approved by the  
20 director and a licensed psychologist reviews such  
21 counseling or psychotherapy and reports the findings to

22 the director.

23       And the reason for that adding on was to ensure

24 that you actually obtained counseling and psychotherapy,

25 and the director has an opportunity to have another

1 psychologist review those findings and give a report and  
2 he can say, yes, everything's been met.

3 MR. DALE: Yes, sir, I agree.

4 MR. PEREZ: Would you say that clearly. Do you  
5 agree?

6 MR. DALE: Yes, sir, I do.

7 MR. PEREZ: Thank you. Do I hear a motion then?

8 MR. FORCE: I would like to make a motion on this  
9 case for 60-day suspension, one-year probation, ethics  
10 training, counseling, complete an alcohol screening  
11 program, complete any recommended treatment, eight hours  
12 of community service, and complete counseling or  
13 psychotherapy as approved by the director and a licensed  
14 psychologist reviews such counseling or psychotherapy and  
15 reports findings to the director.

16 MR. PEREZ: Do I hear a second?

17 MR. COON: Second.

18 MR. PEREZ: All those in favor say aye.

19 THE BOARD: Aye.

20 MR. PEREZ: All those opposed? (No response.)

21 Motion carries.

22 MS. ERDMAN: If you'd like to stay, we can amend

23 your order today before you go, so that it can be done.

24 MR. DALE: Yes, ma'am. That will be fine.

25 MS. ERDMAN: Thank you.



1 MR. SHANDLER: The next item is Ben Garcia. And  
2 the proposed penalty is a six-months or a 180-days -- I  
3 should just stick with what's written: six-months  
4 suspension. The underlying allegation was a fight or  
5 altercation at a wedding.

6 The Board, would you like to accept or reject  
7 that stipulated order?

8 MR. COON: I make a motion we accept the order.

9 MR. PEREZ: Do I hear a second?

10 MR. JONES: Second.

11 MR. PEREZ: All those in favor say aye.

12 THE BOARD: Aye.

13 MR. PEREZ: All those opposed? (No response.)

14 Motion carries.

15 MR. SHANDLER: Mr. Chairman, Item No. 22 is Joey  
16 Gomez. The proposed stipulated order is a 90-day  
17 suspension. It's for a DWI. Your prosecutor did present  
18 information that, quote, respondent drove his department  
19 issued vehicle while having alcohol in his system,  
20 unquote.

21 I'm not sure if you find that as an aggravating

22 factor and whether you think the 90 days should be  
23 rejected and reupped, so. But before you is whether you  
24 want to accept or reject the proposed 90-day suspension  
25 for Joe Gomez.

1 MR. SCHULTZ: I move to reject.

2 MR. COON: Second.

3 MR. PEREZ: All those in favor of rejecting the  
4 proposed recommendations say aye.

5 THE BOARD: Aye.

6 MR. PEREZ: All those opposed? (No response.)

7 Motion carries to reject.

8 MR. SHANDLER: And is it your sense that that was  
9 an aggravating factor, and you'd like to see maybe 120  
10 days or somewhere in that area? 150 days? Is that a  
11 sense you'd like to relate to your board prosecutor?

12 MR. SCHULTZ: Mr. Chairman, yes. I believe that  
13 aggravating circumstances did exist in this particular  
14 case. Officer Gomez was in a police vehicle, did have an  
15 open container. And I would suggest that a 120-day  
16 suspension be proposed.

17 MR. PEREZ: Do I hear such a motion?

18 MR. SHANDLER: You can just relay your will.

19 MR. ORTIZ: Just for clarification. He was a  
20 narcotics officer on duty at the time working an  
21 undercover operation, is why. I think maybe we did have

22 one prior under the same circumstances, and it was a

23 90-day -- John Lytle.

24 MR. SHANDLER: If that is the case --

25 MR. ORTIZ: That is the case.

1 MR. SHANDLER: -- and you feel comfortable and at  
2 the next board meeting you can present those facts. But I  
3 think that the Board has made their decision.

