

NEW MEXICO LAW ENFORCEMENT ACADEMY
REGULAR BOARD MEETING

July 24, 2012

9:00 a.m.

Farmington Civic Center
200 West Arrington Street
Farmington, New Mexico 87401

REPORTED BY: Jan A. Williams, RPR, NM CCR 14

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3	24 Robert Ortega 78	3	I will be sitting in for the Attorney General and
4	25 Tommy Salas 88	4	chairing this today. So bear with me, this is the
5	25A Miguel Rodriguez 97	5	first time I've done the whole meeting.
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22		22	MR. KORN: Here.
23		23	MS. LOPEZ: John Gratton.
24		24	MR. GRATTON: Here.
25		25	MR. COON: Okay. So Chief Shilling and

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<p>1 Mr. King will not be here today. 2 ITEM NO. 3: APPROVAL OF AGENDA 3 MR. COON: And item No. 3 is the approval of 4 the agenda. If you all have had a chance to look over 5 the agenda, we need a motion to approve the agenda. 6 MR. GRATTON: I make a motion to approve the 7 agenda. 8 MR. COON: Okay. We have a motion. 9 MR. KORN: I'll second. 10 MR. COON: A second by Mr. Korn to approve 11 the agenda. 12 MS. MEDRANO: Sheriff Coon, there is an 13 amendment to the agenda. It's in addition to the 14 restatement of certification. It will probably be 15 item 25A, Miguel Rodriguez. 16 MR. COON: Do we have copies of that? 17 MS. LOPEZ: Monica emailed it to you. 18 MR. COON: Which one is it, Miguel? 19 MS. MEDRANO: Yes. 20 MR. COON: And Tommy Salas? 21 MR. MEDINA: That's already on the agenda. 22 25A will be Miguel. 23 MR. COON: And it will be number which one? 24 MS. MEDRANO: 25A. 25 MR. KORN: Was that a published agenda?</p>	<p>1 MR. GRATTON: It came out electronically this 2 week. 3 MS. LOPEZ: It was just adding. 4 ITEM NO. 4: NICHOLAS AULT 5 MR. COON: Okay. Then we'll go into the 6 disciplinary matters, the stipulated orders. And the 7 first one is Nicholas Ault, agenda item No. 4. 8 We do need a motion to adopt the amended 9 agenda. 10 MR. GRATTON: I so move. 11 MR. COON: Okay. 12 MR. KORN: I'll second it. 13 MR. COON: Okay. All in favor say aye. 14 (Those in favor so indicate.) 15 ITEM NO. 4: NICHOLAS AULT 16 MR. COON: Okay. We'll start the stipulated 17 orders with Nicholas Ault. Mr. Medina. 18 MR. MEDINA: In the matter regarding Nicholas 19 Ault, Certification No. 05-0243-P, on January 28, 20 2012, while off duty the respondent and his girlfriend 21 arrived at the Adobe Inn in Taos to listen to a live 22 band. 23 The lounge was filled with people, making it 24 difficult for servers to move around them. Because 25 there was no place to sit, the respondent and his</p>
<p>1 girlfriend stood in the service area, impeding 2 servers, who were also concerned of the risk of 3 spilling food and drinks on them. 4 The respondent was requested many times to 5 move from the service area but refused. The 6 respondent and his girlfriend were finally asked to 7 move or the police would be called. 8 The respondent stated I am the police, then 9 shouted profanity loud enough to create a commotion as 10 he simultaneously challenged employees and guests by 11 yelling, "Anybody want a piece of me?" 12 After he walked out of the establishment, 13 responding officers confronted the respondent outside 14 the business establishment, where they were attempting 15 to diffuse the situation. The respondent appeared 16 intoxicated and was momentarily respectful toward the 17 sergeant on scene. 18 After a full investigation was conducted, 19 charges against the respondent of conduct unbecoming 20 an officer, disorderly conduct, and untruthfulness 21 were sustained. Based on these findings, the 22 respondent was terminated from employment with the 23 Taos Police Department. 24 The Respondent was served with a Notice of 25 Contemplated Action on or around April 12, 2012.</p>	<p>1 Mr. Ault responded and requested an informal hearing. 2 As a result of the informal hearing that 3 occurred on May 1st, 2012, a Stipulated Order of 4 Suspension was agreed upon, a 90-day suspension, 5 one-year probation period, and attend and complete an 6 alcohol screening program. 7 MR. COON: Mr. Ault, are you here? Nicholas 8 Ault, are you here? Okay. Mr. Ault is not here. 9 ITEM NO. 5: DENNIS BARELA 10 MR. COON: Let's go on to the next one, 11 No. 5. 12 MR. MEDINA: That would be Mr. Dennis Barela. 13 In the matter of Dennis Barela, Certification 14 No. 97-0136, on March 18th, 2011, a complainant 15 reported to the chain of command inappropriate 16 behavior by the respondent, who allegedly sent a photo 17 of his genitalia. The complainant was the child's 18 mother. 19 The same complainant reported that the 20 respondent also sent similar photos to other women and 21 reported that the respondent had engaged in sexual 22 acts with women while on duty. 23 On a different occasion, the respondent, 24 while walking out of the office, allegedly threw a 25 wooden pencil holder, striking another officer in the</p>

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<p>1 groin area, causing pain that later required medical 2 attention.</p> <p>3 The respondent admitted being involved in 4 inappropriate behavior with other officers and a 5 slapping genitalia game. Discipline imposed on the 6 respondent by the employing agency was a demotion from 7 sergeant of patrol plus 40 hours suspension held in 8 abeyance.</p> <p>9 The respondent was served with a Notice of 10 Contemplated Action on or around April 9th, 2012. 11 Mr. Barela responded and requested an informal 12 hearing. An informal hearing occurred on May 3rd, 13 2012. And as a result the Stipulated Order of 14 Suspension was agreed upon. A four-month suspension, 15 one-year probation, and completion of ethics training 16 was recommended.</p> <p>17 MR. COON: Okay. Mr. Barela, are you here? 18 MR. BARELA: Yes.</p> <p>19 MR. COON: Mr. Barela, would you like to get 20 up and speak in front of the board.</p> <p>21 MR. BARELA: Gentlemen, my name is Dennis 22 Barela and I'm currently employed with the Albuquerque 23 Police Department. I have been a police officer for 24 17 years. And during this investigation I have 25 accepted my actions and the discipline imposed by</p>	<p>1 Chief Schultz.</p> <p>2 This has resulted in a suspension of 40 hours 3 held in abeyance and a demotion from sergeant to 4 patrolman and the loss of pay, which resulted in my 5 failure to reach my top three for retirement at 6 sergeant and any further promotion to lieutenant and 7 to wait two years for additional promotion to 8 sergeant.</p> <p>9 During the investigation I have told the 10 truth, I have accepted my actions and conducted all 11 the necessary steps handed down by my chief of police 12 for my discipline. I ask you that you accept 13 discipline given to me by Director Medina and allow me 14 to return to work in four months. Thank you.</p> <p>15 MR. COON: Thank you. Anybody have any 16 questions of Mr. Barela? Thank you, Mr. Barela.</p> <p>17 ITEM NO. 6: MIKEL AGUILAR</p> <p>18 MR. COON: Let's go on to No. 6, which is 19 Mikel Aguilar.</p> <p>20 MR. MEDINA: In the matter of Mikel Aguilar, 21 Certification No. 00-0079-P, the respondent was 22 involved in a number of romantic interludes while on 23 duty.</p> <p>24 Between November 2010 and July 2010, 25 different witnesses observed the respondent kissing</p>
<p>Page 12</p> <p>1 women on several occasions while in uniform and while 2 he was performing police duties. In July of 2010, the 3 same woman performed oral sex on the respondent while 4 the respondent was on duty.</p> <p>5 The respondent was served with a Notice of 6 Contemplated Action on or around September 15, 2011. 7 Mr. Aguilar responded. And an informal hearing was 8 requested and was scheduled for October 5th, 2011. As 9 a result a Stipulated Order of Suspension was agreed 10 upon by then Director Marcantel per recollection of 11 Mr. Holmes.</p> <p>12 The board director's recommendation is 13 approve the stipulated order of suspension of two 14 months, one-year probationary period, and completion 15 of an ethics training course.</p> <p>16 MR. COON: Mr. Aguilar, are you here? Mikel 17 Aguilar? Okay. Mr. Aguilar is not here.</p> <p>18 MR. SCHULTZ: Mr. Chairman.</p> <p>19 MR. COON: Yes, sir.</p> <p>20 MR. SCHULTZ: I have a question for the 21 director. In this particular case, I know it was 22 former Director Marcantel who came to the agreement. 23 Do you know why this was a two-month recommended 24 suspension and not a three, which is normally what 25 this case would be?</p>	<p>Page 13</p> <p>1 MR. MEDINA: Well, I don't. I decided to go 2 with that. If you would give me a chance to look over 3 some notes here.</p> <p>4 Well, in my notes I do reflect a proposed 5 three-month suspension at the time, a three-month 6 suspension retroactive, three-month actual suspension 7 of certification with probation. And I would move to 8 amend that to a three-month suspension.</p> <p>9 MR. KORN: Mr. Vice Chair, I have a question. 10 MR. COON: Yes, sir. Mr. Korn. 11 MR. KORN: Mr. Medina, did Mr. Aguilar 12 actually sign the agreed suspension? 13 MR. MEDINA: Yes, sir. 14 MR. KORN: For three months or two? 15 MR. MEDINA: Just a minute. He signed an 16 order for two months. 17 MR. KORN: Thank you. 18 MR. COON: Anybody else have any questions 19 for Mr. Medina? 20 ITEM NO. 7: PHILLIP ORTEGA 21 MR. COON: Okay. Let's go to No. 7, which is 22 Phillip Ortega. 23 MR. MEDINA: In the matter of Phillip Ortega, 24 Certification No. 07-0225-P, on March 2nd, 2012, the 25 respondent was observed driving a vehicle in excess of</p>

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<p>1 the posted speed limit. The arresting officer pursued 2 the vehicle in question, which continued traveling at 3 speeds between 45 and 49 miles per hour in a 25-mile 4 an hour zone.</p> <p>5 The speeding vehicle finally came to a stop. 6 The arresting officer noted the respondent smelled of 7 an alcoholic beverage and displayed signs of 8 impairment. The respondent admitted drinking an 9 alcoholic beverage and submitted to a field sobriety 10 test, which he failed.</p> <p>11 The respondent consequently was arrested and 12 charged with driving while intoxicated. The 13 respondent was twice administered a breath test on an 14 Intoxilyzer 8000 machine that registered 0.15 both 15 times. When arrested the respondent was in his 16 personal vehicle.</p> <p>17 The respondent was served with a Notice of 18 Contemplated Action around April 24th, 2012. 19 Mr. Ortega responded to an informal hearing that 20 occurred on May 24th, 2012. As a result of that, a 21 Stipulated Order of Suspension was agreed upon for a 22 four-month suspension, one-year probationary period, 23 and provide proof of attendance at family, personal, 24 and job-related counseling.</p> <p>25 MR. COON: Okay. Mr. Ortega, are you here,</p>	<p>1 Phillip Ortega? Mr. Ortega? Okay.</p> <p>2 ITEM NO. 8: ARTHUR LIMON</p> <p>3 MR. COON: Let's go on to No. 8 then, which 4 will be Arthur Limon.</p> <p>5 MR. MEDINA: In the matter of Arthur Limon, 6 Certification No. 87-0364-P, on November 2nd, 2010, an 7 investigation was conducted by the Albuquerque Public 8 Schools Police Department regarding Officer Arthur 9 Limon into the allegation of excessive use of force 10 and for untruthfulness related to the excessive use of 11 force.</p> <p>12 Officer Limon contacted several students in 13 the cafeteria regarding a disturbance that occurred. 14 Officer Limon reportedly stated, "What's going on, who 15 is starting shit?" The victim laughed and was warned 16 by the respondent to keep his mouth shut.</p> <p>17 The victim responded by stating that he could 18 speak his opinion. The respondent then grabbed the 19 victim in an alleged choke hold and escorted the 20 victim out of the cafeteria.</p> <p>21 Additionally on May 12, 2010, the respondent 22 arrested a disorderly father of two students who were 23 being investigated for a dress code violation. It was 24 alleged that the respondent used excessive force 25 during the arrest.</p>
<p>Page 16</p> <p>1 The respondent was served with a Notice of 2 Contemplated Action around April 24, 2012. And an 3 informal hearing took place on May 7, 2012. As a 4 result a Stipulated Order of Suspension was agreed 5 upon for a three-month suspension and one-year 6 probationary period.</p> <p>7 MR. COON: Thank you. Mr. Limon, are you 8 here? Arthur Limon? Mr. Limon is not here.</p> <p>9 ITEM NO. 9: GENIE GARCIA</p> <p>10 MR. COON: Let's go on to No. 9 , which is 11 Genie Garcia.</p> <p>12 MR. MEDINA: In the matter of Genie Garcia, 13 Certification No. 08-0013-PS, on June 8, 2011, the 14 respondent was allegedly involved in a domestic 15 dispute with her girlfriend. During the dispute the 16 respondent allegedly knocked her girlfriend to the 17 ground, kicked her several times on the low back, and 18 began punching her.</p> <p>19 The victim's brother observed the incident 20 and attempted to remove the respondent. The 21 respondent then allegedly began punching the brother 22 in the head. And out of reflex the victim's brother 23 hit the respondent in the face.</p> <p>24 The brother then pushed the respondent out of 25 the residence and the police were called. The</p>	<p>Page 17</p> <p>1 respondent was arrested and charged with battery 2 against a household member.</p> <p>3 The respondent was served with a Notice of 4 Contemplated Action on or around May 2nd, 2012. 5 Ms. Garcia responded and arrived for an informal 6 hearing on May 29, 2012. As a result of that hearing, 7 an order of suspension was agreed upon for 60 days and 8 one-year probation.</p> <p>9 MR. COON: Thank you. Genie Garcia, are you 10 here? Genie Garcia? Okay. Ms. Garcia is not here.</p> <p>11 ITEM NO. 10: GILBERT GONZALES</p> <p>12 MR. COON: Let's go to No. 20, which is 13 Gilbert Gonzales.</p> <p>14 MR. MEDINA: In the matter of Gilbert 15 Gonzales, Certification No. 00-0046-P, on June 16, 16 2011, around 9:28 p.m., an officer from the New Mexico 17 State Police responded to a disturbance call involving 18 the respondent.</p> <p>19 The respondent was belligerent and displayed 20 signs of intoxication. The respondent threatened the 21 male person that was inside his ex-girlfriend's 22 residence by demanding that he come out and fight like 23 a man.</p> <p>24 The respondent was very emotional and 25 shouting to his ex-girlfriend how much he loved her.</p>

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<p>1 After interviewing the witnesses and calming the 2 situation, the investigating officer allowed the 3 respondent to be taken home by an acquaintance who was 4 at the scene of the disturbance.</p> <p>5 A misdemeanor criminal complaint was later 6 filed against the respondent through magistrate court 7 charging him with disorderly conduct by disturbing the 8 peace. Subsequently criminal charges were dismissed.</p> <p>9 The respondent was put on sick and annual 10 leave pay by his employing agency. A week prior to 11 the incident, the respondent admitted himself into the 12 Las Vegas Psychiatric Hospital and was released after 13 two days.</p> <p>14 His employer requested a fitness for duty 15 evaluation, which was later administered by a 16 certified psychologist, who determined that the 17 respondent was not fit to perform police duties. 18 Based on the test results and other various reasons, 19 the respondent resigned employment with the Grants 20 Police Department.</p> <p>21 The respondent was served with a Notice of 22 Contemplated Action on or around April 19, 2012. 23 Mr. Gonzales responded and requested an informal 24 hearing. The informal hearing occurred on May 9th, 25 2012.</p>	<p>1 As a result a Stipulated Order of Suspension 2 was agreed upon of three-month suspension, a one-year 3 probationary period, complete an ethics training 4 course, and provide proof of the most recent fitness 5 for duty evaluation, stating that the respondent is 6 fit for duty.</p> <p>7 MR. COON: Thank you, sir. Mr. Gonzales, are 8 you here?</p> <p>9 MR. GONZALES: Yes.</p> <p>10 MR. COON: Mr. Gonzales, would you like to 11 address the board, please. Please state your name.</p> <p>12 MR. GONZALES: Yes, sir. Gilbert Gonzales. 13 And excuse my voice. Since the incident had happened, 14 since I failed a fit for duty, the academy board had 15 requested that I do another fit for duty.</p> <p>16 I have done that and passed it. I believe 17 Dr. Cave gave them a copy of it. I've also done my 18 counseling. And I have another agency that's ready to 19 hire me as soon as all this is behind me.</p> <p>20 MR. COON: Okay. Anybody have any questions 21 of Mr. Gonzales? Thank you, Mr. Gonzales.</p> <p>22 MR. KORN: I do.</p> <p>23 MR. COON: Wait. We've got one here.</p> <p>24 MR. KORN: Mr. Gonzales, were there events 25 that basically set you off, is that kind of what</p>
<p>1 happened?</p> <p>2 MR. GONZALES: Yes, sir. Basically what 3 happened was I had found out that my daughter's mom 4 that I had been with for seven years was cheating on 5 me. And throughout about a month and a half, she kept 6 telling me she wanted to work on it.</p> <p>7 Then I found out she was dating somebody 8 else. He had called me on multiple times and I had 9 let it go. I did make some mistakes and I did one day 10 drink. They started sending me text messages, 11 taunting me.</p> <p>12 And I walked over there, I attempted to talk 13 to him. He said I needed to take it up with her. I 14 attempted to talk to her. He slammed the door in my 15 face. And one of my friends, who was kind of 16 handicapped, so I didn't want to actually have any 17 physical confrontation with him, actually threw me on 18 the ground, sat on me, and that's kind of what set me 19 off.</p> <p>20 But like as far as going into the mental 21 hospital, the actual doctor told me that wasn't the 22 appropriate place for me. At the advice of some 23 friends, another counselor, and two other officers, I 24 voluntarily checked myself in. After about four hours 25 I decided they were right, I wasn't in the right</p>	<p>1 place. And the next day I got out. So I was there 2 for a little over 24 hours.</p> <p>3 MR. KORN: Are you still married?</p> <p>4 MR. GONZALES: No. I was never married to 5 her. She was my girlfriend for seven years.</p> <p>6 MR. KORN: Are you separated then?</p> <p>7 MR. GONZALES: Yeah, yeah. Actually we get 8 along well. We have a daughter together, and that's 9 pretty much our only contact.</p> <p>10 MR. KORN: Do you still drink?</p> <p>11 MR. GONZALES: No. Very rarely. I'm not a 12 drinker. I drink maybe once or twice a year.</p> <p>13 MR. KORN: Okay. Thank you.</p> <p>14 MR. COON: Anybody else have any questions of 15 Mr. Gonzales?</p> <p>16 MR. BETZ: I have one question actually for 17 Mr. Medina. Do you have a copy of the recent 18 evaluation?</p> <p>19 MR. COON: The fit for duty.</p> <p>20 MR. MEDINA: Yes, sir.</p> <p>21 MR. GRATTON: When was that signed, 22 Mr. Medina?</p> <p>23 MR. MEDINA: June 1st, 2012.</p> <p>24 MR. GRATTON: Thank you.</p> <p>25 MR. COON: Okay. All right.</p>

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<p>1 ITEM NO. 11: JOE NIECE</p> <p>2 MR. COON: Let's go to No. 11, which is Joe</p> <p>3 Niece.</p> <p>4 MR. MEDINA: In the matter of Joe B. Niece,</p> <p>5 Certification No. 97-0118-P, on December 29th, 2011, a</p> <p>6 criminal complaint charging the respondent with two</p> <p>7 petty misdemeanor charges were filed against him in</p> <p>8 Chaves County Magistrate Court.</p> <p>9 These charges were filed after it was</p> <p>10 discovered that on December 2nd, 2011, and on December</p> <p>11 22nd, 2011, the respondent took livestock feed and</p> <p>12 merchandise from a company known as RL and FS, Roswell</p> <p>13 Livestock and Farm Supply, located in Roswell, New</p> <p>14 Mexico.</p> <p>15 An investigation was conducted. And after</p> <p>16 being questioned by the investigators, the respondent</p> <p>17 admitted he had inadvertently failed to pay for</p> <p>18 livestock feed because his mind was preoccupied with</p> <p>19 people asking him questions during the transaction.</p> <p>20 Employees give a different version. They</p> <p>21 believed that the respondent never had intention of</p> <p>22 paying for the merchandise because he was holding a</p> <p>23 piece of paper in his hand, giving the impression that</p> <p>24 he was holding a paid receipt for the merchandise that</p> <p>25 he ordered and were loaded by store employees onto the</p>	<p>1 New Mexico Livestock Board state truck.</p> <p>2 Based on the above allegations, the</p> <p>3 respondent was terminated from employment of the New</p> <p>4 Mexico Livestock Board on February 17, 2012. The</p> <p>5 respondent was served with a Notice of Contemplated</p> <p>6 Action on or around April 9th, 2012.</p> <p>7 Mr. Niece responded, and an informal hearing</p> <p>8 occurred on May 8, 2012. As a result a Stipulated</p> <p>9 Order of Suspension was agreed upon of a four-month</p> <p>10 suspension, a one-year probationary period, and</p> <p>11 provide proof of completion of an ethics training</p> <p>12 course.</p> <p>13 MR. COON: Mr. Niece, are you here, Joe</p> <p>14 Niece?</p> <p>15 MR. SCHULTZ: Mr. Chairman, a question for</p> <p>16 Mr. Medina. Again based on past actions, this would</p> <p>17 be a case where there would be a minimum of four-month</p> <p>18 suspension of certification because it involved theft.</p> <p>19 Additionally, in this case he actually tried to</p> <p>20 mislead the clerks by holding up a piece of paper to</p> <p>21 make it look like he had a receipt.</p> <p>22 So what reason did you use in this particular</p> <p>23 case to go with the lower side of the suspension, was</p> <p>24 there something specific that Mr. Niece did to help</p> <p>25 mitigate this case?</p>
<p>Page 24</p> <p>1 MR. MEDINA: If you give me a chance or time</p> <p>2 to look at my notes here, I'll give you an answer.</p> <p>3 Nothing specifically other than he had told</p> <p>4 me that he's currently employed with I believe the New</p> <p>5 Mexico Military Institute Police Department. And I</p> <p>6 thought that, in the event that he was able to</p> <p>7 complete suspension, he told me he would be able to</p> <p>8 return back to his employer after suspension.</p> <p>9 MR. SCHULTZ: Did he do petty larceny school?</p> <p>10 MR. MEDINA: Pardon me?</p> <p>11 MR. SCHULTZ: Did he attend petty larceny</p> <p>12 school?</p> <p>13 MR. MEDINA: I don't know.</p> <p>14 MR. SCHULTZ: In looking at the files, it</p> <p>15 looks like it's been employed by the New Mexico</p> <p>16 Military Institute since 2009.</p> <p>17 MR. MEDINA: Okay.</p> <p>18 MR. COON: I can verify that a little bit.</p> <p>19 At the institute most of their employees are</p> <p>20 part-timers; or not most of them, but a lot of them.</p> <p>21 Well, there's like five of them.</p> <p>22 And they will take an officer from another</p> <p>23 department, let him work on their days off and stuff</p> <p>24 like that. And I'm sure that's why Mr. Niece got his</p> <p>25 time at the institute, because his actual years of</p>	<p>Page 25</p> <p>1 service in the PERA and everything are just the</p> <p>2 16 years and 130 days. The other three years are just</p> <p>3 part time at the institute, which I'm sure it was full</p> <p>4 time after this happened.</p> <p>5 MR. SCHULTZ: Thank you, sir.</p> <p>6 MR. MEDINA: You're welcome.</p> <p>7 MR. KORN: I have a question for Mr. Medina.</p> <p>8 MR. COON: Yes, sir.</p> <p>9 MR. KORN: Mr. Medina, did he do this on two</p> <p>10 separate occasions, is that what your notes indicate?</p> <p>11 MR. MEDINA: That is noted in the report,</p> <p>12 yes.</p> <p>13 MR. KORN: But you treated the penalty phase</p> <p>14 as if it was one time?</p> <p>15 MR. MEDINA: That's correct.</p> <p>16 MR. KORN: And do we have a value of what he</p> <p>17 had stolen?</p> <p>18 MR. MEDINA: I will look through the file.</p> <p>19 If you will allow me a minute, sir.</p> <p>20 MR. COON: Can I clear up something. I know</p> <p>21 this case. He stole I think two bags of feed one time</p> <p>22 instead of two bags -- or one bag of feed twice. I</p> <p>23 think he was charged with two counts because he stole</p> <p>24 or took two bags of like chicken feed or some kind of</p> <p>25 feed that they loaded for him at Roswell Livestock and</p>

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<p>1 Farm Supply.</p> <p>2 MR. KORN: It has two different dates.</p> <p>3 MR. COON: Well, maybe I'm wrong then. But I</p> <p>4 know it was -- it was just two bags of feed, whatever</p> <p>5 the cost of feed is.</p> <p>6 MR. MEDINA: The criminal complaint</p> <p>7 reflects --</p> <p>8 MR. COON: You're right. I'm sorry, it is</p> <p>9 twice.</p> <p>10 MR. MEDINA: -- two counts of shoplifting of</p> <p>11 \$250 or less regarding the merchandise that was</p> <p>12 stolen.</p> <p>13 MR. KORN: And was he there on a livestock</p> <p>14 basis and picking up stuff for the Livestock</p> <p>15 Department?</p> <p>16 MR. MEDINA: Yes, sir. According to the</p> <p>17 affidavit that's been provided, yes.</p> <p>18 MR. KORN: So he got a lot of feed for the</p> <p>19 Livestock Department on the way?</p> <p>20 MR. MEDINA: Based on my phone conversation</p> <p>21 with him, he was in a state truck I believe buying</p> <p>22 feed for his personal use.</p> <p>23 MR. KORN: So he was there to buy personal</p> <p>24 feed?</p> <p>25 MR. MEDINA: That is correct.</p>	<p>1 MR. KORN: But not for the Livestock</p> <p>2 Department?</p> <p>3 MR. MEDINA: Based on his statement to me, it</p> <p>4 was for his personal use.</p> <p>5 MR. KORN: So there couldn't be any mistake</p> <p>6 really about whether it was his personal feed or</p> <p>7 livestock feed if he's holding up a paper?</p> <p>8 MR. MEDINA: Say that again, please.</p> <p>9 MR. KORN: He wasn't buying any feed for the</p> <p>10 Livestock Department?</p> <p>11 MR. MEDINA: According to his statement to me</p> <p>12 on the phone, no, sir.</p> <p>13 MR. KORN: Thank you.</p> <p>14 MR. COON: Any other questions for</p> <p>15 Mr. Medina?</p> <p>16 MR. BARNCASTLE: Yes. Mr. Medina, has --</p> <p>17 obviously he's employed simultaneously by the Military</p> <p>18 Institute Police and -- or was at the time by the</p> <p>19 Livestock Board. Has the Military Institute Police</p> <p>20 Department had any formal action against him regarding</p> <p>21 this matter?</p> <p>22 MR. MEDINA: None that I know of, sir. Based</p> <p>23 on what I know of the case, this occurred while he was</p> <p>24 a New Mexico Livestock Board employee. So I don't</p> <p>25 know that there's anything related to his employment</p>
<p>1 regarding his employment with the New Mexico Military</p> <p>2 Institute.</p> <p>3 MR. BARNCASTLE: Well, it shows here that</p> <p>4 he's employed -- he's been employed with the institute</p> <p>5 since 2009. Is that on a temporary basis?</p> <p>6 MR. COON: Temporarily.</p> <p>7 MR. MEDINA: It was a temporary basis.</p> <p>8 MR. BARNCASTLE: Okay.</p> <p>9 MR. COON: Any other questions? Okay.</p> <p>10 ITEM NO. 12: CALVIN LUCERO</p> <p>11 MR. COON: Let's go on to No. 12, which</p> <p>12 is Calvin Lucero.</p> <p>13 MR. MEDINA: In the matter of Calvin Lucero,</p> <p>14 Certification No. 04-0214-P, on August 28th, 2011, the</p> <p>15 respondent was arrested by the Los Lunas Police</p> <p>16 Department for battery against a household member.</p> <p>17 The respondent and his family had his</p> <p>18 birthday in Belen, New Mexico, where the respondent</p> <p>19 consumed alcoholic beverages. Shortly after midnight</p> <p>20 the respondent's wife prompted him to leave the party</p> <p>21 and they left. The respondent's wife drove the</p> <p>22 vehicle with their children seated in the rear seats.</p> <p>23 And the respondent was in the front seat.</p> <p>24 While in the vehicle, the respondent and his</p> <p>25 wife began arguing. And the respondent was upset</p>	<p>1 about leaving the party. While they traveled from</p> <p>2 Belen to their home in Los Lunas, the respondent</p> <p>3 battered his wife. The respondent choked his wife</p> <p>4 during three different instances to the point where</p> <p>5 she was unable to breath.</p> <p>6 The respondent was untruthful when he gave</p> <p>7 his initial statement to responding officers. He</p> <p>8 denied striking or choking his wife. After being</p> <p>9 advised of the allegations his wife made and that she</p> <p>10 had injuries to corroborate the allegations, the</p> <p>11 respondent admitted there was a physical altercation.</p> <p>12 The respondent was found to be the primary</p> <p>13 aggressor of the domestic violence incident and was</p> <p>14 subsequently arrested by the Los Lunas Police</p> <p>15 Department for battery upon a household member.</p> <p>16 The respondent was served with a Notice of</p> <p>17 Contemplated Action on or around June 4th, 2012,</p> <p>18 Mr. Lucero responded. And an informal hearing took</p> <p>19 place on June 29th, 2012. As a result of that, a</p> <p>20 60-day suspension, a one-year probationary period, and</p> <p>21 provide proof of completion of the most recent anger</p> <p>22 management counseling was recommended.</p> <p>23 MR. COON: Calvin Lucero, are you here?</p> <p>24 MR. LUCERO: Yes, sir.</p> <p>25 MR. COON: Would you please step up, sir.</p>

<p style="text-align: right;">Page 30</p> <p>1 MR. LUCERO: Good morning, everyone. First 2 of all, I would like to thank you for giving me the 3 opportunity to speak today. As you know I have made a 4 preliminary agreement with Mr. Medina that stipulates 5 among other things to a 60-day suspension of my 6 certification. 7 I think that this is fair and I ask you to 8 accept the proposed order. I would like to bring to 9 your attention several factors that I believe you 10 should consider when deciding whether I accept -- 11 whether to accept the proposed action. 12 First, what occurred on August 28th was truly 13 a one-time incident. Within a few days of that night, 14 I sought counseling on my own accord, without being 15 ordered or forced to do so, because I realized that I 16 needed help dealing with the stress and anger issues. 17 My wife, who is here with me today, and I have also 18 attended couples counseling. And today our marriage 19 is stronger than ever. 20 Further, the stipulated order also requires 21 completion of anger management counseling. I have 22 already begun this process and can provide 23 documentation of this today, if you would like. 24 I understand there are certain expectations 25 of a police officer and certain standards which we</p>	<p style="text-align: right;">Page 31</p> <p>1 must hold ourselves to. I think you will find that my 2 service to the New Mexico State Police was exemplary. 3 And I upheld or exceeded these standards while in my 4 official capacity as an officer. 5 I was a DUI Officer of the Year for two 6 years. I received certifications and commendation 7 from the United States Department of Justice, MADD, 8 and the Belen Optimist Club. And I always received 9 excellent performance reviews from my supervisors. 10 I served on two specialty teams while with 11 the New Mexico State Police and I also received my 12 Instructor's Certification. The incident in question 13 occurred when I was off duty. 14 While I understand these standards should 15 apply at all times, there is something to be said for 16 the fact that this happened off duty; and while on 17 duty always represented the State Police with dignity 18 and honor. 19 While these accomplishments should in no way 20 diminish the severity of what happened that night, 21 they should serve to show you that overall I am a good 22 officer, committed to serving the public. And I take 23 that responsibility very seriously. 24 My commitment to public service can also be 25 seen in the fact that, even after all of this, I still</p>
<p style="text-align: right;">Page 32</p> <p>1 want to become a police officer because I know I'm 2 good at it and I know that I can make a difference. 3 I have since been hired by the Isleta Police 4 Department, and I feel I have begun a positive work 5 experience there. IPD saw my potential and was not 6 hesitant in the least to hire me and put my training, 7 skills, and expertise to use at their department. 8 I have been with IPD or Isleta Police 9 Department for nearly five months. And I have already 10 made significant accomplishments there such as being 11 appointed as a founding member of a newly formed 12 specialty team and numerous accolades from fellow 13 officers, command staff, and community members 14 regarding my heroic actions in a lifesaving effort. 15 Finally, I would like to address my moral 16 character. It is my belief that the actions that I 17 took on one night in my 31 years of life do not 18 accurately reflect my moral character. Yes, I made 19 some bad choices that night. But I urge you to look 20 at the bigger picture when considering whether I lack 21 good moral character. 22 The quality of my character can be seen in 23 the fact that I have been a public servant for nearly 24 13 years. First as a soldier in the United States 25 Army and then as a police officer with the New Mexico</p>	<p style="text-align: right;">Page 33</p> <p>1 State Police and Isleta Police Department. 2 The quality of my character can be seen in 3 the fact that my wife and children, the alleged 4 victims that night, stood by my side and chose to stay 5 and work things out with me. 6 The quality of my character can be seen in 7 the fact that I am constantly trying to better myself, 8 whether it is job related, training, or going back to 9 school to finish my degree, which I plan on doing this 10 fall. 11 The quality of my character can be seen in 12 the fact that I took what happened that night as a 13 learning and growing opportunity. And I have made 14 important and significant changes in my life and in my 15 relationship. 16 Gentlemen, I came here today for two reasons. 17 First, to show you that I have taken responsibility 18 for my actions and I am willing to accept a reasonable 19 reprimand from this board. And second, that you can 20 see how committed I am to continuing my law 21 enforcement career. 22 And for these reasons I ask you that you 23 accept the proposed action. Thank you for your time. 24 MR. COON: Anybody have any questions? 25 Chief.</p>

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<p>1 MR. SCHULTZ: Mr. Chairman, Mr. Lucero, can 2 you tell us about the injuries that your wife 3 sustained. 4 MR. LUCERO: That night, sir? 5 MR. SCHULTZ: Yes. 6 MR. LUCERO: Well, what I saw from the 7 photographs, sir, it was a small laceration to her 8 ear, where she had an earring, sir. And I believe 9 there was slight redness what I've seen from the 10 pictures that night, sir, around her neck or on the 11 chest area of her person, sir. 12 MR. SCHULTZ: So according to the report, she 13 was driving. Obviously you had been drinking. Was 14 she driving at the time the battery occurred? 15 MR. LUCERO: Yes, sir. 16 MR. SCHULTZ: And your kids were in the car? 17 MR. LUCERO: Yes, sir. 18 MR. SCHULTZ: So she's driving, she's got 19 physical control of the car, you're battering her, and 20 your children were in the car at the same time? 21 MR. LUCERO: Yes, sir. 22 MR. SCHULTZ: That's all I have. 23 MR. COON: Mr. Korn. 24 MR. KORN: Sir, do you still drink? 25 MR. LUCERO: No, sir.</p>	<p>1 MR. KORN: Is that just a personal decision 2 or have you gotten any counseling in regard to 3 drinking? 4 MR. LUCERO: No, sir. It's a personal 5 decision, sir. 6 MR. KORN: So when was the last time you had 7 a drink? 8 MR. LUCERO: August 28th. Or August 27th 9 actually. It was the night prior from my arrest, sir. 10 MR. KORN: And since then nothing? 11 MR. LUCERO: No, sir. 12 MR. KORN: And you're committed I gather not 13 to drink again? 14 MR. LUCERO: Yes, sir. 15 MR. KORN: Okay. Thank you. 16 MR. LUCERO: Yes, sir. 17 MR. COON: Mr. Lucero, you were arrested? 18 MR. LUCERO: Yes, sir. 19 MR. COON: What was the outcome? 20 MR. LUCERO: The case was actually dismissed, 21 sir. 22 MR. COON: Dismissed or dropped? Why was it 23 dismissed? 24 MR. LUCERO: I have no idea, sir. From the 25 date of alleged incident, sir, I believe it took</p>
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<p>1 58 days before any type of charges were filed. But 2 the District Attorney's Office, they had sent me a 3 dismiss order. So I have no idea, sir. 4 MR. COON: And you made one statement that 5 puzzles me. You said your family was the alleged 6 victim? 7 MR. LUCERO: Yes, sir. 8 MR. COON: They were alleged or were they the 9 victims? 10 MR. LUCERO: They were alleged, sir. 11 MR. COON: Do you know what the difference 12 between alleged and being a victim is? 13 MR. LUCERO: Yes, sir. 14 MR. COON: So you don't think they were a 15 victim? 16 MR. LUCERO: My wife was a victim that night, 17 sir. 18 MR. COON: Okay. That's fine. Anybody else? 19 Okay. Thank you, sir. 20 MR. LUCERO: Thank you, gentlemen. 21 ITEM NO. 13: DANIEL GONZALEZ 22 MR. COON: Okay. No. 13, Daniel Gonzalez. 23 MR. MEDINA: In the matter of Daniel 24 Gonzalez, Certification No. 09-0072-P, in February of 25 2012, the Lovington Police Department received a</p>	<p>1 harassment complaint against the respondent from a 2 17-year-old female. 3 In January of 2012, the female became 4 initially acquainted with the respondent when he 5 stopped her for speeding. During the traffic stop, 6 the respondent allegedly asked the female for her 7 phone number and a hug. The female stated she gave 8 the respondent a fake phone number. 9 A couple days later the female was stopped 10 again by the respondent for running a stop sign. And 11 again he allegedly asked for her phone number. The 12 respondent and the female began texting back and forth 13 to each other after this incident. 14 The respondent would regularly visit the 15 female's place of employment. The respondent admitted 16 to exchanging sexually explicit text messages with the 17 17-year-old female. 18 The respondent was served with a Notice of 19 Contemplated Action on or around May 24, 2012. 20 Mr. Gonzalez responded and requested an informal 21 hearing. The informal hearing took place on 22 June 28th, 2012. As a result of that, a Stipulated 23 Order of Suspension of 120 days was recommended. 24 MR. COON: Thank you, sir. Mr. Gonzalez, are 25 you here?</p>

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<p>1 MR. GONZALEZ: Yes, sir.</p> <p>2 MR. COON: Would you like to address the</p> <p>3 board please, sir.</p> <p>4 MR. GONZALEZ: My name is Daniel Gonzalez. I</p> <p>5 would ask that the board consider the stipulated</p> <p>6 agreements that has been set forth by Director Medina.</p> <p>7 Yes, I made a bad judgment call. And during</p> <p>8 the internal investigations by both the New Mexico</p> <p>9 State Police and the Lovington Police Department, I</p> <p>10 did not lie. I understand that as a police officer we</p> <p>11 are held to a high standard of ethics and a code. And</p> <p>12 I did fall off the path and violate that code.</p> <p>13 Again I was off duty at the time and nor did</p> <p>14 I try to solicit that female in any way. I was -- it</p> <p>15 was a rough and hard time afterwards. I almost lost</p> <p>16 my family for this. I had to sell certain assets that</p> <p>17 I had planned for a future for them. I have been out</p> <p>18 of work for close to nearly five months now.</p> <p>19 I am a good officer. And during my course at</p> <p>20 the Lovington Police Department, I was always second</p> <p>21 or third in my department in arrests, citations,</p> <p>22 overall. I fell off the path. And for that I have</p> <p>23 suffered. I understand as police officers we have to</p> <p>24 live this life 24/7. And I failed to realize that in</p> <p>25 making this judgment call.</p>	<p>1 I ask that the board consider that I have --</p> <p>2 since I have not been in employment, I have been</p> <p>3 actively seeking employment, not only with other</p> <p>4 agencies but elsewhere such as the oil fields, but</p> <p>5 have not obtained employment that they consider a</p> <p>6 reduction, if at all, in any possible.</p> <p>7 My former chief with the Lovington Police</p> <p>8 Department stated that it was my truthfulness that got</p> <p>9 me here. And it is, because I'm not going to lie.</p> <p>10 And the new Chief of the Lovington Police Department</p> <p>11 stated that you can be friendly to people, but you</p> <p>12 cannot be friends with people. And I am -- now</p> <p>13 realize that now. And it has been late. But I do</p> <p>14 realize this. Thank you.</p> <p>15 MR. COON: Anybody have any questions? Yes,</p> <p>16 sir, Chief Schultz.</p> <p>17 MR. SCHULTZ: Mr. Chairman, Mr. Gonzalez,</p> <p>18 you said you were off duty?</p> <p>19 MR. GONZALEZ: Yes, sir.</p> <p>20 MR. SCHULTZ: Both times you stopped her?</p> <p>21 MR. GONZALEZ: No. Both times I was on duty.</p> <p>22 One was for speeding on a special assignment and the</p> <p>23 other one was on my way to work in the morning,</p> <p>24 whenever she ran a stop sign, nearly striking my</p> <p>25 vehicle.</p>
<p>Page 40</p> <p>1 MR. SCHULTZ: So the initial contact was on</p> <p>2 duty and then your subsequent contact with her was off</p> <p>3 duty?</p> <p>4 MR. GONZALEZ: Was off duty, yes, sir.</p> <p>5 MR. SCHULTZ: Why did you leave the Vaughn</p> <p>6 Police Department?</p> <p>7 MR. GONZALEZ: I left the Vaughn Police</p> <p>8 Department because I was hired with the Bosque Farms</p> <p>9 Police Department.</p> <p>10 MR. SCHULTZ: Because there's a little bit of</p> <p>11 a separation in time.</p> <p>12 MR. GONZALEZ: Oh. Yes, sir. That was</p> <p>13 because I was deployed to Iraq for 18 months to 24</p> <p>14 months with a Special Operations group. So they</p> <p>15 stopped my time. And when I came back from</p> <p>16 deployment, I resumed my time.</p> <p>17 MR. SCHULTZ: Why did you leave the Bosque</p> <p>18 Police Department?</p> <p>19 MR. GONZALEZ: I left the Bosque Police</p> <p>20 Department in 2010 for hire with the Lovington Police</p> <p>21 Department.</p> <p>22 MR. SCHULTZ: So there was no pending</p> <p>23 disciplinary actions with either one of those</p> <p>24 organizations?</p> <p>25 MR. GONZALEZ: No, sir. No, sir. It's</p>	<p>Page 41</p> <p>1 confusing with the break in time with the military.</p> <p>2 But also, when I served with Corrections, I was gone</p> <p>3 for two years as well. And there was also a break in</p> <p>4 time as well from there.</p> <p>5 MR. SCHULTZ: Okay. Thank you.</p> <p>6 MR. GONZALEZ: Yes, sir.</p> <p>7 MR. COON: Have you ever been in front of</p> <p>8 this board before?</p> <p>9 MR. GONZALES: No, sir. No, sir, I have not.</p> <p>10 MR. COON: Anybody else have any questions?</p> <p>11 Thank you, sir.</p> <p>12 MR. GONZALES: Thank you.</p> <p>13 ITEM NO. 14: EDDIE GURULE</p> <p>14 MR. COON: Now, we go to 14.</p> <p>15 MR. MEDINA: In the matter of Eddie Gurule,</p> <p>16 Jr., Certification No. 09-0072-PS, on September 24th,</p> <p>17 2011, the respondent was observed by the arresting</p> <p>18 officer driving at a high rate of speed without due</p> <p>19 caution and circumspection running several stop signs.</p> <p>20 The arresting officer initiated pursuit and</p> <p>21 managed to stop the truck. While questioning the</p> <p>22 respondent, the officer detected a strong odor of</p> <p>23 alcohol coming from inside the truck. And an open can</p> <p>24 of beer was observed inside the vehicle. And the</p> <p>25 respondent was told to exit the truck after he</p>