4 MR. ORTIZ: That's fine.

5 MR. PEREZ: We were not aware of that. Sorry  
6 about the -- that he was an undercover officer.

7 MR. ORTIZ: Yes.

8 MR. PEREZ: We didn't see that. That was not  
9 part of --

10 MR. ORTIZ: That's why I wanted to bring it to  
11 your attention. He was in an unmarked unit. Same as John  
12 Lytle, and we gave --

13 MR. PEREZ: If you would then repropose to us for  
14 the next meeting.

15 MR. ORTIZ: Okay.

16 MR. PEREZ: Correct?

17 MR. SHANDLER: Yeah. I think that's the most  
18 prudent course is not to have a new fact right now,  
19 especially since it's worth deliberating a little bit  
20 about the undercover status and what -- was it an  
21 appropriate amount of inebriation you would have with an

22 undercover status. The Board can discuss it next time.

23 No. 23 is Billy Hinds. The conduct is DWI. The

24 proposed penalty is a 180-day suspension. Now, there

25 was -- the reason it's not the normal 90 is because this

1 was a second offense. An offense occurred in 1994.

2 The Board does have a policy of mitigating under  
3 a second offense if the offense was a distance of time  
4 away. And the 1994 is now 14 years away. So, 180 days  
5 would be consistent with the second offense as mitigated  
6 historically with board policy.

7 So, does the Board want to accept the stipulated  
8 order for Billy Hinds?

9 MR. COON: I make a motion we accept the  
10 stipulated order on Billy Hinds.

11 MR. PEREZ: Do I hear a second?

12 MR. JONES: Second.

13 MR. PEREZ: All those in favor say aye.

14 THE BOARD: Aye.

15 MR. PEREZ: And the motion is accepted for a  
16 180-day suspension, one-year probation, complete DWI  
17 school, alcohol screening program, and complete any  
18 recommended course in ethics, and eight hours of community  
19 service.

20 MR. SHANDLER: Item No. 24, Rodney Morris. This  
21 was brought to you at your prior board meeting with the

22 recommended suspension of 90 days. The underlying conduct  
23 involved sexual misconduct allegations. The Board  
24 rejected it on grounds that they did not think the  
25 proposal was -- the penalty was appropriate.



1 And so your prosecutor has come back now with 120  
2 days, and the two parties have agreed to that. And you  
3 found out today that the DA did not end up bringing  
4 charges in the case with the 17-year-old. And with all  
5 type of sexual misconduct cases, the witness may be  
6 difficult to be cooperative at a hearing.

7 All that being said, does the Board accept or  
8 reject the proposed 120-day suspension for Rodney Morris?

9 MR. PEREZ: All those in favor of accepting say  
10 aye.

11 MR. SCHULTZ: Move to accept.

12 MR. PEREZ: I'm sorry.

13 MR. FORCE: Second.

14 MR. PEREZ: All those in favor of accepting say  
15 aye.

16 THE BOARD: Aye.

17 MR. PEREZ: All those opposed? (No response.)

18 Motion carries.

19 MR. SHANDLER: Item No. 25, James Naranjo. You  
20 heard the proposed stipulated order is for a 60-day  
21 suspension. You heard the allegations of a stolen radio

22 in uniform. You've heard from Mr. Naranjo.

23 So does the Board want to have a motion to accept

24 or reject the proposed stipulated order?

25 MR. FORCE: Move to accept.

1 MR. COON: Second.

2 MR. JONES: Second.

3 MR. PEREZ: All those in favor of accepting the  
4 stipulated order say aye.

5 THE BOARD: Aye.

6 MR. PEREZ: All those opposed?

7 MR. SCHULTZ: No.

8 MR. PEREZ: Motion carries.

9 MR. SHANDLER: Item 26, Frank Romero. This item  
10 was at your previous board meeting. The underlying  
11 conduct has been explained in the opening session at the  
12 prior board meeting. It was a one-year suspension. You  
13 rejected that stipulated order and asked your prosecutor  
14 to work with Mr. Romero on a revised stipulated order.

15 They have come back with a two-year suspension.

16 Does the Board want to accept or reject the proposed  
17 stipulated order?

18 MR. COON: Make a motion we accept the purported  
19 stipulated order.

20 MR. PEREZ: Do I hear a second?

21 MR. JONES: Second.

22 MR. PEREZ: All those in favor of accepting say

23 aye.