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<p>1 admitted having consumed two or three beers. 2 The respondent submitted to a field sobriety 3 test and failed. He was placed under arrest and 4 charged with driving while intoxicated and other 5 related trafficked violations. 6 The respondent subsequently appeared in 7 magistrate court on March 29th, 2012, and pled guilty 8 to DWI and other related traffic violations, which was 9 dismissed. I believe the traffic violations were 10 dismissed. The respondent received a sentence of 11 90 days confinement with 88 days suspended and also 12 supervised probation for 362 days and a \$500 fine 13 which was also suspended. 14 On March 6th, 2012, the respondent was 15 arrested for violating conditions of release related 16 to the DWI conviction. And by being observed -- when 17 he was observed leaving a liquor establishment. 18 In January of 2012, the respondent approached 19 three different employees and asked them to run 20 himself through the New Mexico NCIC system. He did so 21 willingly and knowing that it was a direct violation 22 of the NCIC policy and procedure. 23 The respondent misused the New Mexico NCIC 24 system by running his name through the system without 25 a legal reason to do so. And as a result the</p>	<p>1 respondent was suspended from using the NCIC system 2 for three months. 3 The respondent was served with a Notice of 4 Contemplated Action on or around May 7th. Mr. Gurule 5 responded in writing to the director. A Stipulated 6 Order of Suspension was served on or around June 20th, 7 recommending a six-month suspension, a one-year 8 probationary period, and attend and complete an 9 alcohol screening program. 10 MR. COON: Thank you, sir. Mr. Gurule, are 11 you here? Eddie Gurule? It doesn't look like 12 Mr. Gurule is here. Mr. Korn. 13 MR. KORN: I have a question for Mr. Medina. 14 There are apparently three LEA-90s that the board 15 received? 16 MR. MEDINA: Correct. Initially there were 17 three LEA-90s. That was my direction, to prepare 18 these as three separate LEA-90s. And in the end we 19 combined them and sent an FD combining the three of 20 them. I did it for administrative purposes. It 21 seemed to -- it confused our recordkeeping system. 22 And it was a decision I made just administratively. 23 MR. KORN: But as a practical matter, are 24 there not three distinct offenses here? One is the 25 DWI, the next is the probation violation, and the</p>
<p style="text-align: right;">Page 44</p> <p>1 third, of course, would be the improper use of NCIC? 2 MR. MEDINA: Yes, sir. 3 MR. KORN: So is there a reason that you took 4 these three separate offenses and combined them? 5 MR. MEDINA: For administrative purposes 6 only, sir. 7 MR. KORN: Okay. Thank you. 8 MR. COON: Okay. Anybody else have any 9 questions here? 10 MR. BETZ: Just curiosity, he has two 11 certification numbers? 12 MR. MEDINA: Just one, sir. Mr. Gurule has 13 one certification number. 14 MR. BETZ: Is it 0072 or the 123? 15 MS. MEDRANO: That was my typo. Sorry. That 16 came from another -- it came from another 17 certification on one of the other misconducts. So 18 that's my typo on the synopsis. 19 MR. BETZ: I was just curious. Thank you. 20 MR. GRATTON: What's the correct number? 21 MR. MEDINA: For the record the correct 22 number regarding Eddie Gurule is Certification 23 No. 04-0123-PS. 24 MR. COON: Anybody else have any questions of 25 Mr. Medina? Okay.</p>	<p style="text-align: right;">Page 45</p> <p>1 ITEM NO. 15: THOMAS GARZA 2 MR. COON: Let's go on to No. 15, Thomas 3 Garza. 4 MR. MEDINA: In the matter of Thomas Garza, 5 Certification No. 08-0279-P, on April 7th, 2012, the 6 respondent ordered a deputy to release a suspected 7 drunk driver that was in custody and being processed. 8 After ordering the release, an argument took place 9 between the respondent and the two deputies. 10 The respondent was served with a Notice of 11 Contemplated Action around May 24th, 2012. Mr. Garza 12 responded and requested an informal hearing. The 13 informal hearing took place on July 11th, 2012. As a 14 result a 60-day suspension was recommended in the 15 stipulated order and a one-year probation. 16 MR. COON: Mr. Garza, are you here? 17 MR. GRANO: Yes, sir. Good morning, Members 18 of the Board. We would ask that -- 19 MR. COON: Sir, would you identify yourself. 20 MR. GRANO: My name is Mark Grano. I'm 21 Mr. Garza's attorney, the sheriff's attorney. Thank 22 you for the opportunity to address you this morning. 23 We appreciate the opportunity. 24 We are asking that you would accept the 25 recommendation of the director. The sheriff here, he</p>

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<p>1 is the sheriff of Mora County. Currently he is the 2 sole certified officer within the community. And we 3 do have a map of the community. Mora County consists 4 of approximately 1,944 square miles. It has a 5 population of approximately 5,200 people. 6 At this point in time, the sheriff is the 7 only certified officer with the sheriff's department. 8 Having said that, there are two New Mexico State 9 Police officers that do reside in Mora County and do 10 help, of course. But currently, with the Mora 11 Sheriff's Department, there is one certified officer, 12 and that is the sheriff himself. 13 Now, in addition to the map that we would 14 like to present, the sheriff was able -- may I 15 approach the board? 16 MR. COON: Yes, sir. 17 MR. GRANO: We do have a number of documents 18 that we would like to present. What we have is a 19 number of letters of support that have come from the 20 community supporting the sheriff, the elected sheriff 21 in regards to his position, what he has done for the 22 community, the efforts that he has made since becoming 23 the sheriff in 2010. 24 He was commissioned or certified in 2008. He 25 was elected to become the Sheriff of Mora County and</p>	<p>1 began his office in 2010. So we do have a number of 2 letters of support. In addition to that, we do have a 3 petition that was started by the residents supporting 4 the sheriff once again in his position. And that just 5 recently happened. 6 Without going into a lot of detail, I know 7 that the director has read the allegations regarding 8 what happened in this case with the sheriff. He has 9 admitted that he did order a deputy to not necessarily 10 unarrest, but to let somebody go that had, in fact, 11 been detained for DWI. 12 Now, what I would like to do is I would like 13 to put it in context so you can get a better picture, 14 because I did notice a number of expressions from the 15 board when the recommendation was made. It was kind 16 of like, well, a two-month suspension, what's that 17 about. 18 I would like to put it into context. The 19 sheriff initially came into office. And he has been 20 struggling with a very, very low budget; as a matter 21 of fact, the lowest budgeted department of all 22 sheriffs in New Mexico. 23 When he initially got there, the sheriff's 24 department did not have any audio equipment, audio 25 recording, it did not have any video recording</p>
<p>Page 48</p> <p>1 equipment, and a number of the vehicles were actually 2 in disrepair. 3 Since becoming the sheriff, he has actually 4 through grants and whatnot -- and through his own 5 budget has ended up acquiring a number of video 6 cameras, audio recorders, and has mandated that his 7 deputies use the audio/video recording. 8 The reason for that was because, in a number 9 of DWI arrests and other arrests, what would happen is 10 there would be an arrest, there would be a criminal 11 complaint; and then when it came time to where is the 12 evidence when the defense attorney is demanding 13 discovery, it would turn out that there was no audio, 14 no video, no reports being finished. 15 So what he did, he made the efforts, because 16 he was getting hounded by the DA to make sure that 17 they were producing evidence and so that the DA would 18 have a case to present to the court and to prosecute. 19 Of special concern in this case is the fact 20 that what the sheriff did ultimately is -- and one 21 thing that I would also like to put in perspective is 22 his starting -- or noncertified officers start off at 23 \$10 an hour. 24 I don't know how that compares to other 25 departments. But I have been told that that is bottom</p>	<p>Page 49</p> <p>1 of the barrel. Noncertified officer, \$10. A 2 certified officer start off at \$12. That's what his 3 budget has, that's what he inherited. 4 Because of that he has a number of issues in 5 recruiting certified candidates or candidates that 6 possess everything that they should, in fact, have. 7 The way he was able to finally address the situation 8 is, after initially taking office, he did hire one 9 individual, an individual by the name of Deputy Lee 10 Allingham. 11 Lee Allingham was, in fact, a certified 12 officer. He had had a number of issues -- and I 13 believe he has been in front of this board as well. 14 But he had had a number of issues and ultimately was 15 terminated from the Las Vegas Police Department. 16 However, he was, in fact, a certified officer. 17 So in an effort to make sure that the sheriff 18 was covering the community with certified officers on 19 both shifts, what he would do is he himself would work 20 the morning shift. That way there's a certified 21 officer. And then he would have Lee Allingham work 22 the second shift. That way there would be a certified 23 officer. 24 If there were any type of arrests or whatnot, 25 DWI arrests, what would happen is the deputies that</p>

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<p>1 were not certified were instructed to call the 2 certified officer, either the sheriff or Lee 3 Allingham, to conduct the actual DWI investigation. 4 And that's the way he addressed it.</p> <p>5 This went on for quite awhile. And 6 ultimately, due to Lee Allingham's DWI investigation 7 techniques, there was a tort claim notice and 8 ultimately a civil suit, where there was an individual 9 by the name of Sammy Lopez that was arrested for DWI 10 by Lee Allingham.</p> <p>11 What happened is he was pulled over. It was 12 a number of vehicles that were involved. One of the 13 deputies who administered the field sobriety tests to 14 Mr. Lopez stated that the field sobriety tests were 15 passed. And Lee Allingham insisted on arresting the 16 individual. He ultimately did arrest him. And that 17 did result in the tort claim being served.</p> <p>18 Because of that the sheriff ultimately 19 started to question what Lee Allingham was doing and 20 needed to ensure as the supervisor that work was 21 getting done, that evidence was being produced, and 22 that everything was being taken care of so that, when 23 they took this evidence to the DA, they would have a 24 prosecutable case.</p> <p>25 On the day of this incident, what happened is</p>	<p>1 the sheriff was actually off duty. He was called that 2 there was a DWI arrest. He responded. And it was 3 later on in the evening. He responded. He ended up 4 showing -- he stated that he wanted to look at the 5 evidence, what they had. An individual was, in fact, 6 in custody. And Lee Allingham had had him in custody, 7 Deputy Allingham.</p> <p>8 What happened is the sheriff arrived. He 9 asked to review the video. He goes out with one of 10 the other deputies, reviews the video in the vehicle. 11 He then asks, "Who has any audio recording?" One of 12 the other deputies states that they do. So he tells 13 him to come.</p> <p>14 At that point in time, Lee Allingham comes 15 outside, is very belligerent, and starts challenging 16 the sheriff, telling him you're not going to interfere 17 with my case, this is my case, you're not in charge, 18 I'm in charge.</p> <p>19 The sheriff advises him that it is his duty 20 as the supervisor. As the sheriff he is responsible 21 for the product that comes out of that sheriff's 22 department. He says, "I'm going to look at everything 23 and I'm going to make sure that this is correct."</p> <p>24 What happens is there becomes a heated 25 argument. Lee -- Deputy Allingham continues to</p>
<p>Page 52</p> <p>1 challenge the sheriff. And I would like to put this 2 in perspective. There are a total of four deputies in 3 the Mora Sheriff's Department. On that day all four 4 were present plus the sheriff.</p> <p>5 Lee Allingham comes out. He's being 6 belligerent. They actually -- he pokes the sheriff. 7 The sheriff moves him over. There's a confrontation. 8 He tells him, "You are not going to mess with my DWI 9 arrest." And some other profane language was used. 10 This was done in the immediate company of every other 11 deputy that was present.</p> <p>12 So ultimately the sheriff did, not as I'm 13 going -- you're going to let him go, we're not going 14 to do anything to him. But when he's being challenged 15 by his own deputy in front of the rest of his 16 deputies, basically to spite the deputy, to show him, 17 "You're not going to tell me what to do, I am the 18 boss, you will release him."</p> <p>19 And so those words did come out. And there 20 is a recording of it. He did say, "You will release 21 him," and he told the deputy to release him. 22 Ultimately he was never released. The person was 23 taken to I believe Alta Vista for a blood draw. And 24 so that's the way that chain of events took place. 25 In the investigation that was conducted by</p>	<p>Page 53</p> <p>1 the New Mexico State Police, one thing that I would 2 like to note is that in each interview with every one 3 of the deputies, they said, to include Lee Allingham, 4 "Why were you so suspicious that the sheriff was going 5 to interfere with your arrest, has he ever interfered 6 with any of your arrests?"</p> <p>7 With every deputy, Deputy Sanchez, Deputy 8 Mora, Deputy Allingham, each one of them, their 9 statement to the investigator was, "No. He has never 10 interfered with any investigation."</p> <p>11 This is not the way the sheriff operates. He 12 doesn't interfere with his deputies' investigations. 13 What he does is he's trying to ensure that things are 14 done properly so that these cases can be prosecuted, 15 because he is ultimately responsible for that product.</p> <p>16 He did have a lapse of judgment. When he was 17 called on the carpet by his deputy challenging his 18 authority in front of the rest of the deputies, he did 19 react to spite the deputy and told him you will 20 release him.</p> <p>21 He would never have released him, he wasn't 22 going anywhere, although -- however, he does -- he has 23 learned from this experience. And he does learn that 24 he needs to pull himself out of that situation instead 25 of getting hotheaded when you get challenged in front</p>

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1 of your troops and saying something stupid, "You will
 2 release him." Nobody was going anywhere, he has no
 3 history of it, he's never done it, he's always done a
 4 great job.
 5 We would ask that you accept the
 6 recommendation to consider all the factors. I would
 7 like to present you with proof of what we're saying,
 8 which is the tort claim notice and other
 9 documentations regarding the tort claim for Deputy
 10 Allingham's arrest that caused the sheriff to need to
 11 not only supervise, but kind of micromanage the
 12 officer.
 13 In addition to the letters which we have, in
 14 addition to the petition which was filed, we would ask
 15 that you consider that. He has learned from this and
 16 it will never happen again.
 17 MR. COON: If you'll just leave them on the
 18 table, we'll look at them.
 19 MR. GRANO: Members of the Board, if you do
 20 have any questions, the sheriff is more than willing
 21 to answer them.
 22 MR. COON: Does anybody have any questions?
 23 MR. GRATTON: I have a question. This is for
 24 the sheriff and maybe some of my fellow Board Members.
 25 What is appropriate process in that case, Sheriff

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1 MR. GARZA: I was called by the deputies
 2 themselves, sir. I had already -- I had actually just
 3 finished my shift. And I had gone home to go change
 4 my clothes, because I had to do the Saturday night
 5 vigil Mass. And that's when I got the call that they
 6 had gotten this guy.
 7 MR. SCHULTZ: So one of the deputies out at
 8 the scene called you?
 9 MR. GARZA: Both deputies actually called me,
 10 Justin Sanchez and Stephen Mora.
 11 MR. SCHULTZ: And they requested you to come
 12 to the scene?
 13 MR. GARZA: Correct. No. I'm sorry. I
 14 never went to the scene. I actually told them to meet
 15 me at the office.
 16 MR. SCHULTZ: And you're the only sworn law
 17 enforcement officer left in Mora County?
 18 MR. GARZA: Right now, yes, sir.
 19 MR. SCHULTZ: And did you fire everybody
 20 else?
 21 MR. GARZA: Yes, sir. For other incidents
 22 that were taking place in the office, sir.
 23 MR. SCHULTZ: What's the status of the A.G.'s
 24 investigation?
 25 MR. GARZA: I don't know, sir.

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1 Coon? If that happened to you in Chaves County and
 2 you had a deputy that allegedly made arrest that was
 3 illegal, what is the action that you would prescribe?
 4 MR. COON: Probably go ahead with the case,
 5 maybe dismiss it in court would be what I would do.
 6 And I've got a question. What was the blood
 7 alcohol on the subject? If you all took a blood draw,
 8 what was the subject that was arrested's blood
 9 alcohol?
 10 MR. GRANO: It was 0.16 I believe.
 11 MR. COON: 0.16. Okay. Oh, I've got one
 12 more. This made the news big time. Wasn't the
 13 relationship between the person being arrested as an
 14 employee's husband of the Mora County Sheriff's
 15 Office?
 16 MR. GARZA: He was the ex-husband, yes.
 17 MR. COON: Did you know him, were you all
 18 friends?
 19 MR. GARZA: No, sir. No, sir. I don't know
 20 anybody really there. I'm not from there, I'm
 21 originally from down south, Tecolote, this side of Las
 22 Vegas.
 23 MR. COON: Okay. Chief.
 24 MR. SCHULTZ: A question for Sheriff Garza.
 25 Who called you?

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1 MR. SCHULTZ: Have you been interviewed by
 2 the Attorney General's Office?
 3 MR. GARZA: One time.
 4 MR. SCHULTZ: Thank you.
 5 MR. COON: Any other questions? Thank you,
 6 all. If you would like to leave those right there,
 7 we'll look at them when we convene.
 8 ITEM NO. 16: SHAWN BACA
 9 MR. COON: Number 16 is Shawn Baca.
 10 MR. MEDINA: In the matter of Shawn Baca,
 11 Certification No. 10-0145-P, on or about February 7th,
 12 2011, through or on or about March 20th, 2011, the
 13 respondent made agreements with females in lieu of
 14 citations. The respondent would convince female
 15 drivers to expose their breasts or buttocks and take
 16 pictures with his phone camera.
 17 In an investigation by the State Police, the
 18 respondent admitted to the allegations. On May 27th,
 19 2011, the respondent was given a predisciplinary
 20 hearing after having been charged with a criminal
 21 complaint.
 22 On February 29th, 2012, the respondent
 23 entered into a guilty plea agreement with the Seventh
 24 Judicial District Court. The respondent agreed to
 25 relinquish his Police Officer's Certification with the

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<p>1 Mexico Law Enforcement Academy Board in accordance 2 with New Mexico Statutes Annotated Section 3 No. 29-7-13. The respondent also agreed not to 4 reapply for any law enforcement certification. 5 It's the director's recommendation to ratify 6 the voluntary relinquishment. 7 MR. COON: Thank you. Mr. Baca, are you 8 here? Shawn Baca? Okay. Any questions? 9 MR. KORN: I have a question for Mr. Medina. 10 And I know part of this was before your time. This 11 case took 13 and a half months before it got to the 12 board. Do you have any idea what the history of it 13 was, why it took so long before it got to us? 14 MR. MEDINA: I can look at the file, sir. 15 According to the chronology of records that we keep, 16 it looks, based on what we have, that on 17 February 21st, 2012, the then Acting Director Hubbard 18 conducted a file review. He made a request to obtain 19 recent printouts from New Mexico Courts and made a 20 request to draft the NCA for the director's signature. 21 The NCA, Notice of Contemplated Action, was 22 prepared on May 2nd. A relinquishment order was 23 prepared on May 10th. And on June 4, 2012, the 24 relinquishment order was signed by the respondent. It 25 was served to him while he was in prison.</p>	<p>1 MR. KORN: Basically the same question, do 2 you have any idea why it was a full year before this 3 was even reviewed by the director's office? 4 MR. MEDINA: I have no idea, sir. 5 MR. KORN: Okay. Thank you. 6 MR. COON: Any other questions? Okay. 7 ITEM NO. 17: ALFRED LOVATO 8 MR. COON: Let's go on to No. 17, Alfred 9 Lovato. 10 MR. MEDINA: In the matter of Alfred E. 11 Lovato, Certification No. 92-0003-P, on December 16, 12 2008, Sergeant Alfred Lovato resigned his position 13 with the New Mexico State Police pending termination 14 from the Department of Public Safety under an 15 administrative investigation for conduct unbecoming an 16 employee and untruthfulness regarding an incident 17 which occurred on November 26th, 2008. 18 On July 2nd, 2012, the respondent agreed to 19 relinquish his police officer's certification with the 20 New Mexico Law Enforcement Academy Board in accordance 21 with New Mexico Statutes Annotated Section 22 No. 29-7-13. The respondent also agreed not to 23 reapply for any law enforcement certification. It's 24 the director's recommendation to ratify the voluntary 25 relinquishment.</p>
<p>1 MR. COON: Mr. Lovato, are you here? Alfred 2 Lovato? Anybody have any questions. Mr. Korn. 3 MR. KORN: Mr. Medina, along the same lines, 4 this case took three years and seven months before it 5 was presented to the board. And I know you weren't 6 here for the majority of that time. But do your 7 records show any reason that this case was delayed for 8 such a long period of time before we saw it? 9 MR. MEDINA: Well, based on my recollection 10 of the case which is very intensive, it's very big in 11 itself, it appears that there were agreements that had 12 been gone back and forth with his attorney that 13 delayed any kind of formal hearing. 14 MR. KORN: Okay. I understand. And that was 15 not with you I assume? 16 MR. MEDINA: That's correct. 17 MR. KORN: But as far as the board is 18 concerned, you recognize that our imprimatur for this 19 board is that we've asked that other cases move along 20 without these long delays. 21 MR. MEDINA: Well, yes, sir. I'm very aware 22 of that. And I believe that we took due diligence to 23 move this through the pipeline as we have all of the 24 other older cases that were present when I took over 25 the position. And I believe that we've done that.</p>	<p>1 MR. KORN: I agree. To your credit you were 2 the one who apparently moved this along. I'm just 3 pointing out that these cases that are showing up are 4 very, very old. And really they controvert what the 5 board has set up as being the reasonable time we would 6 like to see things come to us. 7 MR. MEDINA: Yes. I understand that. And I 8 agree with that. And it's not only myself, but it's 9 mainly due to Ms. Medrano and Mr. Holmes who do the 10 majority of the work for the misconduct program. 11 It does take quite a considerable amount of 12 time of myself to be involved in it. But 13 unfortunately the circumstances are what they are. 14 When I came into the position, we realized 15 the backlog that existed. And we know what the 16 board's recommendation is regarding the processing of 17 the reports. 18 MR. KORN: And I agree with your comments 19 about Ms. Medrano. She is a star. And the Law 20 Enforcement Academy Board is lucky to have her as one 21 of the people that support you. 22 MR. SCHULTZ: Mr. Chairman. 23 MR. COON: Yes, sir. 24 MR. SCHULTZ: If I may, I have a question. 25 And I don't know if Mr. Medina can answer this or not.</p>

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<p>1 Obviously again this is another case with a lot of 2 publicity concerning this particular officer. 3 Do you know anything about the circumstances 4 of Mr. Lovato being hired by Rio Arriba County 5 Sheriff's Department for two months in order to get 6 him enough time to retire from PERA? 7 MR. MEDINA: That's also my knowledge, what 8 I've been made aware of. And that's what I've been -- 9 I've also heard that that did occur. And I believe he 10 did -- I don't know if he stated that or not when we 11 did speak with him. 12 We never had an informal hearing or a formal 13 hearing with him. The day that we arrived at this 14 relinquishment agreement is the day that Mr. Lovato 15 was with Mr. Bregman on another case. And Mr. Lovato 16 had been hired by Mr. Bregman as his investigator. 17 MR. SCHULTZ: Mr. Chairman, I don't know if 18 this would be the appropriate time for this or not. I 19 think it would be imperative for this board to send a 20 letter to the Sheriff of Rio Arriba County, if it's 21 the same sheriff who is currently in office who was at 22 the time. 23 We talk about the black eye of law 24 enforcement in the State of New Mexico and distrust 25 that exists in some communities. It's this type of</p>	<p>1 activity that really makes that type of distrust and 2 image of law enforcement be seen in a negative light 3 throughout the state when we see these types of 4 actions occur. 5 And I would suggest that Mr. Medina write a 6 letter on behalf of the board to the sheriff and let 7 him know that we're not pleased with this action. 8 MR. COON: Anybody have any objection to 9 that? 10 MR. BARNCASTLE: No. 11 MR. GRATTON: No. 12 MR. COON: Do we need to make a motion on 13 that? 14 MR. REYNOLDS: I believe what you should do 15 is, after you go into executive session and come out 16 and make a decision on a voluntary relinquishment, you 17 include that as part of this issue. 18 MR. COON: Okay. 19 MR. GRATTON: Mr. Chairman, I have one 20 question. 21 MR. COON: Yes, sir. 22 MR. GRATTON: This question is for 23 Mr. Medina. In cases like this, where there are 24 pretty severe circumstances, does any of this 25 information go into a nationwide database so that, if</p>
<p>1 this gentleman were to move to Oklahoma, for example, 2 would that follow him or can he start over and go 3 through the academy there and become a law enforcement 4 officer in the State of Oklahoma other than New 5 Mexico? 6 MR. MEDINA: There is one that exists. And 7 we have not been entering our information into that 8 database. 9 MR. GRATTON: Just a question. Do you not 10 think that we should probably do that? And this is 11 more along with Chief Schultz's question. I have 12 issues too with this person, with what allegedly 13 happened, with him going to work within New Mexico. 14 So if that can happen in New Mexico, I guarantee it 15 can happen outside of the state. 16 MR. COON: Well, one thing we do on something 17 like this, if it's a decent agency, they're going to 18 do a background check on him and find out that this 19 happened in New Mexico through the State Police or Rio 20 Arriba County or whatever. 21 They're pretty much obligated to -- well, 22 they're not obligated. But through a gentleman's 23 agreement to let us know that -- what had happened in 24 his previous employ with another department either in 25 state or out of state.</p>	<p>1 MR. GRATTON: Okay. Thank you. 2 MR. COON: Okay. I was just informed that 3 maybe a couple of guys needed a break here. Can we 4 take about a ten-minute break and do that. Do I have 5 a motion to take a break? 6 MR. KORN: I make a motion for a recess. 7 MR. GRATTON: Second. 8 MR. COON: I have a motion and a second. All 9 in favor say aye. 10 (Those in favor so indicate.) 11 (Recess.) 12 MR. COON: Could I have a motion to 13 reconvene. 14 MR. GRATTON: So moved. 15 MR. COON: A second. 16 MR. BETZ: Second. 17 MR. COON: All in favor say aye. 18 (Those in favor so indicate.) 19 ITEM NO. 18: RICARDO MARTINEZ 20 MR. COON: Okay. Now, we go to No. 18, in 21 the matter of Ricardo Martinez. 22 MR. MEDINA: In the matter of Ricardo 23 Martinez, Certification No. 93-0032-P, on June 13th, 24 2004, the respondent arrested a suspected drunk driver 25 in the City of Espanola.</p>

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<p>1 During an inventory of the suspect's vehicle 2 at the time of the arrest, alcoholic beverages, a 3 Marlin 60 .22 caliber rifle, and a Daisy BB pellet gun 4 were found. The rifle and the BB gun were never 5 turned in as evidence nor mentioned on the arrest 6 report submitted by the respondent.</p> <p>7 After the case was disposed of in court, the 8 suspect made numerous attempts to retrieve his 9 belongings from the Espanola Police Department without 10 success due to the fact that the items were not listed 11 as evidence and never put in the evidence room.</p> <p>12 On June 1st, 2011, the missing rifle and BB 13 gun in question were turned over to the Chief of the 14 Espanola Police Department by a relative of the 15 respondent who claimed that the respondent left the 16 mentioned items at her residence while he was cleaning 17 out his police vehicle. The chief advised the 18 relative to turn the items over to the Espanola Police 19 Department.</p> <p>20 The respondent was served with a Notice of 21 Contemplated Action on or around February 22nd, 2012. 22 Mr. Martinez responded in an informal hearing. The 23 hearing was scheduled for March 15th, 2012. And the 24 stipulated order of suspension was not agreed upon. 25 On or around April 3rd, 2012, the respondent</p>	<p>1 was served with a Notice of Final Decision via 2 certified mail. The respondent has failed to respond. 3 It's the director's recommendation for a default and 4 order of suspension of three months, a one-year 5 probationary period, and complete a law enforcement 6 course in ethics.</p> <p>7 MR. COON: Is Mr. Martinez here? Ricardo 8 Martinez? Anybody have any questions of Mr. Medina? 9 Okay. Nate.</p> <p>10 MR. KORN: I guess I do. You recommended a 11 three-month suspension. Our guidelines say theft is 12 four to six months.</p> <p>13 MR. MEDINA: Yes, sir. 14 MR. KORN: Is there a reason? 15 MR. MEDINA: Not any particular reason, sir, 16 no.</p> <p>17 MR. KORN: Thank you. 18 MR. GRATTON: John, I have a question. 19 MR. COON: Mr. Gratton. 20 MR. GRATTON: Mr. Medina, did I hear that 21 Mr. Martinez never has met with you, that you tried to 22 contact him several times and he has never come before 23 you to discuss these issues? 24 MR. MEDINA: Yes. We had an informal hearing 25 with him, sir.</p>
<p style="text-align: right;">Page 68</p> <p>1 MR. GRATTON: An informal hearing was held? 2 MR. MEDINA: Pardon me? 3 MR. GRATTON: An informal hearing was held? 4 MR. MEDINA: Yes, sir. 5 MR. GRATTON: Okay. Thank you. 6 MR. COON: Any other questions? 7 ITEM NO. 19: APRIL SOTELO 8 MR. COON: Let's go on to No. 19, April 9 Sotelo. 10 MR. MEDINA: In the matter of April Sotelo, 11 Certification No. 08-0250-P, on July 14th, 2011, the 12 respondent arrived at a party while driving a marked 13 Albuquerque Police Department police car. The report 14 indicates that the respondent was drinking alcohol 15 while at a party, but left when a fight broke out. 16 She left the party driving her police car 17 under the assumption and it was assumed that she was 18 intoxicated. The report also states that some people 19 at the party were self-admitted gang members. When 20 officers arrived to break up the fight, the respondent 21 was already gone. 22 The officers drove to her home to get a 23 statement, but she didn't answer the door. The 24 officers noted the respondent's police car in front of 25 her home with her duty pistol on the front seat. The</p>	<p style="text-align: right;">Page 69</p> <p>1 officer contacted APD Commander Page and secured the 2 firearm and had the vehicle towed. 3 On July 30, 2011, the respondent was arrested 4 for DWI and criminal damage to property. The 5 respondent was still on paid leave as a result of the 6 first incident when the second incident occurred. The 7 respondent resigned on August 1st, 2011. 8 The respondent was served with a Notice of 9 Contemplated Action on or around April 26th, 2012. 10 Ms. Sotelo did not respond to the Notice of 11 Contemplated Action. On May 11th, 2012, the 12 respondent was served with a Notice of Final Decision 13 via certified mail. The respondent has failed to 14 respond to that. 15 It's the recommendation of the director for 16 revocation by default. 17 MR. COON: Is Ms. Sotelo here? April Sotelo? 18 Anybody have any questions of Mr. Medina? Okay. 19 ITEM NO. 20: STACY WISEMAN 20 MR. COON: Let's go on to No. 20 then, which 21 is Stacy Wiseman. 22 MR. MEDINA: In the matter of Stacy Wiseman, 23 Certification No. 01-0259-P, on July 28th, 2010, the 24 respondent executed a leverage takedown to gain 25 control of a restrained individual. That action is</p>

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<p>1 specifically prohibited by policy absent exigent 2 circumstances.</p> <p>3 The respondent responded to assist another 4 officer with a road rage hit-and-run suspect. Upon 5 arrival the respondent perceived the suspect to be 6 uncooperative and would not keep her hands out of her 7 pockets against the officer's orders. The respondent 8 was asked to conduct a pat-down search for weapons. 9 Compliance holds were utilized to place handcuffs on 10 the noncooperative suspect.</p> <p>11 The respondent was served with a Notice of 12 Contemplated Action on or around March 26, 2012. The 13 respondent did not respond to the Notice of 14 Contemplated Action. On April 2nd, 2012, the 15 respondent was served with a Notice of Final Decision 16 via certified mail. The respondent has failed to 17 respond to the NFD. It's the recommendation for 18 revocation by default.</p> <p>19 MR. COON: Thank you, sir. Stacy Wiseman, 20 are you here? Stacy Wiseman? Okay. Anybody have any 21 questions of Mr. Medina on the matter of Stacy 22 Wiseman? Okay.</p> <p>23 ITEM NO. 21: RAYMOND VILLANEUVA 24 MR. COON: Let's go to No. 21, Raymond 25 Villanueva.</p>	<p>1 MR. MEDINA: In the matter of Raymond 2 Villanueva, Certification No. 88-0324-P, on June 6th, 3 2011, the respondent was involved in a motor vehicle 4 accident while on duty. The respondent willfully 5 provided false details to his immediate supervisor in 6 an attempt to hide the facts of the accident.</p> <p>7 The respondent reported to the Santa Fe 8 County Sheriff's Office and the Moriarty Police 9 Department that his vehicle had been sideswiped while 10 he was inside the post office. The respondent filed a 11 false police report with the Moriarty Police 12 Department as well as wrongfully filing internal 13 county crash reports.</p> <p>14 Approximately 16 minutes into an interview 15 with Captain Ken Johnson, Internal Affairs Division, 16 Santa Fe County Sheriff's Office, the respondent 17 admitted to hitting a pylon in the roadway in a 18 construction zone. The respondent resigned from 19 employment at the Santa Fe County Sheriff's Office.</p> <p>20 The respondent was served with a Notice of 21 Contemplated Action on or around March 8th, 2012. He 22 did not respond to the NCA. On March 4, 2012, the 23 respondent was served with a Notice of Final Decision 24 via certified mail. The respondent has failed to 25 respond to that.</p>
<p>1 It's the recommendation of revocation by 2 default.</p> <p>3 MR. COON: Raymond Villanueva, are you here? 4 Mr. Villanueva? Anybody have any questions of 5 Mr. Medina on the matter of Raymond Villanueva?</p> <p>6 ITEM NO. 22: JOE DAN GREEN 7 MR. COON: Okay. Let's go on to No. 22, 8 which is Joe Dan Green.</p> <p>9 MR. MEDINA: In the matter of Joe Dan Green, 10 Certification No. 98-0039-P, on July 4th, 2011, the 11 respondent was arrested by the Chaves County Sheriff's 12 Office for DWI. The respondent was traveling on his 13 motorcycle on U.S. 380 near milepost 163 in Chaves 14 County when he lost control and crashed.</p> <p>15 The respondent was served with a Notice of 16 Contemplated Action on or around February 28th, 2012. 17 He did not respond to the Notice of Contemplated 18 Action. On May 31st, 2012, the respondent was served 19 with a Notice of Final Decision via certified mail. 20 The respondent has failed to respond.</p> <p>21 It's the director's recommendation for 22 revocation by default.</p> <p>23 MR. COON: Mr. Green, Joe Dan Green, are you 24 here? Any questions of Mr. Medina by this board? 25 I've got one, Mr. Medina. On an incident --</p>	<p>1 and I'm very familiar with this case obviously -- 2 where the DWI never was prosecuted, the blood alcohol 3 came back lower, he resigns from the New Mexico State 4 Police and takes a job with Lea County Sheriff's 5 Office, who wrote the letter, the LEA-90 on this, did 6 the New Mexico State Police?</p> <p>7 MR. MEDINA: I'll research that, sir. Just a 8 minute.</p> <p>9 MR. COON: Because there was no action taken 10 in court on this case. He resigned -- he resigned 11 actually the day his blood alcohol test came back. 12 And he was at an 0.06. He jumped the gun and resigned 13 too early is what he did.</p> <p>14 We weren't going to pursue the 0.06 on the 15 DWI. Did he -- I don't know what he was charged with 16 through the State Police, why they elicited his 17 termination or his -- well, he resigned. Let me put 18 it that way.</p> <p>19 MR. MEDINA: Based on the LEA-90 in front of 20 me, the New Mexico State Police submitted the LEA-90.</p> <p>21 MR. COON: On what basis was it -- did 22 they -- this is very confusing on this case because he 23 resigned. And there was never any charges filed 24 against him because we waited for the BAC to come 25 back. Now, he was arrested. But he never was -- it</p>

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1 never went to court because it had come back a 0.06.
 2 MR. MEDINA: Their basis appears to be the
 3 arrest for DWI and conduct unbecoming an employee and
 4 untruthfulness.
 5 MR. COON: Okay.
 6 MR. MEDINA: That's the basis.
 7 MR. COON: Okay. That clears that part of it
 8 up. Okay.
 9 MR. BARNCASTLE: Director Medina, where were
 10 the notice -- or where was the Notice of Contemplated
 11 Action and the Notice of Final Decision mailed to,
 12 what address were they mailed to?
 13 MR. MEDINA: We've got three separate
 14 addresses. All of them are in Roswell. Do you want
 15 the specific address, sir?
 16 MR. BARNCASTLE: There are three different
 17 notices -- or there were three Notices of Contemplated
 18 Action sent to three addresses?
 19 MR. MEDINA: Three different attempts to mail
 20 the Notice of Contemplated Action. We have three
 21 different addresses that we sent the Notice of
 22 Contemplated Action to.
 23 MR. BARNCASTLE: Just for the record, would
 24 you let me know what those are.
 25 MR. MEDINA: Yes, sir. 4700 Apache Hills,

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1 involving Joe Dan Green?
 2 MR. MEDINA: Would you repeat that, please.
 3 MR. COON: I was just asking if anybody has
 4 any questions of you regarding this case.
 5 ITEM NO. 23: RICHARD GONZALES
 6 MR. COON: If not, we'll go to No. 23, which
 7 is Richard Gonzales. This is a formal hearing. We're
 8 into formal hearings now. I'm sorry.
 9 MR. REYNOLDS: Mr. Chair, this is a formal
 10 hearing so I'll present it for the board. Mark
 11 Reynolds, counsel to the board.
 12 A formal hearing was heard on the matter of
 13 Richard A. Gonzales, Certification No. 99-0041-P, on
 14 May 11th, 2012, in front of Hearing Officer Mark
 15 Radosevich. At the hearing it was established that
 16 the respondent was a sergeant with the Sunland Park
 17 Police Department.
 18 And the findings of the hearing officer are
 19 as follows: On May 16th, 2012, the respondent was
 20 working an overtime shift of four p.m. to eight p.m.
 21 At 7:30 p.m. of that night, a Sunland Park City
 22 Council person observed a Sunland Park police car
 23 parked at an El Paso, Texas, fitness club.
 24 That city council person took a picture of
 25 the car and sent it to the Sunland Park Chief of

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1 Roswell; 40 Loma Verde Lane, Roswell; 32 West Morton,
 2 No. 265, Roswell. And -- yes, 32 West Morton,
 3 No. 265, Roswell.
 4 MR. COON: Well, he is currently with the Lea
 5 County Sheriff's Department in Jal, New Mexico. As
 6 soon as his 0.06 came back, the sheriff in Lea County
 7 hired him as a deputy and moved him to Jal.
 8 And why I'm questioning this is because I
 9 can't believe he wouldn't have shown up, because he's
 10 just not the kind of guy that wouldn't show up for
 11 something like this or blow this off, because this is
 12 his livelihood.
 13 And I don't know when he moved to Jal. But
 14 it just confuses me that he's not here today or that
 15 he took no action on his problems he has here.
 16 MR. BARNCASTLE: Would it be appropriate at
 17 this time to make a motion to research this a little
 18 further and to possibly send additional notices to the
 19 current address?
 20 MR. REYNOLDS: Mr. Chair, I would suggest
 21 that after you go into executive session, you can
 22 discuss it further there. And that can be your
 23 decision afterwards, if you so choose.
 24 MR. COON: Okay. Thank you, sir. Anybody
 25 else have any questions of Mr. Medina on the matter

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1 Police. It was determined the car was assigned to the
 2 respondent, Mr. Gonzales. It was also determined that
 3 Mr. Gonzales submitted a time sheet, an overtime
 4 sheet, for the full four-hour shift, from four p.m. to
 5 eight p.m.
 6 At the hearing the respondent did not dispute
 7 that he had left duty early. He did take issue with
 8 the amount of time that he had left early, claiming it
 9 was much less than a half an hour despite the fact
 10 that his car was observed and photographed at the El
 11 Paso, Texas, fitness center.
 12 The hearing officer also notes that the
 13 overtime sheet submitted by the respondent was for an
 14 operation called Operation Stonegarden but that his
 15 work that night actually had nothing to do with that
 16 operation. That's the findings of the hearing
 17 officer.
 18 Other facts are that the respondent has
 19 previously been terminated by the Dona Ana Sheriff's
 20 Department and suspended by this board for 180 days
 21 for falsifying information on traffic violations and
 22 reporting forms.
 23 The hearing officer recommends revocation of
 24 at least three years. The respondent was also an
 25 instructor. And he recommends that the respondent's

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<p>1 instructor certification be permanently revoked. 2 MR. COON: Thank you, sir. 3 MR. REYNOLDS: Any questions? 4 MR. COON: Do we have any questions of 5 Mr. Reynolds? 6 MR. KORN: Thank you. 7 MR. REYNOLDS: Thank you. 8 ITEM NO. 24: ROBERT ORTEGA 9 MR. COON: Let's go on to No. 24, which is a 10 reinstatement of certification of Robert Ortega. 11 Mr. Ortega, are you here? 12 MR. HUTCHINSON: Al Hutchinson for 13 Mr. Ortega. 14 MR. COON: Are you his attorney? 15 MR. HUTCHINSON: Yes, I am. Mr. Vice Chair 16 and Members of the Board, first we would like to enter 17 these documents into the record. 18 MR. COON: What are these documents? 19 MR. HUTCHINSON: It contains the Internal 20 Affairs investigations, letters of recommendation, and 21 then other supporting documentation. 22 MR. KORN: Sir, could I have your name one 23 more time. 24 MR. HUTCHINSON: Al Hutchinson. 25 We're here today to request that Robert</p>	<p>1 Ortega's certification as a police officer be 2 reinstated. The charges that were the basis for his 3 revocation were all investigated by Internal Affairs, 4 his department in Las Vegas, and they were all found 5 nonsustained. 6 In addition, there was a mention of a pending 7 criminal case for misdemeanor battery mentioned in the 8 hearing officer's report. Mr. Ortega went to trial 9 for that. And the jury found him not guilty of that 10 charge. 11 Mr. Ortega has never been convicted or pled 12 guilty or pled nolo contendere to any felony or any 13 federal, state, or local ordinances involving moral 14 turpitude. And, in fact, he has received the 15 meritorious service and lifesaving award for running 16 into a burning building and saving several people's 17 lives. 18 He's also received letters of commendation 19 from the Las Vegas District Attorney's Office or the 20 District Attorney, several local schools, and also 21 letters of support included in the documentation we 22 presented from his former Chief of Police William E. 23 Cruz as well as his former supervisor Lieutenant 24 Lawrence O'Connor. 25 And he has several other letters from</p>
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<p>1 community members and business leaders, members of his 2 church. And Mr. Ortega is of the highest moral 3 character. And we, therefore, request that you 4 reinstate his certification. And Mr. Ortega would 5 like to make a statement and answer any questions. 6 MR. ORTEGA: Good morning. My name is Robert 7 Ortega. I was a police officer with the Las Vegas 8 Police Department for approximately about four and a 9 half years when these allegations surfaced. 10 First of all, I would like to thank you all 11 for giving me this opportunity to come before you 12 today to restate my case. 13 When I appeared before the board -- or before 14 the director, Mr. Art Ortiz at the time, and I first 15 walked in the door, it seemed like he had already made 16 a pre-decision as to my situation, being the fact that 17 him and the former chief at the time, Gary Gold, were 18 best friends. 19 And even in speaking with Chief Gold at the 20 time, prior to going to the academy, he told me he had 21 already had many conversations with Mr. Ortiz in 22 reference to my certification and in reference to me 23 being a police officer again. So that's why I came to 24 the speculation that the decision had already been 25 made prior to me even being able to state anything on</p>	<p>1 my behalf. 2 Another statement that struck me pretty odd 3 when I went before Mr. Ortiz is that he looked at me, 4 he looked down at the paperwork before him, and he 5 started laughing. He said that Chief Gary Gold was 6 the best thing that happened to Las Vegas and that 7 their other two chiefs, which some of these 8 allegations or most of these allegations that they 9 allege took place under, they were just covering 10 everything up for their officers. 11 I've had numerous conversations with both my 12 prior chiefs, Chief Tim Gallegos and William Cruz. 13 And none of them had nothing but good to say about me. 14 They went back and they researched my personnel file 15 on their own. And they went through every single 16 page, and they could not find one incident where I had 17 done anything wrong under their tenures. 18 Chief Gold and I had many run-ins based on a 19 lot of the policies that he would trying to implement. 20 When he would ask officers to speak openly at 21 meetings, I would always speak up and advise against 22 what he was trying to implement; because of our 23 manpower shortages and the fact that we didn't have 24 the equipment necessary to do what he wanted to 25 implement.</p>

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1 So he always saw me as a roadblock to trying
 2 to do the things that he wanted to do. Later through
 3 our union I brought up the fact that we needed to have
 4 a vote of no confidence for then Chief Gary Gold
 5 because he didn't know what he was doing.
 6 He was in the State Police frame of mind that
 7 everything needed to be done the way the State Police
 8 had it, because they had an open amount of resources
 9 to do what they needed to do. We had no manpower, we
 10 had no money, we had no vehicles, we had nothing of
 11 what he wanted us to do.
 12 He and I had several occasions, also bumped
 13 heads, because he was a board member for our local
 14 school district, which my children attend. He and I
 15 had many confrontations about that, because he would
 16 send us into calls blind without any information, only
 17 the chief said get over there, figure out what's going
 18 on, and handle it.
 19 When we get dispatched to a call, we like to
 20 have at least a little bit of information of what was
 21 going on. And I brought that to his attention, why
 22 not have these people report in to our dispatch
 23 center, get some information for us, so we can go in
 24 with an open mind knowing what's -- at least to
 25 anticipate what's going to happen, not going in blind.

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1 During that time he tells me we've located
 2 more people that are coming out against you just so
 3 you can be aware. I'm not going to start my
 4 investigation until I get these other letters typed up
 5 for an interview. I said, okay, I'll be waiting for
 6 that phone call from you, sir. No, I have nothing to
 7 hide, I will be here when you tell me to be here.
 8 I contacted our union representative,
 9 Mr. Ashley, from the State of New Mexico. He was
 10 present with me from start to finish throughout this
 11 whole process. And he was there when I was told that
 12 there was more people located to come against me.
 13 When we came down to the hearing here in
 14 Santa Fe or up in Santa Fe, a formal hearing, half of
 15 these alleged victims never even showed up. They made
 16 the excuse that they were working or they were afraid
 17 or couldn't make it to Santa Fe.
 18 Of the six that -- of the three that made it,
 19 one of them was a city worker for the City of Las
 20 Vegas who was on city time in a city police vehicle,
 21 which she had no authorization to drive; but was paid
 22 to go to this meeting to make sure she got there.
 23 Another one was a boy -- is a girlfriend of
 24 one of the boyfriends who is mentioned in the IA files
 25 that I present to you today, which she located all

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1 He and I had about an hour and a half
 2 argument/conversation type thing about that. Half the
 3 time he was my chief of police, the other time he was
 4 my board member for our local school district. So I
 5 didn't know how to answer him or how to talk to him.
 6 He just changes hats from one minute to the next.
 7 During all these allegations, when the first
 8 one surfaced in January of 2009, he was -- he placed
 9 me on administrative leave January 24th. He called me
 10 into the office at the end of my shift at six p.m.
 11 that night. I took it with a grain of salt. I handed
 12 him my badge, I handed him my gun. I was escorted
 13 home by my then Lieutenant Lawrence O'Connor.
 14 The next morning I was called in by the
 15 deputy chief of police. And he had me sign a letter
 16 stating that I was on administrative leave effective
 17 January 25th. An hour later he calls me back and
 18 tells me he gave me the wrong documentation for the
 19 wrong dates, that I had to go back to his office and
 20 sign the correct ones of January 24th. No problem, I
 21 did that.
 22 Two days later I get called by Captain John
 23 Trujillo from Internal Investigations telling me to go
 24 sign in for a notice of Internal Affairs to be
 25 investigated. No problem, I did that.