24 THE BOARD: Aye.

25 MR. PEREZ: All those opposed?

1 MR. SCHULTZ: No.

2 MR. PEREZ: One no.

3 MR. SHANDLER: Okay. The Board previously did 27

4 and 28. So, skipping down to 29, Exevius Seals. And it's

5 all in the public record, but Mr. Seals requested a

6 hearing. There was a hearing conducted, and the hearing

7 officer Mr. Force provided findings of fact. And those

8 were provided to the parties.

9 The finding of fact was made available to the

10 board members, and they heard a hearing officer's report

11 from Mr. Force this morning. So since the four

12 accusations are in the public record, I don't think you

13 need to repeat it.

14 Are there any deliberations or proposed motion of

15 a penalty for Mr. Seals? I guess, actually, the motion

16 would be to accept the hearing officer's report, that his

17 findings of fact are accurate, and then adding on whatever

18 proposed penalty you think is appropriate.

19 So anyone wish to make a motion or a statement

20 about this case?

21 MR. SCHULTZ: I would move we accept the hearing

22 officer's report and findings; also would recommend that  
23 the Board consider a suspension of 180 days due to the  
24 fact that in this case the officer failed to properly tag  
25 evidence, failed to properly report his daily activities,

1 failed to properly prepare a criminal sexual penetration  
2 report, and had citizen violations -- or citizen generated  
3 complaints of improper driving.

4 MR. PEREZ: Do I hear a second?

5 MR. COON: Second.

6 MR. JONES: Second.

7 MR. PEREZ: All those in favor say aye.

8 THE BOARD: Aye.

9 MR. PEREZ: All those opposed? (No response.)

10 Motion carries.

11 MR. SHANDLER: Item No. 30 is Luke De La Garza.

12 This gentleman is also in the public record of what the  
13 allegations are, and that he requested a hearing and was  
14 granted a hearing. The hearing officer generated a  
15 hearing officer's report. That's also a public document  
16 that's been circulated to the parties this morning in  
17 closed session.

18 The hearing officer gave an oral report and  
19 shared the report with the board members on Luke De La  
20 Garza. And so the motion would be to accept the hearing  
21 officer's findings of fact and then tacking on whatever

22 recommended penalty you think is appropriate, or you can

23 have a discussion on the item, if you'd like.

24       MR. COON: I make a motion we approve the

25 recommendation of the hearing officer -- from the hearing



1 officer and a 30-day suspension.

2 MR. PEREZ: Do I hear a second?

3 MR. JONES: Second.

4 MR. PEREZ: All those in favor say aye.

5 THE BOARD: Aye.

6 MR. PEREZ: All those opposed. (No response.)

7 Motion carries.

8 MR. SHANDLER: Just for the public record and for

9 the final order, why did you think 30 days was the

10 appropriate penalty? Any board member want to comment on

11 that?

12 MR. SCHULTZ: Mr. Chairman, I think 30 days is

13 acceptable due to the fact that the officer in this case

14 had continued contact with the juvenile via text

15 messages. What was concern to the Board was the excess of

16 700 text messages taking place late in the evening and

17 early morning hours, which obviously contributed to this

18 case moving in the direction it did.

19 MR. SHANDLER: Okay. Anyone else? Okay. Seeing

20 no one else, I will turn back to the Chair for the

21 remainder of the meeting.

22       ITEM #31: SCHEDULING OF THE NEXT MEETING

23       MR. PEREZ: The next items is scheduling of the

24 next New Mexico Law Enforcement Academy Board Meeting. Do

25 I hear any suggestions or where and when it take place?

1 MR. COON: Since you're all tired of the cool up  
2 here, we can always have it down in the southern part of  
3 the state.

4 MR. ORTIZ: I was looking at Silver City for  
5 September 25, and there's been an invitation to the Board  
6 to go down and visit the training center at Playas. If  
7 the Board would be willing to -- that would probably be a  
8 day-long trip, driving down from Silver City to Playas.  
9 They would show the Board what they are doing there.

10 MR. PEREZ: Would we have the meeting down there  
11 or in Silver City?

12 MR. ORTIZ: Probably in Silver City at Western.  
13 And then if some members would like to go down the  
14 following day to tour the Playas facility.

15 MR. PEREZ: Do I hear a motion?

16 MR. COON: I'll make a motion we have our next  
17 meeting in Silver City and that anybody that can or wants  
18 to can go down to Playas the next day.