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1 these other people and took them to the chief of
 2 police. This officer was named Marquez Apodaca.
 3 He and I also never saw eye to eye on a lot
 4 of issues, on the way criminal investigations would be
 5 handled. He had his way of doing business and I had
 6 my way of doing business, and we bumped heads several
 7 times.
 8 The documentation in there will show that
 9 this officer went out and located these people and
 10 took them to the chief of police. And they made these
 11 allegations on prior dates, from 2006 all the way to
 12 2008 under different chief tenures. And nothing was
 13 ever reported to those chiefs.
 14 Thank you very much again for taking the time
 15 to review this. And I hope and I pray that you guys
 16 will reinstate my license, my certification, so I can
 17 get back to being a law enforcement officer. It's
 18 something that I do very good and I take a lot of
 19 pride in doing.
 20 This shows that I was recommended and almost
 21 awarded the medal of honor on two separate occasions
 22 for entering burning buildings as a police officer,
 23 not as a firefighter, but as a police officer because
 24 I care for my community. Thank you.
 25 MR. COON: Anybody have any questions? Okay.

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<p>1 Thank you, Mr. Ortega.</p> <p>2 MR. KORN: I do have one question. Were you</p> <p>3 represented by an attorney when you had your hearing?</p> <p>4 MR. ORTEGA: When I went through my formal</p> <p>5 hearing, my attorney was supposed to be Mr. Mark</p> <p>6 Grano. His assistant, his partner in the business</p> <p>7 showed up, Mr. Silva. And when he got there, he told</p> <p>8 me he was barely reviewing the case when he got there</p> <p>9 so he wasn't very much aware of what was really going</p> <p>10 on. And I had never met with Mr. Silva, I had always</p> <p>11 met with Mr. Grano.</p> <p>12 MR. KORN: Well, there is an opportunity for</p> <p>13 a judicial review. Did you ever apply to the courts</p> <p>14 for a judicial review regarding the decision?</p> <p>15 MR. ORTEGA: I never knew about any of the</p> <p>16 process that had to take place, sir. I was actually</p> <p>17 told about being able to come before the board by the</p> <p>18 two former chiefs of police, Mr. Tim Gallegos and</p> <p>19 William Cruz.</p> <p>20 MR. KORN: But with your packet and decision</p> <p>21 would have been information about a judicial review,</p> <p>22 that you could have a court review our decision. Did</p> <p>23 you ever -- I gather you never filed an appeal to the</p> <p>24 hearing officer?</p> <p>25 MR. ORTEGA: I never saw the report from the</p>	<p>1 hearing officer until I had to go before a civil case</p> <p>2 for one of these alleged victims. When I picked up</p> <p>3 all the paperwork from the attorney's office to hand</p> <p>4 over to the civil attorney, she's the one that</p> <p>5 actually pointed that out to me at a later date.</p> <p>6 MR. KORN: So you never received a notice of</p> <p>7 the decision and you never --</p> <p>8 MR. ORTEGA: No, sir. I went to the</p> <p>9 attorney's office and that's where I -- once I picked</p> <p>10 up all the paperwork from there, that's when I first</p> <p>11 saw it.</p> <p>12 MR. KORN: Thank you.</p> <p>13 MR. COON: But there was a decision sent to</p> <p>14 your attorney?</p> <p>15 MR. ORTEGA: Yes, sir, to the attorney. But</p> <p>16 I never saw this. There was a lot of things going on</p> <p>17 at the time, we were handling different situations.</p> <p>18 And I never seen that documentation.</p> <p>19 As I said I got it when I prepared paperwork</p> <p>20 to send to a different attorney for the civil matter</p> <p>21 that one of these alleged victims filed, which was</p> <p>22 also dismissed at the federal level.</p> <p>23 MR. COON: Was this the first time you've</p> <p>24 ever been in front of this board?</p> <p>25 MR. ORTEGA: Yes, sir. This is the first</p>
<p>Page 88</p> <p>1 time I've ever been in front of the board and the</p> <p>2 first time I've ever had to go to Santa Fe for any</p> <p>3 type of disciplinary matters.</p> <p>4 MR. COON: You said it went to federal court?</p> <p>5 MR. ORTEGA: Well, one of the civil cases,</p> <p>6 sir, she filed a civil lawsuit, one of these alleged</p> <p>7 victims. It went to civil court. And I was told by</p> <p>8 that attorney that handled it that it was dismissed.</p> <p>9 MR. COON: So there's nothing ever come out</p> <p>10 of any of these?</p> <p>11 MR. ORTEGA: No, sir. In fact, I was found</p> <p>12 not guilty for that Stacey Leonard incident that we</p> <p>13 were holding on hold for, sir. You're well aware of</p> <p>14 the case.</p> <p>15 MR. COON: Yes.</p> <p>16 MR. ORTEGA: We were on hold for that. It</p> <p>17 went to trial. And I was found not guilty in an</p> <p>18 extreme speedy manner by the jury.</p> <p>19 MR. COON: Okay. Thank you.</p> <p>20 MR. ORTEGA: Thank you, sir.</p> <p>21 MR. COON: Anybody else? Thank you.</p> <p>22 ITEM NO. 25: TOMMY SALAS</p> <p>23 MR. COON: Okay. Now we have the</p> <p>24 reinstatement of the certification of Tommy Salas.</p> <p>25 Mr. Salas.</p>	<p>Page 89</p> <p>1 MR. SALAS: Good morning, Board. My name is</p> <p>2 Tommy Salas. Basically in 2005 there was an alleged</p> <p>3 accusation that I had stole some drugs, controlled</p> <p>4 substances, from somebody that I had arrested.</p> <p>5 And when these allegations occurred, I</p> <p>6 obtained an attorney. And he led me to Mr. James</p> <p>7 Wilson out of Albuquerque. And I do have the</p> <p>8 polygraph here with me. If I could go ahead and give</p> <p>9 this to the board so you guys could review it, if I</p> <p>10 could lay it there, please.</p> <p>11 MR. COON: Yes.</p> <p>12 MR. SALAS: Mr. James Wilson, who is a known</p> <p>13 polygrapher here in the Southern United States, came</p> <p>14 back with a review of anywhere from 92 to 98 percent</p> <p>15 that I was telling the truth with a 7 percent that</p> <p>16 goes in between. The polygraph is there.</p> <p>17 The witnesses and other officers that were</p> <p>18 there during the arrest who took all the evidence, it</p> <p>19 wasn't myself, I did the paperwork. All of these</p> <p>20 allegations that were made were pretty much false</p> <p>21 pretensions.</p> <p>22 My department put me on administrative leave</p> <p>23 before they -- they crucified me before I ever had my</p> <p>24 day in court. They notified the news media and</p> <p>25 everybody else, gave them my address. And then once I</p>

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1 gave the news media the polygraph results, they put it
 2 in the paper and then also on the Channel 7 news.
 3 They also charged me with possession of a
 4 controlled substance. And that was never true.
 5 That's also there in the court's review. And all of
 6 these charges that came up against me, they were
 7 dismissed by the Sixth Judicial District Court Judge,
 8 Honorable Gary Jeffreys, that says the court finds
 9 these charges should now be dismissed without an
 10 adjudication of guilt.
 11 I never did receive a -- I gave up my
 12 certification voluntary. I never did receive anything
 13 in the mail for anything. And I quit my department
 14 voluntarily. My attorney at the time was Jess Lilley
 15 out of Las Cruces. And he never contacted me either
 16 in reference to my certification being pulled.
 17 I voluntarily quit law enforcement because
 18 after that had happened, I had to find myself and find
 19 out exactly what it was. And after that I still
 20 pursued my career. I do have a Bachelor's of Applied
 21 Science in criminal justice, which I pursued after
 22 those allegations were made against me.
 23 I also worked with the Department of Justice.
 24 And they helped me clear my name in reference to this
 25 whole matter. And that's also presented in that

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1 worked. And from Deming. And I have one from Gary
 2 Ciccotelli who was the sheriff at the time.
 3 And again I just ask the board to please
 4 review this and please reinstate my law enforcement
 5 certification. Thank you for your time.
 6 MR. COON: Anybody have any questions of
 7 Mr. Salas? Mr. Korn.
 8 MR. KORN: Sir, it says in the paperwork that
 9 you pled guilty to a fourth degree felony. Is that
 10 correct?
 11 MR. SALAS: I did not plead guilty to a
 12 fourth degree felony, sir.
 13 MR. KORN: It was a deferred sentence?
 14 MR. SALAS: No, sir. They charged me with a
 15 misdemeanor. And with the misdemeanor came a
 16 conditional discharge.
 17 MR. KORN: But the paperwork said that you
 18 pled guilty to a fourth degree felony. That would be
 19 incorrect?
 20 MR. SALAS: That is not correct, sir.
 21 MR. KORN: Do you have any convictions in
 22 your background?
 23 MR. SALAS: No, sir. My background is
 24 totally clean. I have applied with the United States
 25 Border Patrol. And they also did a background check.

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1 packet there. I worked with the ADA out of Las Cruces
 2 and the FBI out of Albuquerque. And I was a paid
 3 confidential informant while still on the payroll with
 4 Luna County Sheriff's Office.
 5 And I ask the board to please give my
 6 certification back, because I found that being a
 7 police officer was in my heart. And that's why I
 8 pursued it, even though I was still working, making
 9 ends meet, taking care of my family, being an
 10 honorable Christian man.
 11 I feel that law enforcement is my calling.
 12 And that's how come I paid out of my pocket to attend
 13 Western New Mexico University and get my Bachelor's
 14 degree. I do also have an honorable discharge from
 15 the United States Military that was out of 2002. And
 16 that's also there.
 17 I got letters from Senator John Arthur Smith
 18 also in reference to my character. I also have one
 19 from Chief Michael Carrillo from the Deming Police
 20 Department, also Captain Jerry Turner from the Deming
 21 Police Department, Judge Jeffreys, and also from Ray
 22 Baese, who was also the municipal judge at the time
 23 but is now the magistrate judge there in Luna County.
 24 I also have letters from numerous people in
 25 Columbus, New Mexico, because that's where I usually

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1 And my background check is clean. The only thing
 2 holding me back getting into the United States Border
 3 Patrol is getting my certification, because I
 4 relinquished it voluntarily.
 5 But I never received any letters at my
 6 address saying that they were going to take my
 7 certification. And I never knew. And I've been out
 8 of law enforcement now for over five years.
 9 MR. KORN: So there's no criminal record,
 10 even a deferred sentence?
 11 MR. SALAS: No, sir. Also in that packet --
 12 I went to New Mexico Court Case Lookup. And you can
 13 see on there, sir, that there was -- the charges that
 14 were filed was on 12/4/2005. And that was false.
 15 And that's how come I had to write a letter
 16 to Senator John Smith, because they had charged me
 17 with possession of a controlled substance, which is a
 18 felony. But that was not correct.
 19 So once I submitted all the documents to him
 20 and he got ahold of the director, they changed
 21 everything. And they contacted the ADA office and the
 22 Department of Justice. And then from there we went on
 23 to the District Attorney there in Luna County and
 24 Grant County. And that's when they changed everything
 25 at the courthouse.

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<p>1 MR. KORN: So are you saying you're applying 2 to the Border Patrol and they won't hire you unless 3 you're -- 4 MR. SALAS: My certification, yes, sir. 5 MR. KORN: But that's a federal matter? 6 MR. SALAS: Yes, sir. 7 MR. COON: You pled guilty to a misdemeanor 8 at some point? 9 MR. SALAS: Yes, sir. 10 MR. COON: And you were put on probation on a 11 conditional -- 12 MR. SALAS: Yes, sir I was put on probation 13 for 364 days. 14 MR. COON: And a very important part of this 15 is to let the FBI know and to send in the green copy 16 that charges are -- you're done with your probation, 17 you have the conditional release. Have you done that? 18 MR. SALAS: Yes, sir. 19 MR. COON: Because that will take it away 20 from your triple I and that will take it away from 21 whatever else -- it will show you with no convictions 22 whatsoever under that conditional release or it 23 should. 24 MR. SALAS: Yes, sir. And that's like the 25 first copy on the paperwork that I submitted to the</p>	<p>1 board, is the conditional discharge from the Sixth 2 Judicial District Court. When all this happened to 3 me, I hired two different attorneys. And I ran out of 4 funding. And that's how come I'm representing myself 5 today. 6 MR. COON: What agency charged you? 7 MR. SALAS: Luna County Sheriff's Office. 8 MR. COON: Luna County. 9 MR. SALAS: Yes, sir. 10 MR. COON: They need to -- and you've 11 probably already done this -- send in that green copy 12 to the FBI to get that off your record, that you have 13 met your conditional release. That will expunge it 14 from the FBI records. 15 MR. SALAS: Yes, sir. 16 MR. COON: I just wanted you to know that. 17 MR. SALAS: Thank you very much. 18 MR. BARNCASTLE: Excuse me. Does the 19 board -- Mr. Chairman, does the board have a copy of 20 your conditional discharge? 21 MR. SALAS: That's what I attached right 22 there, sir. 23 MR. BARNCASTLE: Okay. And when was that 24 final order? 25 MR. SALAS: The final order that is stamped</p>
<p>Page 96</p> <p>1 on there is July 21st, 2008, at 2:16 p.m. 2 MR. BARNCASTLE: Just out of curiosity, what 3 were some of the stipulations of your conditional 4 discharge? 5 MR. SALAS: 364 days of unsupervised 6 probation and I couldn't get in any trouble. I didn't 7 report to a probation officer or anything. I had 8 never been in trouble. 9 MR. BARNCASTLE: You were on unsupervised 10 probation? 11 MR. SALAS: Yes, sir. 12 MR. BARNCASTLE: What other conditions? 13 MR. SALAS: That was all, sir. I think I 14 submitted that letter also from the Department of 15 Justice. And the United States ADA really had a huge 16 impact on the outcome of all of this, because they 17 said that I had to go to James Wilson because he is a 18 known polygrapher. 19 And he's worked with New Mexico agencies for 20 over 30 years. His whole background and everything is 21 also submitted in that paperwork. Like I said I 22 scored between a 92 and a 98 on that polygraph. And 23 when they gave a polygraph to the accuser, they failed 24 it, 99 percent. 25 MR. BARNCASTLE: Do you have a final order</p>	<p>Page 97</p> <p>1 from the Sixth Judicial District Attorney's Office or 2 the district court? 3 MR. SALAS: Yes, sir. That's the very first 4 page in that packet. 5 MR. BARNCASTLE: Okay. Thank you. 6 MR. SALAS: Yes, sir. 7 MR. COON: Anybody else have any questions of 8 Mr. Salas? Thank you, sir. 9 MR. SALAS: Thank you. 10 ITEM NO. 25A: MIGUEL RODRIGUEZ 11 MR. COON: And now we're at 25A, Miguel 12 Rodriguez. Is Miguel Rodriguez here? 13 MR. RODRIGUEZ: Yes, sir. First of all I 14 want to begin with thanking you for the opportunity to 15 speak to you all today, to the council members. 16 It has been a long period that I've been out 17 of law enforcement. I was terminated in August 5th, 18 2000, from the Taos Ski Valley Marshall's Office 19 pending allegations of contributing to the delinquency 20 of a minor, enticement of a child, criminal sexual 21 contact of a child. 22 It was a year later that I got an indictment 23 in the mail. And I went to Taos to turn myself in and 24 be there for the first hearing in Taos. That was 25 approximately over a year that the allegations were</p>

<p style="text-align: right;">Page 98</p> <p>1 pending that I didn't think nothing was happening in 2 the investigation. But they proceeded on. 3 Due to the court of litigation and the court, 4 I was advised by my attorney that the Taos DA's Office 5 wanted to enter into a plea for a conditional 6 discharge, dropping the charges down to misdemeanors 7 of attempted contact of a child, attempted enticement 8 of a child, and contributing to the delinquency of a 9 minor. 10 My attorney advised me that was the best way 11 to go, that I would have my name cleared and be 12 exonerated and have an opportunity to regain my 13 certification at a later time. I followed his advice 14 and I ended up in court. 15 I ended up in court around about the time of 16 February 1st, 2002, whereas there was an argument 17 between my attorney and the District Attorney's 18 Office. I guess there was miscommunication because 19 they were communicating my case between email. 20 And the district attorney has stated 21 basically that was not the agreement, that they didn't 22 want to do a conditional discharge order, and that the 23 agreement that my attorney explained to me was wrong. 24 I was then notified by my attorney that he 25 really messed up and that possibly they're going to</p>	<p style="text-align: right;">Page 99</p> <p>1 have to call for a continuance and I would have to 2 have another case to withdraw my plea bargain and have 3 him represent me, that he gave me unlawful advice as 4 an attorney, or to continue further with the 5 proceedings with a plea agreement. 6 My lawyer also advised me -- he advised me 7 that I could have a character hearing in front of a 8 judge. And the judge could possibly enter in a 9 conditional discharge order for a deferred sentence 10 hearing. 11 Due to the fact that it was a long period of 12 time, that I had been going through a lot of stressful 13 situations with my career and the whole demeanor of 14 the charges, I chose to go ahead and move forward, 15 trusting that God would grant me favor in the 16 courtroom and, based on the evidence thereof, that 17 they would support the conditional discharge. 18 At the time of the hearing, the judge 19 deliberated after the witnesses, various witnesses 20 spoke, and came back with a judgment of a deferred 21 sentence, ordering me to do probation of three years 22 less one day, with the stipulations of probation and 23 counseling and treatment, sex offender therapy, and 24 being on probation for a duration of three years less 25 two days.</p>
<p style="text-align: right;">Page 100</p> <p>1 The question arose whether the sex offender 2 clause or registration would stick at that point in 3 time. The judge deliberated and decided that, at the 4 time of my completion of my probation, completing 5 satisfactory discharge and probation and meeting all 6 the requirements, that she would issue an order of 7 expungement on the registry and clear my name on the 8 deferred sentence. 9 However, as time goes by, I did receive -- I 10 went through that therapy, successfully completed the 11 therapy and also got an early order of dismissal on 12 the deferred sentence in approximately 2003, on 13 August 28th. 14 At a later time I could not afford an 15 attorney. So I basically processed my own request 16 from the court basically to fulfill their statements 17 of order of expungement so they could start that 18 motion to clear my name. 19 The order of expungement was disclosed and 20 signed on 2004, October 20th. The order of 21 expungement basically orders that the Taos County 22 Sheriff's Department, the Department of Public Safety, 23 the Sex Offender Registry of New Mexico, and the New 24 Mexico State Police expunge all records of Miguel's 25 registration as a sex offender.</p>	<p style="text-align: right;">Page 101</p> <p>1 Later after I was trying to get my life 2 together and fighting to clear my name, based on the 3 accusations and the recommendation that I had from my 4 attorney to enter into the plea agreement, I ended up 5 back in court again with the Attorney General wanting 6 to appeal the decision that the judge, Peggy Nelson, 7 had made to expunge the record. 8 On approximately August 23rd, 2005, I 9 expected to be in court arguing all the technicalities 10 of the case. But to my surprise the Attorney 11 General's Office agreed to enter into a conditional 12 discharge during that hearing. 13 So they entered into a conditional discharge 14 order. Basically the court finds the defendant has 15 successfully completed all conditions of probation, 16 was relieved early from any further probation 17 supervision. 18 On August 28th, 2003, defendant is to receive 19 credit all time previously served on probation and is 20 hereby relieved from any further obligations in this 21 matter. The court further finds that all pending 22 motions are declared moot in light of the entry of the 23 conditional discharge order. I have also -- that's 24 basically I'm cleared. And they have satisfied the 25 expungement of the record.</p>

<p style="text-align: right;">Page 102</p> <p>1 I have been currently working for the Taos 2 County Adult Detention Facility as a correctional 3 officer. For the past five years, since approximately 4 2008, I started working with Santa Fe County Youth 5 Development Program as a correctional officer and a 6 life skill -- senior life skill worker with the Santa 7 Fe Juvenile Detention Program and also working for 8 Santa Fe County Adult Detention Facility. 9 I have received accreditation for adult 10 academy and the juvenile academy. I also through 11 Santa Fe County was given a leadership award. And I 12 do have -- if you would like to view those 13 credentials, I have them here with me. I could leave 14 them at the front desk. 15 Also I have been attending college at 16 Northern Community College over a few years. I'm one 17 class away from my police science degree, which will 18 be hopefully this fall, I'll be graduating with that. 19 My biggest concern today was to come before 20 the board, because based on these accusations and 21 allegations and especially the plea agreement and even 22 later on coming on, it's been a real fight for me to 23 clear my name. And it's been a very tough role, a 24 humbling road that I have traveled, especially coming 25 from an officer standpoint, of those type of</p>	<p style="text-align: right;">Page 103</p> <p>1 accusations in my life. 2 I can honestly say, when I first was going 3 through all this craziness, this roller-coaster in my 4 life, it was very much unwanted and unneeded. And I 5 could come up with every excuse to say why I didn't 6 deserve it. 7 Looking at it over the period of 8 approximately 12 years, including looking at about 9 five years ago, when my certification got revoked, I 10 can honestly say now that I am so thankful that God 11 allowed me to go through this experience in my life to 12 make me a better man. 13 It has taught me to be humble. It's taught 14 me about how much I love law enforcement. A lot of us 15 don't really appreciate some of the great 16 opportunities we have in life until we relinquish them 17 by doing stupid things and making poor decisions in 18 our life. And we don't realize how impacting it is 19 when we lose something that we love the most. 20 And by far the last 12 years of my life have 21 been hell to live through. But it's been the greatest 22 blessing of my life to become a better man, full of 23 compassion and full of love for those that I want to 24 serve. 25 I've been able to build upon my social</p>
<p style="text-align: right;">Page 104</p> <p>1 skills, working in corrections, being able to 2 communicate effectively, to deal with a totally 3 different line of law enforcement that I was never 4 even ready for. 5 Being an officer on the street and converting 6 to corrections is a very even more humbling experience 7 and teaches you the true value of what it is to be a 8 police officer, to understand what people that get 9 charged that have -- what they have to endure by going 10 through the criminal justice system. 11 Not only do I have the experience of being 12 involved in corrections, understanding what that is 13 from -- after the officer places the handcuffs on an 14 individual. But what that person has to go through 15 the corrections system. 16 And not only that, but the biggest thing of 17 all is myself experiencing from beginning to end this 18 process myself. And the biggest thing I've learned is 19 that power and authority that we have as officers of 20 our discretion, whether to arrest, whether to give a 21 citation to or to give somebody a break, to even take 22 somebody's life away, to even protect a life is a 23 tremendous authority that should not even be taken 24 frivolously. It's awesome. And I've been able to 25 understand more my accountability as an officer, my</p>	<p style="text-align: right;">Page 105</p> <p>1 integrity, my moral conduct on duty, off duty is a big 2 deal. 3 I'm 36 years old now. And at the time of the 4 incident I was approximately probably 23 years old. 5 And I reflect back and realize how much of a man this 6 situation has caused me to be and how much of a better 7 officer I will be on the streets if given the 8 opportunity to return, understanding the concept of 9 what -- before I place my hands on an individual and 10 put them in handcuffs or take their freedom away, that 11 I have done a well-rounded investigation of looking at 12 all the facts and the evidence before I make judgment 13 on that person, because my decision with somebody's 14 life is going to affect them for the rest of their 15 life. 16 I had an opportunity five years ago to go 17 before the Taos Police Academy and talk to Mr. Tom 18 Lyon, the director then, and request a reinstatement 19 upon the clearance and discharge and the dismissal of 20 the charges. I had to go through a formal hearing 21 with a hearing officer by the name of Willard H. 22 Davis. 23 He had recommended at the time -- made a 24 recommended decision about September 18, 2006. We had 25 that formal hearing. And his recommendation is here</p>

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1 as follows. It states, "Respondent admits he had
 2 entered into three guilty pleas in district court,
 3 each of which constitutes grounds under 29-7-13A3 NMSA
 4 1978, under the 10.29.1.11B2 NMAC, for the board to
 5 suspend or revoke respondent's certification.
 6 "And also respondent admits to misconduct
 7 which constitutes grounds under Section 10.29.1.11B4
 8 NMAC, for the board to suspend or revoke respondent's
 9 certification. Considering the evidence of the
 10 respondent's rehabilitation, the hearing officer
 11 respectfully recommends that the board place
 12 respondent on probation for a definite time period and
 13 require him to satisfactorily complete a specific
 14 number of hours of extraordinary relevant continuing
 15 education. Dated this 17th day of October, 2006."
 16 I was told that I would be invited to the
 17 board hearing based on this recommendation. And I
 18 apologize for not being here. But I never had that
 19 opportunity because with all my heart, when I was
 20 revoked permanently five years or whatever, I wanted
 21 to be able to speak for myself and request the
 22 forgiveness of the board for my actions.
 23 That day -- I can never recover the change of
 24 what happened that day. But what happened that day
 25 was not any sex offense. If it was anything, it was

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1 She says no, no, can I hang out with you,
 2 hang out with you. So I started talking --
 3 communicating with this young lady, not knowing her
 4 age. But she looks fairly young. And I tell her,
 5 you're fairly young, I need to take you home, where do
 6 you live. She refused to do so.
 7 The next thing I know she's then launching
 8 over in my seat and she's leaning over, hugging on me.
 9 And the next thing I'm liplocking with this young girl
 10 that I -- later on I found out was 12 years old.
 11 I think any person could probably find
 12 themselves stuck in a situation where, oh, I would do
 13 this in this situation, I would do that. You don't
 14 know how you will react until that situation faces
 15 you.
 16 And it faced me as a young man, a rookie
 17 officer. Not knowing what to do, I pushed her off of
 18 me and asked her, you know, where do you live, I need
 19 to take you home. She again refused, tried to get
 20 back on me. At this time I feel really uncomfortable,
 21 knowing that my ethics, that my -- any misconduct at
 22 that time, my moral decision has impacted my life.
 23 I then got a little more aggressive and
 24 direct with her and told her I'm an officer for the
 25 Taos Ski Valley, I need to know where you live, I need

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1 poor judgment on my behalf to be picking up a young
 2 lady that was asking for help that needed a ride. And
 3 I brought her into my car to give her a ride.
 4 And these are the questions that people ask
 5 when they do an investigation, well, why did you pick
 6 her up. I just felt, being a young officer at the
 7 time, wanting to help somebody, especially she looked
 8 lost. And she kept on looking back to me while I was
 9 driving through a parking lot.
 10 I stopped to ask for her -- ask her what she
 11 needed, because she was looking at me, what help -- if
 12 she needed help or she looked like she was lost. She
 13 stated that, yeah, she was hanging around, wanted to
 14 cruise around, and she was lost and wanted a ride.
 15 So I allowed her to be in my car. I went to
 16 the next door, to the McDonald's right in Taos. And I
 17 pulled in and got me a Coke. I asked her if she
 18 wanted anything to drink. She says no, no. I said
 19 fine, I got me something to drink, a Coke.
 20 And we began to go -- to proceed. I asked
 21 her where she lived so I could drop her off. And she
 22 stated no, I just want to cruise, I just want to have
 23 fun. And I says, well, I've got to take you home, I
 24 have other places to be, I have to pick up my mother,
 25 she needs me to pick her up from work.

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1 to take you home. She got irritated with me. And I
 2 put her aside and I stopped the car in the parking lot
 3 and told her I need to take you home.
 4 It was almost an argument trying to get her
 5 to give me the address, but I did. Within minutes of
 6 finally getting it out of her, I took her home and I
 7 dropped her off. That's the first time I've ever seen
 8 that child and the last. I left.
 9 The next thing I know my whole life is
 10 falling apart. There's an investigation. Apparently
 11 the girl was a runaway, and she had been running away
 12 from home dealing in promiscuous activity for quite
 13 awhile in that period of time. And there I was, an
 14 officer, right in the middle of this whole
 15 investigation and allegations.
 16 I've been fighting to clear my name for such
 17 a long period of time. And all I can say is that I am
 18 very humbled to be here today and ask for your favor
 19 and ask for the grace and mercy of God that you guys
 20 would see inside me the desire and passion I have to
 21 return to law enforcement, because I feel it makes me
 22 a more awesome officer.
 23 I can't see myself in any type of career.
 24 Some people told me I'm stupid for coming here today.
 25 I thought for a long process, five years ago, with my

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<p>1 certification ended last November 2011, when the board 2 ordered the final revocation, stating that "Respondent 3 shall not be eligible to apply for certification until 4 after five years from the date of this order. 5 "After five years, if respondent applies for 6 certification, he shall have the burden of satisfying 7 the board that he is qualified and that the violations 8 above have been appropriately addressed and remedied. 9 The board may require that respondent be evaluated by 10 a licensed professional to assure fitness to perform 11 duty has been established." 12 I wish I would have been here at that meeting 13 once again. But I believe I forfeited any kind of 14 support from the council for not being here. I was 15 just never notified of that hearing. I was waiting 16 for that hearing to arrive and it never did. 17 But I did receive this in the mail. And I 18 have been faithfully working, going to college, and 19 still pursuing my goal. And I'm still passionate 20 about being here today because this is my sole desire, 21 to serve the people. 22 MR. COON: Mr. Salas, I'm going to stop you 23 right here. And we will take your matter into 24 consideration when we meet in closed session. Thank 25 you for showing up.</p>	<p>1 MR. SALAS: Thank you, sir. 2 MR. COON: Okay. That should end our agenda 3 on the disciplinary matters before the board. We are 4 going to go into closed session. I'll need a roll 5 call from Monique. I'm sorry. Mr. Korn would like to 6 make a motion. I'm sorry. 7 MR. KORN: Mr. Vice Chair, if I may make a 8 motion. I know we're going to make a motion to go 9 into closed session to discuss the penalty phases. 10 MR. COON: Yes, sir. 11 MR. KORN: In addition to that, I would ask 12 to make a second motion to discuss other matters. I 13 believe the board has the snapshots that were prepared 14 by Monica and myself. So I'll pass those out. Does 15 everybody have one? Anybody need one? 16 I would like to make a motion that we in 17 closed session also discuss other matters that are 18 having to do with licensing for people during the last 19 quarter since our last meeting have had penalty phases 20 before the director so the board can examine those as 21 well. 22 In conversation with Mr. Reynolds, I 23 understand that the best way to do this is to identify 24 which ones we're going to talk about by name. So I 25 would like to do that. And I'll point out to the</p>
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<p>1 board which ones I'm talking about. 2 Do you have a copy of this Mr. Medina or do 3 you need a copy? So starting on page 2, No. 12-37 4 would be David K. Sherman. On page 2 12-30 is Luis 5 Monarez. There are about 27 of these to go through. 6 So if the board will bear with me. 7 Also on page 2, No. 12-43 is Malin Parker. 8 12-40 is Karen Kuchan. 12-39 is Lee Allingham. 12-37 9 I've already talked about. On page 3 would be 12-21, 10 Ruben James Turrieta; 12-20, Louis Gomez; 12-18 would 11 be Keith Bloss. 12 On page 1, I'm sorry, I skipped that, would 13 be 12-54, Sammy Marquez; 12-52, Victor Grossetete; 14 12-51, Christian Baker; 12-49, Robert Platero; 12-58, 15 Dario Solis; 12-59, Orlando Cordova. 16 On page 4, 12-11 would be Michael Clifton; 17 12-6 would be Larry Roybal; 12-3 would be Daniel 18 Alcon; 12-2 is Steven Miller. Then 11-107 is Robert 19 Woolever; 11-106, John Doyle; 11-94, Jose Gonzales. 20 On page 6, 11-80 would be Matthew Kindle; 21 11-79 would be Peter Dwyer. On page 7, 11-71 would be 22 Jerry Boyer; 11-54 would be Daniel Parsons. On page 23 9, 11-42 would be Levi Chavez. 24 On page 11, 11-18 is Norman Torivio. On page 25 12, 11-5 is Tank Guenther; 11-4 is Teresa Lemon. On</p>	<p>1 page 13, 10-20 is Sean McGarry; 10-18, Michael 2 Sandoval. Page 14, 10-3 is Bradley Ahrensfield. Page 3 15, 9-1, Mark Zuni. 4 So my motion would be in closed session to 5 discuss the pending matters and some of the 6 resolutions in regard to those persons that I 7 mentioned. 8 MR. COON: Okay. We have a motion. 9 MR. REYNOLDS: Mr. Chair, may I take the 10 liberty of articulating the motion to go into 11 executive session on all these matters. 12 MR. COON: That would be fine. 13 MR. REYNOLDS: So the motion would be, 14 pursuant to NMSA Section 10.15.1H1, that this board go 15 into executive session to discuss licensing matters on 16 all those individuals identified on the record by 17 Mr. Nate Korn and on those matters identified on the 18 agenda, Nos. 4 through 25A. 19 MR. MYERS: So moved. 20 MR. COON: We have a motion. All in favor 21 say aye. 22 (Those in favor so indicate.), 23 MR. REYNOLDS: I'm sorry. You have to take a 24 roll call on that motion. 25 MR. COON: I'm fixing to take a roll call</p>

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<p>1 right now.</p> <p>2 MS. LOPEZ: Pat Barncastle.</p> <p>3 MR. BARNCASTLE: Yes.</p> <p>4 MR. LOPEZ: Sheriff Coon.</p> <p>5 MR. COON: Yes.</p> <p>6 MS. LOPEZ: Chief Betz.</p> <p>7 MR. BETZ: Here.</p> <p>8 MS. LOPEZ: Chief Schultz.</p> <p>9 MR. SCHULTZ: Yes.</p> <p>10 MS. LOPEZ: Mark Myers.</p> <p>11 MR. MYERS: Yes.</p> <p>12 MS. LOPEZ: Nate Korn.</p> <p>13 MR. KORN: Yes.</p> <p>14 MS. LOPEZ: John Gratton.</p> <p>15 MR. GRATTON: Yes.</p> <p>16 MR. COON: Okay. What we're going to ask you</p> <p>17 all to do is everybody is going to have to leave while</p> <p>18 we go into closed session. This is going to take</p> <p>19 awhile.</p> <p>20 MR. MEDINA: Sir, can I say one more thing.</p> <p>21 Can I make a motion to allow Ms. Medrano in executive</p> <p>22 session.</p> <p>23 MR. COON: Does anybody have a problem with</p> <p>24 Ms. Medrano in executive session?</p> <p>25 MR. REYNOLDS: I think there would be nothing</p>	<p>1 wrong with that as long as she's not in closed session</p> <p>2 for the formal hearing on Mr. Richard Gonzales.</p> <p>3 MR. KORN: Wouldn't we basically have to be</p> <p>4 inviting her to join us in closed session?</p> <p>5 MR. REYNOLDS: Yes. The board can choose to</p> <p>6 have in closed session whoever it wants. But the</p> <p>7 invitation is the best way to do that.</p> <p>8 MR. COON: Okay.</p> <p>9 MR. REYNOLDS: You don't have to take a vote</p> <p>10 on that.</p> <p>11 MR. COON: Okay. You've invited to stay.</p> <p>12 (Recess from 12:00 p.m. to 2:05 p.m.)</p> <p>13 MR. COON: We'll call this meeting back in</p> <p>14 session. We need a roll call. Monique.</p> <p>15 MS. LOPEZ: Yes. Pat Barncastle.</p> <p>16 MR. BARNCASTLE: Here.</p> <p>17 MS. LOPEZ: Sheriff Coon.</p> <p>18 MR. COON: Here.</p> <p>19 MS. LOPEZ: Chief Betz.</p> <p>20 MR. BETZ: Here.</p> <p>21 MS. LOPEZ: Chief Schultz.</p> <p>22 MR. SCHULTZ: Yes.</p> <p>23 MS. LOPEZ: Mark Myers.</p> <p>24 MR. MYERS: Yes.</p> <p>25 MS. LOPEZ: Nate Korn.</p>
<p>Page 116</p> <p>1 MR. KORN: Here.</p> <p>2 MS. LOPEZ: John Gratton.</p> <p>3 MR. GRATTON: Here.</p> <p>4 MR. COON: We're going to go through this</p> <p>5 list here. We're going to be -- yes. The only thing</p> <p>6 that was discussed in our closed door meeting was the</p> <p>7 items on the agenda. So there was nothing else</p> <p>8 discussed.</p> <p>9 MR. REYNOLDS: Items on the agenda and the</p> <p>10 items identified by Mr. Nate Korn on the record.</p> <p>11 MR. COON: Right. And the items that</p> <p>12 Mr. Korn brought up.</p> <p>13 Okay. The first one is in No. 4, Nicholas</p> <p>14 Ault. I'm sorry. Nicholas Ault. The director</p> <p>15 recommended a 90-day suspension, one-year probation,</p> <p>16 attend and complete an alcohol screening program, and</p> <p>17 attend counseling. We have accepted that. Do we have</p> <p>18 a motion to accept that?</p> <p>19 MR. BETZ: I make a motion to accept the</p> <p>20 90 days, the one-year, and the alcohol counseling as</p> <p>21 recommended by the director.</p> <p>22 MR. COON: Do I have a second?</p> <p>23 MR. GRATTON: Second.</p> <p>24 MR. COON: All in favor say aye.</p> <p>25 (Those in favor so indicate.)</p>	<p>Page 117</p> <p>1 MR. COON: Number 5 is Dennis Barela. In the</p> <p>2 matter of Dennis Barela, the director's recommendation</p> <p>3 was a four-month suspension, one-year probation</p> <p>4 period, and completion of an ethics and training</p> <p>5 course. Do I have a motion to accept that?</p> <p>6 MR. KORN: I so move.</p> <p>7 MR. COON: Do I have a second?</p> <p>8 MR. BETZ: I'll second.</p> <p>9 MR. COON: All in favor say aye.</p> <p>10 (Those in favor so indicate.)</p> <p>11 MR. COON: Okay.</p> <p>12 MR. SCHULTZ: Mr. Chairman, if the record</p> <p>13 could reflect that I recused myself in the discussion</p> <p>14 and the vote on this item.</p> <p>15 MR. COON: Yes. Chief Schultz did recuse</p> <p>16 himself. Okay.</p> <p>17 Number 6, in the matter of Mikel Aguilar, the</p> <p>18 director's recommendation was rejected. The board</p> <p>19 voted on a four-month suspension, two years</p> <p>20 probationary period, and a completion of an ethics and</p> <p>21 training course. Do I have a motion on that?</p> <p>22 MR. GRATTON: So moved.</p> <p>23 MR. COON: Do I have a second?</p> <p>24 MR. KORN: I'll second.</p> <p>25 MR. COON: All in favor say aye.</p>

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<p>1 (Those in favor so indicate.) 2 MR. COON: Okay. Thank you. On the matter 3 of Phillip Ortega, the director's recommendation was a 4 four-month suspension, one-year probation, and provide 5 proof of attendance at a family/personal/job-related 6 counseling. Do I have a motion to accept that? 7 MR. KORN: I so move. 8 MR. COON: And a second? 9 MR. MYERS: Second. 10 MR. COON: All in favor say aye. 11 (Those in favor so indicate.) 12 MR. COON: Number 8 is in the matter of 13 Arthur Limon. The director's recommendation was a 14 three-month suspension and one-year probationary 15 period. Do I have a motion to accept that? 16 MR. SCHULTZ: So moved. 17 MR. GRATTON: Second. 18 MR. COON: All in favor say aye. 19 (Those in favor so indicate.) 20 MR. COON: Okay. On No. 9 here, Genie 21 Garcia, I would add that Chief Schultz recused himself 22 on that for the record. And in the matter of Genie 23 Garcia, the director's recommendation was 60 days 24 suspension and one-year probation. Do I have a motion 25 on that?</p>	<p>1 MR. KORN: I so move. 2 MR. COON: Do I have a second? 3 MR. MYERS: Second. 4 MR. COON: Okay. All in favor say aye. 5 (Those in favor so indicate.) 6 MR. COON: On the matter of Gilbert Gonzales, 7 the director's recommendation was a three-month 8 suspension, a one-year probationary period, completion 9 of an ethics training course, and provide proof of the 10 most recent fitness for duty evaluation stating the 11 respondent is fit for duty. Do we have a motion to 12 accept that? 13 MR. GRATTON: I so move. 14 MR. COON: A second, please. 15 MR. SCHULTZ: Second. 16 MR. COON: All in favor say aye. 17 (Those in favor so indicate.) 18 MR. COON: On the matter of Joe Niece, the 19 director's recommendation was a four-month suspension, 20 a one-year probationary period, and provide proof of 21 completion of an ethics and training class. The board 22 did reject that. 23 The board recommends a one-year suspension, a 24 two-year probationary period, and provide proof of 25 completion of an ethics training class. Do I have a</p>
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<p>1 motion on that? 2 MR. MYERS: So moved. 3 MR. COON: Do I have a second? 4 MR. KORN: I'll second. 5 MR. COON: All in favor say aye. 6 (Those in favor so indicate.) 7 MR. COON: Okay. Number 12 is in the matter 8 of Calvin Lucero. We'll go to No. 14, we'll skip 12 9 and 13 right now. We'll come back to them. 10 On the matter of Eddie Gurule, Jr., the 11 director's recommendation was a six-month suspension, 12 a one-year probationary period, and to attend and 13 complete an alcohol screening program. The board has 14 accepted that. Do I have that in a motion? 15 MR. GRATTON: I so move. 16 MR. COON: A second, please. 17 MR. BETZ: Second. 18 MR. COON: All in favor say aye. 19 (Those in favor so indicate.) 20 MR. COON: Okay. Number 15 is -- we'll do 16 21 and 17. 22 Number 16 is the matter of Shawn Baca. The 23 director's recommendation was voluntary 24 relinquishment. The board has voted to accept that. 25 Do I have a motion?</p>	<p>1 MR. BETZ: So moved. 2 MR. COON: Do I have a second? 3 MR. SCHULTZ: Second. 4 MR. COON: All in favor say aye. 5 (Those in favor so indicate.) 6 MR. COON: Okay. Alfred Lovato. In the 7 matter of Alfred Lovato, the director's recommendation 8 was to ratify the voluntary relinquishment. The board 9 has accepted that. Do I have a motion? 10 MR. GRATTON: I so move. 11 MR. BETZ: Second. 12 MR. COON: All in favor say aye. 13 (Those in favor so indicate.) 14 MR. SCHULTZ: Mr. Chairman, I would like to 15 make a subsequent motion to No. 17 involving Alfred 16 Lovato. 17 MR. COON: Yes, sir. 18 MR. SCHULTZ: The motion is that this board 19 will direct the director, Mr. Medina, to investigate 20 the hiring of Mr. Lovato by the Rio Arriba County 21 Sheriff's Department to determine if he is a PERA 22 retiree and the circumstances of his hiring and duties 23 while so employed by the Rio Arriba County Sheriff's 24 Department and to report back to this board at the 25 next meeting.</p>

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<p>1 MR. COON: Okay. Do I have a second to that? 2 MR. KORN: I'll second. 3 MR. COON: All in favor say aye. 4 (Those in favor so indicate.) 5 MR. COON: Okay. Number 19, we're going to 6 be jumping around a little bit. Number 19 is the 7 matter of April Sotelo. The director's recommendation 8 was revocation by default. Do we have a motion on 9 that to accept that? 10 MR. BETZ: So moved. 11 MR. GRATTON: Second. 12 MR. COON: Okay. All in favor say aye. 13 (Those in favor so indicate.) 14 MR. COON: Okay. 15 MR. SCHULTZ: Will the record please reflect 16 that I recused myself on item No. 19. 17 MR. COON: Okay. Number 20, in the matter of 18 Stacy Wiseman, the director recommended a revocation 19 by default. The respondent failed to respond to the 20 NCA and the NFD. The board has accepted that. Do I 21 have a motion? 22 MR. BARNCASTLE: So moved. 23 MR. COON: And a second? 24 MR. KORN: Second. 25 MR. COON: All in favor say aye.</p>	<p>1 (Those in favor so indicate.) 2 MR. COON: Number 21 is Raymond Villanueva. 3 In the matter of Raymond Villanueva, the director's 4 recommendation was revocation by default. He failed 5 to respond to the NCA and the NFD. Do I have a motion 6 to accept this? 7 MR. GRATTON: I so move. 8 MR. COON: Okay. 9 MR. KORN: A second? 10 MR. KORN: Second. 11 MR. COON: All in favor say aye. 12 (Those in favor so indicate.) 13 MR. COON: Okay. On No. 22, in the matter of 14 Joe Dan Green, the board has knowledge that Joe Dan 15 Green is now at the Lea County Sheriff's Office and 16 would ask the board to send a new NCA or actual notice 17 to the Lea County Sheriff's Department on behalf of 18 Joe Dan Green so he might be able to make an 19 appearance. 20 First off the director's recommendation was 21 revocation by default. But the board has knowledge 22 that Joe Dan Green is now at the Lea County Sheriff's 23 Office. And we request that the academy send him a 24 new NCA and an actual notice to the Lea County 25 Sheriff's Office. Do I have a motion on that?</p>
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<p>1 MR. MYERS: So moved. 2 MR. COON: Second? 3 MR. BARNCASTLE: I'll second. 4 MR. COON: All in favor say aye. 5 (Those in favor so indicate.) 6 MR. COON: Okay. Number 23, in the case of 7 Richard A. Gonzales, we are accepting the findings of 8 fact of the hearing officer and the revocation of the 9 certification. Do I have a motion on that? 10 MR. SCHULTZ: So moved. 11 MR. COON: Okay. Do I have a second? 12 MR. GRATTON: Second. 13 MR. COON: All in favor say aye. 14 (Those in favor so indicate.) 15 MR. MYERS: And, Vice Chair, will you let the 16 record reflect that I recused myself from that case. 17 MR. COON: Yes. 18 MR. KORN: Can the record reflect that we are 19 revoking his certification? 20 MR. COON: Yes. 21 MR. REYNOLDS: Mr. Chair, just to be clear, 22 the hearing officer's recommendation was a revocation 23 for at least three years. The decision by this board 24 is a simple revocation. 25 MR. COON: Yes. Thank you.</p>	<p>1 MR. REYNOLDS: And the record should also 2 reflect that nobody in the director's office was 3 present during executive session deliberations on that 4 matter. 5 MR. COON: Thank you, sir. 6 Okay. On No. 24, on the reinstatement of 7 Robert C. Ortega, the board has moved to deny the 8 request. Do I have a motion? 9 MR. KORN: So moved. 10 MR. COON: Do I have a second? 11 MR. BARNCASTLE: Second. 12 MR. COON: All in favor say aye. 13 (Those in favor so indicate.) 14 MR. COON: On No. 25, in the case of Tommy 15 Salas, the board has voted to deny the request. Do I 16 have a motion on that? 17 MR. MYERS: So moved. 18 MR. COON: Do I have a second? 19 MR. KORN: Second. 20 MR. COON: All in favor say aye. 21 (Those in favor so indicate.) 22 MR. COON: On Miguel Rodriguez, the board has 23 moved to deny this request. Do I have a motion? 24 MR. KORN: So moved. 25 MR. COON: Do I have a second?</p>