19 MR. PEREZ: Do I hear a second?

20 MR. JONES: Second.

21 MR. PEREZ: All those in favor?

22 THE BOARD: Aye.

23 MR. PEREZ: All those opposed. (No response.)

24 Motion carries.

25 MR. SHANDLER: Last piece of housekeeping. As

1 the presiding officer, if you could direct staff to  
2 prepare a proposed rule regarding the issue that was  
3 discussed earlier.

4 And it's a two-step process for rule making.  
5 They'll have some language for you. If you're comfortable  
6 with the language, you should -- it will be an action item  
7 to set the rule making for the December hearing.

8 So that's summarizing what you said earlier; is  
9 that okay?

10 MR. PEREZ: Yes, and this is regarding the matter  
11 of -- I wrote it down also; but I forgot where I put it  
12 here.

13 MS. VIGIL: It was changing the language on  
14 "conviction." You want us to --

15 MR. PEREZ: Versus preponderance of the evidence.

16 MS. VIGIL: -- change the terminology; is that  
17 correct?

18 MR. ORTIZ: And also on the reporting, to try and  
19 clarify when the agencies will report. In the rules it  
20 says 30 days.

21 MR. PEREZ: If you would make us a proposal

22 regarding that matter.

23 MR. ORTIZ: Yes.

24 MR. FORCE: Mr. Chairman. Also before we close,

25 Mr. Ortiz, would you please go through all these cases and

1 ensure that we get instructor certifications on those that  
2 are being revoked? We just want to make sure that that  
3 was going to be followed up on.

4 MR. ORTIZ: Yes. Once the Board has taken action  
5 on these individuals, I will follow up regarding their  
6 instructor certifications and revoke their instructor  
7 certifications.

8 MR. PEREZ: Any further business?

9 MR. COON: I would like to extend an invitation,  
10 again, a little further down south. Down in Roswell, we  
11 have ILEA, the International Law Enforcement Academy,  
12 where Chief Frank Taylor from the State Police runs that.

13 I'm sure he would love to -- we could probably  
14 even hold it there and we've got FLETC in Artesia 40 miles  
15 on down.. I'm sure we could set up a tour of. So, in the  
16 future.

17 MR. ORTIZ: We'll have a December meeting coming  
18 up. For our December meeting, we'd like to go where it's  
19 warm.

20 MR. SCHULTZ: Chairman, if I could. Could we add  
21 to the agenda for the next meeting for us to have

22 discussion when people do not pick up orders of revocation  
23 or default orders that we have discussion on a possibility  
24 with advice, of course, from counsel if we should post a  
25 legal posting in the Albuquerque Journal, plus the



1 newspaper of the home of the respondent officer.

2       And I think if we were to be able to do that, we  
3 wouldn't find ourselves in situations with officers coming  
4 back saying that they had never received proper notice.

5 And hopefully we can have some discussion on that and get  
6 some advice from counsel.

7       MR. PEREZ: If you would propose that in a  
8 proposal. Any further business?

9       MR. ORTIZ: I would like to say that Robert Force  
10 has been very gracious in helping us out with some of the  
11 formal hearings. And I know we have six scheduled. I  
12 would like to entertain that with any of the other board  
13 members to see if you would be able to help us out with  
14 some of these formal hearings.

15       MR. PEREZ: He raised that issue, and I  
16 volunteered to take one.

17       MR. COON: I did too.

18       MR. JONES: I'll take one as well.

19       MR. ORTIZ: Thank you.

20       MS. VIGIL: Thank you.

21       MR. PEREZ: Any further business?

22           ITEM #32: ADJOURNMENT

23           MR. PEREZ: Meeting is adjourned at 2:50 p.m.

24           (The meeting adjourned at this time.)

25

1 CERTIFICATE

2

3 I, Tanya M. Nims, a Certified Court Reporter, do  
4 hereby certify that the Proceedings of the above-entitled  
5 hearing were reported by me stenographically on June 19,  
6 2008, and that the within transcript is a true and  
7 accurate transcription of my shorthand notes.

8 I further certify that I am neither an attorney  
9 nor counsel for, nor related to or employed by any of the  
10 parties to the hearing, and that I am not a relative or  
11 employee or any attorney or counsel employed by the  
12 parties hereto, or financially interested in the hearing.

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18 TANYA M. NIMS, RPR, NMCCR

19 NM Certified Court Reporter #168

20 License Expires: December 31, 2008

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