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<p>1 MR. GRATTON: Second.</p> <p>2 MR. COON: All in favor say aye.</p> <p>3 (Those in favor so indicate.)</p> <p>4 MR. COON: Is Mr. Medina back? Yes, he is.</p> <p>5 Okay. Going back now to No. 12, Calvin</p> <p>6 Lucero, the director's recommendation was a 60-day</p> <p>7 suspension, a one-year probation, and provide proof of</p> <p>8 completion of a most recent anger management</p> <p>9 counseling. The board has rejected that.</p> <p>10 The board has approved a 90-day suspension, a</p> <p>11 one-year probation, and provide proof of completion of</p> <p>12 the most recent anger management counseling. Do I</p> <p>13 have a motion on that?</p> <p>14 MR. SCHULTZ: So moved.</p> <p>15 MR. COON: Do I have a second?</p> <p>16 MR. BARNCASTLE: Second.</p> <p>17 MR. COON: All in favor say aye.</p> <p>18 (Those in favor so indicate.)</p> <p>19 MR. COON: Number 13, in the case of Daniel</p> <p>20 Gonzalez, the director's recommendation was an order</p> <p>21 of suspension of 120 days. The board has voted for</p> <p>22 180 days with a one-year probation and an ethics</p> <p>23 class. We rejected the director's recommendation with</p> <p>24 180 days, a one-year probation, and an ethics class.</p> <p>25 Do I have a motion on this?</p>	<p>1 MR. GRATTON: So moved.</p> <p>2 MR. COON: Do I have a second?</p> <p>3 MR. KORN: Second.</p> <p>4 MR. COON: All in favor say aye.</p> <p>5 (Those in favor so indicate.)</p> <p>6 MR. COON: Number 15, Mr. Garza. The</p> <p>7 director's recommendation was 60 days. This board has</p> <p>8 voted 120 days suspension and a one-year probation.</p> <p>9 Do I have a motion on this?</p> <p>10 MR. MYERS: So moved.</p> <p>11 MR. COON: Do I have a second?</p> <p>12 MR. KORN: Second.</p> <p>13 MR. COON: All in favor say aye.</p> <p>14 (Those in favor so indicate.)</p> <p>15 MR. COON: Is that it? Okay. Number 18,</p> <p>16 Ricardo Martinez. In the matter of Ricardo Martinez,</p> <p>17 the director's recommendation was a three-month</p> <p>18 suspension, a one-year probation, and complete a law</p> <p>19 enforcement course on ethics. The board has rejected</p> <p>20 that. We have voted a six-month suspension and a</p> <p>21 one-year probation. Do I have a motion on that?</p> <p>22 MR. BARNCASTLE: So moved.</p> <p>23 MR. GRATTON: Second.</p> <p>24 MR. COON: All in favor say aye.</p> <p>25 (Those in favor so indicate.)</p>
<p>Page 128</p> <p>1 MR. COON: I'm sorry. Let me back up.</p> <p>2 You're exactly right.</p> <p>3 Again on Mr. Martinez, we voted a one-year</p> <p>4 suspension and a one-year probation and complete a law</p> <p>5 enforcement course on ethics. So I'm sorry. It was</p> <p>6 one year instead of six months. Do I have a motion on</p> <p>7 the floor?</p> <p>8 MR. BARNCASTLE: So moved.</p> <p>9 MR. GRATTON: Second.</p> <p>10 MR. COON: All in favor say aye.</p> <p>11 (Those in favor so indicate.)</p> <p>12 MR. COON: Okay. That is everything on the</p> <p>13 agenda as far as the disciplinary.</p> <p>14 ITEM NO. 26: APPROVAL OF MINUTES, APRIL 17, 2012</p> <p>15 MR. COON: Item 26 is the April 17th, 2012,</p> <p>16 board meeting minutes as transcribed by Jan Williams.</p> <p>17 Do we have a motion to accept those?</p> <p>18 MR. BETZ: So moved.</p> <p>19 MR. GRATTON: Second.</p> <p>20 MR. COON: All in favor say aye.</p> <p>21 (Those in favor so indicate.)</p> <p>22 MR. COON: Okay. She does a great job when</p> <p>23 she transposes those. They look really nice.</p> <p>24 Transcribes. Yes. Transposed isn't right.</p> <p>25 ITEM NO. 27: DIRECTOR'S REPORT</p>	<p>Page 129</p> <p>1 MR. COON: Now, item 27, the director's</p> <p>2 report. Mr. Medina. By the way, if you all would</p> <p>3 like to leave if your case has been heard, you're more</p> <p>4 than welcome to leave. You don't need to stick around</p> <p>5 for all this, if you don't want to, because we're done</p> <p>6 with that part of the meeting.</p> <p>7 MR. MEDINA: The following information is a</p> <p>8 description of the activities at the New Mexico Law</p> <p>9 Enforcement Academy that have transpired since the</p> <p>10 April 17, 2012, board meeting which was held in Las</p> <p>11 Cruces, New Mexico.</p> <p>12 The team members of the New Mexico Law</p> <p>13 Enforcement Academy continue to serve our customers</p> <p>14 very admirably considering the demanding nature of the</p> <p>15 service we provide. The following is a summary of</p> <p>16 training conducted by the Basic Bureau for April 18th,</p> <p>17 2012, through April 24, 2012.</p> <p>18 The Basic Police Officer Training Class</p> <p>19 No. 18 graduated with 46 cadets on June 1st, 2012.</p> <p>20 Basic police officer training class 184 began with 24</p> <p>21 cadets on July 8th.</p> <p>22 All cadets have passed actually their second</p> <p>23 academic exams. And the majority of their educational</p> <p>24 materials have all been placed on thumb drives. A</p> <p>25 copy of their training records will be placed on thumb</p>

<p style="text-align: right;">Page 130</p> <p>1 drives upon graduation from the academy. 2 Public Safety Telecommunicator Class No. 119 3 graduated 35 cadets on May 25, 2012. Public Safety 4 Telecommunicator Class 120 began on July 15th, 2012, 5 with 24 candidates and is scheduled to graduate on 6 August 3rd. The next Certification By Waiver course 7 is scheduled to begin on August 6, 2012. 8 The Advanced/In-Service Training Bureau 9 conducted the following training between April 4th, 10 2012, and July 24th, 2012: Advanced crash scene 11 investigation, basic defensive tactics instructor, 12 crisis response train the trainer, ethics refresher, 13 instructor development, uniform crime report, 14 interviewing and interrogation, crisis response 15 training for chiefs and sheriffs, and general 16 instructor refresher course. We had 127 students 17 attend the above training for a total of 4,124 contact 18 training hours. 19 Other training provided by the Advanced 20 Training Bureau resulted from Mr. Elliott Guttman who 21 provided several courses toward basic academy, 22 certification by waiver, the drug and gang conference, 23 and drug interdiction conference. He presented legal 24 outlines and legal updates, money laundering, and he 25 continues to put out his newsletters that many</p>	<p style="text-align: right;">Page 131</p> <p>1 officers around the state are very familiar with. 2 And he conducted training for Mr. Pat 3 Barncastle, DA investigator in Roswell, and helped 4 coordinate the legal training for the Southeast New 5 Mexico region for the District Attorney's Office. 6 Our office, the director's office, continues 7 to have a very substantial relationship with the 8 Attorney General's Office, who has provided 9 substantial assistance regarding academy operations, 10 in regard to psychological exam appeals, certification 11 by waiver rule change, extraordinary police officer 12 certification issues, and consultation in regard to 13 preparation of the Notice of Contemplated Actions. 14 And the Attorney General's Office and 15 ourselves have encouraged mutual cooperation and 16 transparent communication with the Law Enforcement 17 Academy members. 18 In regard to officer misconduct cases, the 19 misconduct unit team members have reviewed 26 20 misconduct files since the April 17, 2012, board 21 meeting. The misconduct team members have been able 22 to accomplish the following work: Six no action 23 letters were issued, 13 cautionary letters were 24 issued, 59 Notice of Contemplated Actions were 25 prepared, 14 Notice of Final Decisions were issued,</p>
<p style="text-align: right;">Page 132</p> <p>1 four cases are being prepared for formal hearing, one 2 formal hearing was held, four default orders of 3 revocation were prepared, 26 LEA-90 misconduct reports 4 were accepted by our office since April 17th, 12 5 stipulated orders of suspension were prepared, two 6 voluntary relinquishments were prepared, five of those 7 were returned to the reporting agency for additional 8 information, and one final order of suspension was 9 prepared. 10 In addition, I received an anonymous tip 11 through Crime Stoppers that the LEA licensing exam may 12 have been compromised. As a result of that tip, I'm 13 requesting concurrence from the board that we conduct 14 an independent third-party inquiry to determine the 15 integrity of the test. 16 Since this board is the governance body over 17 the licensing process, I will report to you the 18 outcome of the inquiry upon its completion. And along 19 with that there have been two agencies that have 20 agreed to become part of that inquiry. And that will 21 be Chief Schultz of the Albuquerque Police Department 22 and the chief of the Bloomfield Police Department. 23 That's all I have for my report. 24 MR. COON: Okay. Anybody have any questions 25 of Mr. Medina? Mr. Medina, I have one. And I called</p>	<p style="text-align: right;">Page 133</p> <p>1 you on it the other day, if you'll remember our 2 conversation. And the reason I'm even asking this, 3 I've had a couple of sheriffs call and ask me. 4 On the pre-assessment, does every piece of 5 paperwork that the academy needs to get that guy or 6 gal into the academy have to be completed prior to the 7 pre-assessment? 8 MR. MEDINA: Yes, sir. 9 MR. COON: Okay. In the case I'm talking 10 about, they didn't have their psych done. It wasn't 11 typed out. The psychiatrist sent up a letter saying 12 that, yeah, he passed, I just haven't gotten around to 13 typing it out yet. You're not going to accept those? 14 MR. MEDINA: Well, let me say this, I've 15 received several inquiries like that regarding those 16 kind of matters from agencies whose officers submit 17 their application packages to us, whether it be for 18 the basic academy or for the cert by waiver or for the 19 public safety telecommunicator course. 20 And in the past it may have been the practice 21 of our agency to have been lax with those kinds of 22 matters. And in the past it's my assessment that the 23 rules that govern that application process were not 24 followed. Sir, we are following the rules and we're 25 making those requirements.</p>

1 MR. COON: Well, that's the message I relayed
 2 back to the sheriffs, that, hey, there's a new sheriff
 3 in town basically and he's going by the rules. The
 4 others might have been bent. But the rules are the
 5 rules. And you need to get those in on time.
 6 And the one had called me. I don't know if
 7 he talked to you about Catron County. He had a big
 8 fire going on. He couldn't get all of his stuff in
 9 for his deputy to go to the academy because he had the
 10 fire going and he couldn't get his man up to get some
 11 stuff done.
 12 And I said, well, you know, I'm sure there's
 13 an exception or an extension with extenuating
 14 circumstances. But I also said you also had 11 and a
 15 half months to have gotten that in beforehand and you
 16 waited until the last minute to do it.
 17 MR. MEDINA: Yes. And the actual rule is --
 18 I can't cite it. But I know it because I've read it
 19 several times. Once an officer or a deputy is hired
 20 by an agency traditionally around the state, they have
 21 30 days to submit their package, their application
 22 process to us. And that's what we're holding them to.
 23 Now, unfortunately in some cases they're
 24 taking longer than that. But the rule in the NMAC,
 25 New Mexico Administrative Code rule, is they must

1 submit their application packages to the Law
 2 Enforcement Academy within 30 days of being hired by
 3 the agency.
 4 MR. COON: Would there be an exception to the
 5 rule every now and then? Like they had that big, big
 6 fire there in Catron County and in Arizona. And for a
 7 month they fought that fire down there with a
 8 three-man department.
 9 MR. MEDINA: Sir, we would consider that.
 10 But I need to make -- I'm going to figure out a way to
 11 do it. I think I have found it.
 12 I need to get a communication to the sheriffs
 13 and the chiefs who traditionally hire deputies and
 14 police officers that, according to the 12-month rule
 15 or statute, based on that and based on the New Mexico
 16 Administrative Code rule, they must submit those
 17 application packages within 30 days of hiring their
 18 applicants, their candidates, their deputies, their
 19 police officers.
 20 But yes, we would consider circumstances that
 21 are brought to our attention. But we want to make
 22 sure that they're very much aware of that
 23 administrative rule that requires them to submit their
 24 application package to us within 30 days.
 25 That means that they want to consider those

1 application forms in their hiring process. And that
 2 way the majority of them would be through within two
 3 weeks of being hired or by the time they're hired.
 4 MR. COON: Okay. I'll relay that along also.
 5 But I had two or three calls on it yesterday.
 6 MR. MEDINA: Yes, sir.
 7 MR. COON: And I said, well, you know, we
 8 probably bent the rules in the past. But now we're
 9 going by the rules. Thank you.
 10 MR. MEDINA: Thank you.
 11 ITEM NO. 28: PUBLIC COMMENTS
 12 MR. COON: Now. Public comments. I would
 13 ask you to limit it to five minutes and state your
 14 name for the record when you come up. We'll just go
 15 by this order here. J.D., Chief Sanders from Hobbs.
 16 MR. SANDERS: Thank you Mr. Chairman, Board.
 17 You know I can't do anything in five minutes.
 18 MR. COON: Well, I knew it took you probably
 19 two days to drive here from Hobbs. That's a long way.
 20 MR. SANDERS: That's exactly right. A
 21 five-minute cutoff for me puts me under so much stress
 22 that you can't imagine.
 23 I actually came here today to do a little
 24 bragging. And I'm not bragging on us, but bragging on
 25 our new Secretary of Public Safety and Director Louis

1 Medina among two. I'll start with those two.
 2 I've been in New Mexico now a little over
 3 four years and law enforcement 30. And I have prior
 4 served in Tennessee and Mississippi. I've been a
 5 police chief since '95.
 6 And I've had a few battles and differences of
 7 opinion along the way since I've been in New Mexico.
 8 And I've had a lot of conversations with a lot of
 9 professionals like you, Mr. Chairman, about some
 10 things that I feel and I think others feel that needs
 11 to be looked at and maybe rearranged.
 12 And I'm very optimistic that Secretary Eden
 13 is making an impact with some of the things that he's
 14 proposing because I see it on the agenda today. And
 15 applause for him. You know, we have a tendency I
 16 think in New Mexico to talk about stuff too long and
 17 not take action.
 18 And I commend him and I commend the director
 19 for taking the steps that they have taken to at least
 20 get us headed in the right direction in some of these
 21 things.
 22 I also want to commend this board. One of
 23 the things that I have been a little concerned about
 24 since I've been in New Mexico is just what we saw this
 25 morning. And I know that there was a huge backlog, a

<p style="text-align: right;">Page 138</p> <p>1 lot of cases that wasn't handled before some of you 2 took your seats on this board. 3 And I want to commend you. I know that's 4 hard work. You don't get a lot of applause for it. 5 But we'll all be better off in this profession because 6 you are taking the steps that you are taking to hold 7 people accountable and make sure that we've got 8 ethical standards and all the things that we need to 9 be proud of in this state. 10 One of the things I wanted to discuss with 11 you today is I think there's a crisis in New Mexico 12 right now in law enforcement. And that crisis is a 13 shortage of manpower. My guess is that all you CEOs 14 sitting at the table here are having these issues. 15 We're especially having them tough in 16 Southeast New Mexico. Any time there's a boom run in 17 the oil, you guys know how it is. You know, it's 18 tough times trying to find folks. 19 I'm budgeted for 76, should be budgeted for 20 86. But I can't fill 76 so I'm not going to ask for 21 86 until I do. But we're down 16. From January to 22 June of this year, we tested 76 applicants. We've got 23 four that went into the academy last week. Four out 24 of 76. 25 Out of that 76, you have about half of them</p>	<p style="text-align: right;">Page 139</p> <p>1 that have a variety of issues that they didn't make; 2 for example, the background checks and those things. 3 But over half of them was because of mile and a half 4 runs and the PT standards. Some of them five or ten 5 seconds short. 6 I had several applicants, one or two that 7 really were standouts, that were just off the charts 8 in intelligence and reasoning, Master's degrees, those 9 kinds of things. Just the kind of folks that we're 10 looking for in these trying and tough times that we've 11 got today in law enforcement. And they come up five 12 or ten seconds short in the mile and a half run and I 13 can't hire them. 14 I want to bring your attention -- and all of 15 you probably are already aware of this. But I want to 16 bring your attention to the standards that we follow 17 are those that were at one time suggested by the 18 Cooper Institute. 19 And I have a copy with me today of the Cooper 20 Institute website and the questions regarding their 21 physical standards testing. And I just want to point 22 a couple things off. And, Mr. Chairman, I'll be glad 23 to leave a copy of this. Probably all of you all have 24 read this stuff before, but I did want to point it 25 out.</p>
<p style="text-align: right;">Page 140</p> <p>1 One of the first questions that are asked on 2 here are what are the legal requirements regarding 3 testing standards in programs. And it says that 4 testing in the standards programs cannot discriminate 5 against protected classes, females, minorities, 6 handicapped, and older adults. It goes on further in 7 the website information to say "The percentile 8 rankings of Cooper age-gender norms for standards is 9 not defensible in court. 10 "The percentile rankings do not predict the 11 ability to do the job and do not demonstrate criterion 12 validity as well as absolute cut points." It goes 13 further and asks what standards are recommended. And 14 it says that if you want to be in compliance with the 15 Civil Rights Act of 1991, that you have to have cut 16 points for everyone. 17 And then it goes on further in one other 18 place, and I think this is very important to point 19 out, "If challenged in court, there is no defense that 20 the age-gender percentile rankings effectively 21 identify who can and cannot perform essential physical 22 job tests and is a violation of the 1964/1991 Civil 23 Rights Act." 24 Mr. Chairman, Members of the Board, it's high 25 time that we got in compliance with this law. We</p>	<p style="text-align: right;">Page 141</p> <p>1 should do it just because it's the right thing to do. 2 But we need to do it right now, because we have a 3 shortage of manpower across this state that's come to 4 a critical point. 5 And this is the -- if you asked any police 6 chief and sheriff across this state, that's the 7 primary reason that they have to cut people out of the 8 testing, is the mile and a half run. Not the other 9 parts of the PT standards, but the mile and a half 10 run. 11 I surveyed one time 45 police chiefs across 12 this state. And 42 out of 45 said it ought to be done 13 away with or ought to be changed to something else, 14 that it's just not fair. 15 So I'm asking this board, as you tackle all 16 these important things that you're doing -- and again 17 I commend you for that. Let's tackle our own house 18 too. Let's get our ethics in order. And let's not be 19 in noncompliance with the Civil Rights Act of 20 1964/1991. Let's set the standard and not be a 21 standard -- or not be behind the standard. 22 Other states have already addressed this. 23 Other states that I've been in have addressed it. And 24 I think that there is a standard that we can come up 25 with in the state that will still require that people</p>

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<p>1 that are applying to be police officers are physically 2 fit, but one that complies to the law. Thank you for 3 your time. 4 MR. COON: Thank you, Chief. Calvin Lucero, 5 are you here? Okay. Phillip Joe? Are you here? 6 MR. JOE: Good afternoon, Board Members, 7 Chief. I'm here on behalf of the New Mexico DPS 8 Training and Recruiting Division to support their 9 efforts to revise the curriculum and criteria to 10 comply with in regards to commissioning and waivers 11 for the State of New Mexico. That was pretty much my 12 reason to address you, the Board Members. 13 MR. COON: Okay. 14 MR. JOE: Thank you, sir. 15 MR. COON: Thank you. I want to say Grant 16 Kearns, Kearns. I'm sorry, I can't read that one. 17 MR. GRATTON: Kearns. 18 MR. COON: Grant Kearns. Okay. Gilbert 19 Gonzales. Is Gilbert Gonzales not here? 20 MR. REYNOLDS: He was a disciplinary. 21 MR. COON: Okay. That's all we have for 22 public comment. 23 MR. KORN: I have something. 24 MR. COON: Mr. Korn. 25 MR. KORN: I have a public comment. We came</p>	<p>1 to Farmington because we wanted to see the 2 infrastructure of one of our satellite academies. And 3 yesterday we had an opportunity as a board to take a 4 tour of the academy up here in Farmington. And the 5 name of it is the Criminal Justice Training Authority. 6 And we were hosted by Sergeant Bode and his 7 full staff. We saw chiefs of police of just about 8 every department that is part of the authority. And 9 the chiefs that couldn't make it sent high-ranking 10 officers. We met training officers. And we were 11 treated to a very nice dinner that the authority 12 provided. 13 And most important we got to see a facility 14 that was really state of the art here in Northern New 15 Mexico. And I think we as a board learned about how 16 academies in other parts of the state work. We have a 17 better understanding of what challenges are faced up 18 in a more remote community. 19 And I for one have the highest respect for 20 Sergeant Bode and his officers and his training 21 officers. And I'm very appreciative for the time you 22 took to extend to us as a board so that we could see 23 it. Thank you. 24 MR. COON: Anybody else have any comments? I 25 too just commend the authority here. It's a great</p>
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<p>1 academy. Just too far from Roswell to drive. 2 ITEM NO. 29: RATIFICATION OF CERTIFICATIONS FOR 3 LAW ENFORCEMENT OFFICERS 4 MR. COON: Okay. Our next order of business, 5 agenda item 25, is the ratification of certifications 6 for law enforcement officers. This is APD's basic -- 7 wait a minute. 8 MR. SCHULTZ: Mr. Chairman, if I may. 9 MR. COON: Yes, sir, you sure can, Chief. 10 MR. SCHULTZ: If I may, I'd like to make a 11 motion that we accept the attached list of 12 certifications for law enforcement officers in the 13 State of New Mexico, starting with Certification 14 No. 12-0016-P and continuing through 12-0152-P, to 15 include two additional that are included within the 16 middle of the list, including ID No. 84-0133-P and 17 87-0065-P for ratification. 18 MR. COON: Okay. We have a motion. Do I 19 have a second? 20 MR. GRATTON: Second. 21 MR. COON: All in favor say aye. 22 (Those in favor so indicate.) 23 MR. COON: Thank you, Chief, for bailing me 24 out there. 25 ITEM NO. 30: RATIFICATION OF CERTIFICATIONS FOR</p>	<p>1 PUBLIC SAFETY TELECOMMUNICATORS 2 MR. COON: Okay. Next is the ratification of 3 public safety telecommunicators, agenda item No. 30. 4 MR. SCHULTZ: Mr. Chairman, I would like to 5 make a motion that we accept the list of 6 telecommunicators for certification beginning with New 7 Mexico ID No. 12-0047 and concluding with No. 12-0080. 8 MR. COON: Okay. We have a motion. Do I 9 have a second? 10 MR. BETZ: Second. 11 MR. COON: All in favor say aye. 12 (Those in favor so indicate.) 13 ITEM NO. 31: PUBLIC HEARING: 10.29.7, IN-SERVICE 14 REQUIREMENTS 15 MR. COON: Okay. Agenda item 31 is public 16 hearing on in-service training requirements. 17 Mr. Medina. 18 MR. MEDINA: Board Members, this is regarding 19 the Public Safety and Law Enforcement Academy 20 in-service training requirements regarding persons 21 with mental impairments training. The requirement 22 currently reads that a minimum of four hours shall be 23 in academy accredited interaction with persons with 24 mental impairments training. 25 And I propose to change that to two hours to</p>

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1 make it consistent with the House Bill 93 and with the
 2 statute that reflects and reads two hours.
 3 MR. COON: And what's the number on that one?
 4 MR. GRATTON: It's No. 9 on the first page.
 5 MR. COON: Okay.
 6 MR. REYNOLDS: Mr. Chair, this is designed to
 7 be a public hearing under the State Rules Act for
 8 promulgation of these rules. I know we've already had
 9 public comment. Would it be appropriate to see if
 10 there's anybody here to make comment on that rule that
 11 has been proposed by the board?
 12 MR. COON: Okay. Does anybody have a comment
 13 they would like to come up and share with the board,
 14 either for or against, on the minimum training hours
 15 going from four to two in this matter? I see none.
 16 Mr. Medina, is that it?
 17 MR. MEDINA: Well --
 18 MR. REYNOLDS: Mr. Chair, I think the next
 19 appropriate step is to see if any Board Members have
 20 any comments or questions. Have those out. If there
 21 are none, then it would be appropriate to take a vote
 22 to promulgate this rule as proposed.
 23 MR. COON: Okay. Anybody have any comments
 24 on this?
 25 MR. SCHULTZ: Mr. Chairman, if I may, I will

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1 become effective as the date that it's published in
 2 the state register.
 3 MR. COON: I was just getting ready to say
 4 that. Thank you.
 5 ITEM NO. 32: PUBLIC HEARING: 10.29.6, CERTIFICATION
 6 BY WAIVER
 7 MR. MEDINA: Our next item will be, sir, a
 8 proposed rule change regarding the certification by
 9 waiver. And that will be presented by Bureau Chief
 10 Phil Gallegos of the Law Enforcement Academy.
 11 MR. COON: Okay. Mr. Gallegos.
 12 MR. GALLEGOS: Phil Gallegos with the New
 13 Mexico Law Enforcement Academy Basic Bureau.
 14 Members of the Board, Director Medina,
 15 members of the audience, this proposed change is for
 16 the certification by waiver certification by New
 17 Mexico law enforcement certification. The purpose of
 18 Part 6 is to establish training requirements and
 19 eligibility standards for police officers and
 20 telecommunicators who seek certification by waiver in
 21 the State of New Mexico.
 22 The first proposed change to this NMAC rule
 23 starts with Section A. And what we would be deleting
 24 is where it says that they would be required to
 25 complete a "120 hour certification by waiver of

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1 be supporting the proposed rule change as presented
 2 here today. This will make us compliant with
 3 requirements of the state legislature.
 4 I think what's key about this bill is it says
 5 a minimum of two hours. Most all of the satellite
 6 academies far exceed the two hours as well as ongoing
 7 in-service training that very often consists of
 8 40 hours or more, specifically when it comes to crisis
 9 intervention training for officers across the state.
 10 So I think this is more just making sure
 11 we're aligned with the legislature. But at the same
 12 time, I think we would encourage all satellite
 13 academies to provide additional training as they feel
 14 necessary for their respective communities.
 15 MR. COON: Any other comments? Okay. Do I
 16 have a motion to change the minimum of four hours to
 17 two hours on this mental impairment training act?
 18 MR. GRATTON: I so move.
 19 MR. KORN: I second.
 20 MR. COON: All in favor say aye.
 21 (Those in favor so indicate.)
 22 MR. MEDINA: Thank you, sir.
 23 MR. REYNOLDS: Mr. Chair, for the record that
 24 will then be submitted to State Records and Archives
 25 to be published in the state register. And it will

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1 previous training program." And we're going to
 2 replace that with "In order to be eligible for
 3 certification by waiver of basic training, pursuant to
 4 New Mexico Statutes Annotated 1978, Section 29-7-10,
 5 applicants must meet all qualifications for police
 6 officer admission as set forth in New Mexico Statutes
 7 Annotated 1978, Section 29-7-6." That would replace
 8 that first paragraph that I started reading initially.
 9 The second change would be to Section B of
 10 10.29.6.8. And we would be replacing, "For the
 11 purposes of certification by waiver," where it starts
 12 that portion of it, and we would replace it with "All
 13 applicants must submit a required packet of materials
 14 documenting previous training to be used by the
 15 academy board to make a determination of whether the
 16 applicant has completed a basic law enforcement
 17 training program that is comparable to or exceeds the
 18 standards of the programs of the academy. Applicants
 19 must meet this requirement to be eligible for the
 20 certification by waiver program."
 21 The next changes that we are proposing is
 22 under Section C, "Once an applicant has successfully
 23 met the aforementioned requirements, the applicant
 24 shall complete one of the following paths to
 25 successfully meet the certification requirements."

<p style="text-align: right;">Page 150</p> <p>1 At this point we would remove the section 2 that says "Must submit the requirement packets of 3 previous training." And then under Section 1, C 1, 4 "The applicant's agency will provide documentation 5 attesting to the applicant's successful completion of 6 the 40-hour biennium training. Upon completion of the 7 40-hour biennium training, the applicant must 8 successfully pass the Law Enforcement Officer's 9 Certification Exam, or LEOCE, with a minimum score of 10 70th percentile." 11 Subsection 2, "If the applicant is unable to 12 complete any of the 40-hour biennium training or does 13 not successfully pass the LEOCE, the applicant must 14 attend a 40-hour certification by waiver training 15 program; and upon completion of the 40-hour 16 certification by waiver training program, pass the 17 LEOCE with a minimum score of 70th percentile." That 18 is the proposed changes for Subsection C. 19 Under D, "Applicants will have two 20 opportunities to successfully pass the LEOCE. If an 21 applicant is unable to pass the LEOCE after two 22 attempts, they will be required to attend and pass the 23 basic police officer training program." 24 Subsection E would be changed to read, "The 25 academy board will consider successful completion of</p>	<p style="text-align: right;">Page 151</p> <p>1 certified law enforcement service and advanced 2 training to be comparable to the completion of basic 3 law enforcement training programs. The academy will 4 apply the following formula to assess an applicant's 5 law enforcement experience and advanced training for 6 the purpose of eligibility for the certification by 7 waiver program. 8 "Applicants will be given credit for previous 9 certified law enforcement experience at a rate of 10 40 hours per year for each year of service up to but 11 not to exceed ten years for a total of 400 hours. And 12 the applicant will receive credit for advanced 13 training up to but not to exceed 400 hours. 14 "Applicants' experience and training must be 15 equivalent to the current minimum standards of 16 training curriculum in effect at the time of 17 application unless such deficiencies are covered in 18 the certification by waiver program." 19 The next proposed changes would be to 20 10.29.6.9, eligibility of out of state police officer 21 applicants. This would remain the same with no 22 changes. 23 The next section would be 10.29.6.10, 24 eligibility of retirees. This section would be 25 proposed to change to read as follows: "In the event</p>
<p style="text-align: right;">Page 152</p> <p>1 a nonmedically retired certified officer who has 2 appropriately separated from law enforcement service 3 makes application to obtain or regain New Mexico 4 certification by waiver of basic training, such 5 applicants shall satisfy the following requirements." 6 Subsection A, "Applicant must have graduated 7 from a certified law enforcement academy that was 8 comparable to or exceeds the standards of the programs 9 of the New Mexico academy." 10 Subsection B will read, "Separation must be 11 under honorable conditions." Subsection C, "Complete 12 all other conditions required under the current 13 certification by waiver of basic training except for 14 the physical fitness and agility requirements." 15 Subsection D would read, "Complete any other 16 requirements imposed on applicants by sponsoring 17 agency." Subsections E and F would be stricken. 18 The next section that would be added to the 19 proposal is 10.29.6.11, requirements for active duty 20 military police applicants. Subsection A would read, 21 "Qualifying military police must have successfully 22 completed a basic military police course and completed 23 a four-year enlistment as a military police officer in 24 the United States Army, United States Marine Corp., 25 United States Air Force, or United States Navy.</p>	<p style="text-align: right;">Page 153</p> <p>1 Persons serving in the United States Coast Guard 2 Department of Defense Police do not meet occupational 3 requirements." 4 Subsection B, "Individuals meeting the 5 aforementioned qualifications must have successfully 6 completed basic military training from one of the 7 following military police courses for the military 8 branch they served." Subsection 1 would be the United 9 States Army after September 1st, 2003; Subsection 2, 10 the United States Marine Corp. after September 1st, 11 2003; Subsection 3, the United States Air Force after 12 September 1st, 2005; Subsection 4, the United States 13 Navy after September 1st, 2005. 14 Subsection C, "Military occupational 15 specialties or Air Force career classifications 16 considered are." And C 1 is United States Army 95B or 17 31B. C 2 is United States Marine Corp. 5811. C 3 is 18 United States Air Force 3PO51 or 3PO91. Subsection C 19 4 is United States Navy Master At Arms or NEC 9545, 20 and in parentheses completed NAVEDTRA 14137. 21 Subsection D, "Individuals serving in the 22 Armed Forces who have completed a basic military 23 police course prior to the above dates but had 24 continuous military service in an approved military 25 occupational specialty or Air Force career specialty</p>

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<p>1 since completion of the military basic course along 2 with continuing educational courses may be considered. 3 "Applicants meeting this criterion will be 4 required to complete part one packet listing all 5 schools and training to the New Mexico Law Enforcement 6 Academy director for consideration." 7 Subsection E, "All of the aforementioned 8 military police applicants must attend the 40 hours 9 certification by waiver training course and 10 successfully pass the LEOCE with a score of 70th 11 percentile or better." 12 Subsection F, "Applicants currently on active 13 duty status must also submit a notarized letter from 14 their current command attesting to their current 15 status, records of any disciplinary actions, and a 16 statement attesting the applicant is eligible for a 17 general or honorable discharge." 18 Subsection G, "Members who have only served 19 in the National Guard or Reserves, and that is 20 traditional National Guard or Reserves, are not 21 eligible for the certification by waiver program." 22 Other changes would be to change 10.29.6.11 23 to 10.29.6.12 and 10.29.6.12 to 10.29.6.13. 24 Those are the proposed changes that we have 25 to the certification by waiver program course. And</p>	<p>1 I'm willing to take questions at this time. 2 MR. COON: Thank you, Mr. Gallegos. Anybody 3 have any questions? 4 MR. BETZ: I've got one. 5 MR. COON: Gary. 6 MR. BETZ: Mr. Gallegos, can you clarify on 7 the state, is that out of state and the federal 8 academies? 9 MR. GALLEGOS: Yes. Any out of state or 10 federal academies will be recognized. And they would 11 use the same formula that we do with regards to the 12 basic hour requirement. 13 MR. BETZ: Thank you. 14 MR. COON: Mr. Korn. 15 MR. KORN: Mr. Gallegos, a question about 16 Subsection F having to do with general or honorable 17 discharge. I don't remember the distinction. What is 18 a general discharge from the military? 19 MR. GALLEGOS: General can be considered an 20 honorable discharge. It depends on -- there are 21 things such as a hardship discharge that might be 22 considered general rather than honorable depending 23 upon the branch of service. A general discharge may 24 be in lieu of another type of discharge as well. 25 MR. KORN: But it doesn't imply penalties or</p>
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<p>1 psychological situations? 2 MR. GALLEGOS: No. Generally psychological 3 will fall under a specific category, as well as 4 misconduct will fall under what they call 5 uncharacterized. 6 MR. KORN: In which case you couldn't get a 7 general much less honorable? 8 MR. GALLEGOS: Correct. 9 MR. COON: Any other questions? Thank you, 10 Mr. Gallegos. 11 MR. MEDINA: Mr. Vice Chair, if the board 12 approves this, I would ask the board to please make 13 this an emergency approval to help us accommodate the 14 next certification by waiver class that's scheduled 15 for August 8th. 16 MR. COON: Okay. Thank you. 17 MR. MEDINA: And this also would be 18 processed, as Mr. Reynolds mentioned earlier, going to 19 Records and Archives for their review and recording. 20 MR. REYNOLDS: Actually they don't review it. 21 They just put it -- they make you put it in the 22 correct format. But they don't review for substance 23 and then publish it in the register. 24 MR. COON: Mr. Reynolds, can I get you to 25 make the -- not the motion. But explain what we would</p>	<p>1 make a motion on. 2 MR. REYNOLDS: Sure. I think the first thing 3 to do, though, Mr. Chair, once again this is a public 4 hearing under the State Rules Act. I think it does 5 behest us to make sure that there's nobody here to 6 comment specifically about this proposed rule change. 7 MR. COON: Okay. We are open to public 8 comment. If anyone would like to come up and talk, 9 either yea or nay, on this proposal for the cert by 10 waiver class. Yes, sir. 11 MR. ROWLEY: Deputy Chief Mark Rowley with 12 the State Motor Transportation Police. The New Mexico 13 Motor Transportation Police supports this amendment to 14 10.29.6. I think it's a long time in coming. 15 I also commend the director of the NMLEA for 16 bringing this forth. This is something that I believe 17 needs to be done quickly. And I concur with the 18 emergency clause in this. Thank you very much. 19 MR. COON: Thank you, Chief. Anybody else? 20 Chief Sanders. 21 MR. SANDERS: I'm sorry. I didn't do this 22 earlier. J.D. Sanders, Chief of Police in Hobbs. I 23 stand in strong support of the proposed changes. I 24 think it's a long time coming too. 25 I also think it sends the right message to</p>

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<p>1 those that have served in the military returning to 2 this country and back to normalcy, for us to be able 3 to open our hands out to them and say we've got a 4 profession for you instead of putting up those 5 barriers. It would provide a lot smoother transition. 6 I too want to commend the director. I've 7 also included the secretary in those remarks for 8 taking the leadership role in this. And I hope the 9 academy -- the board will pass this today and pass it 10 in the emergency manner that's been spoken. 11 And I didn't get this in awhile ago, but I 12 will this time. We would love to have you all in 13 Hobbs and see our academy down there too. It's about 14 the same distance from Albuquerque. 15 MR. MEDINA: Mr. Vice Chair, if I may. 16 MR. COON: Yes, sir. 17 MR. MEDINA: I want to acknowledge that 18 Bureau Chief Gallegos is the sole person that 19 conducted the research; and, of course, with 20 consultations with us, Major Montoya and myself. But 21 he did this whole research and, after we knocked it 22 around, came to an agreement. And I want to thank him 23 and acknowledge him for that. 24 MR. COON: He did an excellent job on it. 25 Thank you, sir. Okay.</p>	<p>1 MR. REYNOLDS: Mr. Vice Chair, I just need to 2 do a couple housecleaning things. One is that what 3 was presented here today was slightly different than 4 what was presented to the board at its April 17th 5 meeting. And that was you're voting to publish it, 6 put it out for public notice. That did happen and the 7 public notice went out. 8 Since that time we have reviewed it and made 9 some changes to it. I have made the determination 10 that all the changes to it for the record are, in 11 fact, a logical outgrowth of what was proposed. And, 12 therefore, you can approve this rule as presented 13 today, even though it differs slightly than what was 14 noticed to the public back in April. That's the first 15 housecleaning matter. 16 MR. COON: Okay. Thank you. 17 MR. REYNOLDS: Two other housecleaning 18 matters. Under Section 10.29.6.8D -- I'm sorry, C 2, 19 I notice in the last line, and this is for the record 20 it says, "with minimum scores of 70 percent." This is 21 just purely a typo. That should just be "a minimum 22 score of 70 percent," not scores. 23 And then under Section 10.29.6.11C, after 24 "are," we will have a colon there instead of a period. 25 So with those changes, Mr. Vice Chair, I</p>
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<p>1 believe the motion would be to accept this rule change 2 as presented here today. 3 MR. COON: Okay. Do I have a motion? 4 MR. BETZ: I'll make the motion. 5 MR. SCHULTZ: A point of discussion. This 6 would be a question for Mr. Gallegos. Under 10.29.6.8 7 C 1, we talk about the successful completion of 8 40-hour biennium training. 9 Is it the current biennium training or most 10 recent biennium training? And should we add that 11 clarification, just two words in front of that, either 12 current or most recent? 13 MR. GALLEGOS: I don't know if it would be -- 14 either one would work if we wanted to make that 15 change. 16 MR. SCHULTZ: And the reason why I ask is 17 that the biennium training cycle is a two-year cycle. 18 So if you're hiring somebody in the middle -- 19 MR. GALLEGOS: Yes. It would fall under 20 whatever the current one would be. 21 MR. SCHULTZ: So it would make sense to me 22 then to add "completion of the current 40-hour 23 biennium training." 24 MR. REYNOLDS: Mr. Vice Chair, Chief Schultz, 25 I would actually say most recent. Because when you</p>	<p>1 say current, you could get into a dispute whether it 2 was current when the rule was promulgated or at the 3 time that the issue comes up. So I would say 4 "completion of the most recent 40-hours." 5 MR. SCHULTZ: That's what I was going to say. 6 Most recent. So I would -- if that's amenable, I 7 think that probably just makes it a little bit clearer 8 and cleaner so we know exactly what biennium cycle 9 we're talking about. 10 MR. GALLEGOS: Yes, sir. 11 MR. COON: Very good. 12 MR. SCHULTZ: Do we need to read this into 13 the record? So the first sentence under 10.29.6.8C 14 would read, "The applicant's agency will provide 15 documentation attesting to the applicant's successful 16 completion of the most recent 40-hour biennium 17 training." 18 MR. REYNOLDS: That's actually C 1. 19 MR. SCHULTZ: So with that I would make the 20 motion that we accept the proposed rule change as 21 amended here in open forum by the academy board. 22 MR. COON: Okay. I have a motion. Do I have 23 a second? 24 MR. BETZ: Second. 25 MR. COON: All in favor say aye.</p>

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<p>1 (Those in favor so indicate.) 2 ITEM NO. 33: IPRA REQUESTS 3 MR. COON: Next on the agenda, No. 33, was 4 the IPRA request from Chief Bob Shilling. Chief 5 Shilling is not here. Is there anybody here that was 6 going to take his place and present this? If not, 7 we'll have to catch it the next meeting. 8 MR. SCHULTZ: Mr. Chairman, I make a motion 9 that we defer item 33 to the next board meeting. 10 MR. COON: Okay. I've got a motion to defer. 11 MR. GRATTON: Second. 12 MR. COON: Okay I have a second. All in 13 favor say aye. 14 (Those in favor so indicate.) 15 ITEM NO. 34: MISCONDUCT CASE TRACKING: BOARD 16 OVERVIEW OF MISCONDUCT CASES 17 MR. COON: Okay. Item 34, misconduct case 18 tracking, board overview of misconduct cases. 19 Mr. Korn. 20 MR. KORN: There were two snapshots that are 21 part of this and also a summary sheet. One of the 22 snapshots had to do with appeals. And this is the 23 first time that our board really to my knowledge has 24 looked at what the appeal scenario is or what the 25 landscape is. Does everybody on the board have a</p>	<p>1 copy? And Mr. Medina, you do. 2 The appeals snapshot is really put together 3 by Mark Reynolds, for which I am very appreciative. 4 And it's a short summary of what's outstanding. 5 Currently there are five cases outstanding. 6 I was unfamiliar how the appeals work. And 7 Mr. Reynolds had explained to me that they're actually 8 from all over the state, where the respondents or the 9 appellants reside. And if I understand correctly, 10 currently there's -- there is like two or three that 11 are waiting for a decision and two or three that are 12 kind of in play. Would that be right? 13 MR. REYNOLDS: Yes. I think in general 14 that's an accurate statement. 15 MR. KORN: So I've asked Mr. Reynolds if he 16 would make available to the board, should we want to 17 read them, any of the appeals so that we better know 18 the issues that are coming up so that we can make 19 better decisions in case -- especially in case there 20 are court resolutions that either agree with us or 21 find us to be corrected. 22 So it's with my appreciation that I thank 23 Mr. Reynolds for keeping us informed. And I think 24 will you be able to do that for every meeting so we 25 get updates on these?</p>
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<p>1 MR. REYNOLDS: Mr. Vice Chair, Mr. Korn, I 2 would be absolutely happy to do it for every meeting. 3 And I have to say Mr. Korn put the spreadsheet 4 together. And all I had to do was put in the 5 information. So accolades to me are uncalled for. 6 But thank you. 7 MR. KORN: I had the easy part. Then the 8 next part of this snapshot that we perhaps spend the 9 most amount of time on is the case management. And 10 that also marks a first, because it's the first time 11 that the board has looked at every single case that's 12 going back -- as we know back to 2007. And there are 13 still existing cases that do that. 14 So with the snapshot there are just two 15 changes that I would suggest that we adopt as a board. 16 That we make the snapshot date two weeks prior to the 17 meeting so that it gives the staff time to do a cutoff 18 and then give us the data for it. 19 And then the other change is that I suggest 20 we basically archive all the items that are in the 21 past so that we only have a cleaner view of this for 22 the future. So where there's 15 pages that we have to 23 examine now, it will be reduced probably to about 24 one-third of that. 25 So I would ask the board if there's consensus</p>	<p>1 for that and a motion that we excise the cases and 2 also make the cutoff date two weeks in advance instead 3 of ten days. 4 MR. GRATTON: I so move. 5 MR. COON: Okay. We've got a motion and a 6 motion and a second. All in favor say aye. 7 (Those in favor so indicate.) 8 MR. KORN: Then I would, as I have in the 9 past, thank and commend Monica Medrano who has put 10 everything together. She and I have worked together 11 on trying to assemble this and make it legible for the 12 board. 13 And as part of that discussion and as part of 14 what the snapshot reveals to us, I would make a motion 15 that we go into closed session as a board to discuss 16 parts of this under Section 10-15-1.8, Subsection 2, 17 to talk about specifically the assignment of specific 18 board employees. 19 So that we can discuss with Director Medina 20 some of the matters that are disclosed. So I would 21 make a motion that we go into closed session based on 22 that. 23 MR. COON: Okay. We've got a motion to go 24 into closed session. Do I have a second? 25 MR. MYERS: Second.</p>

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<p>1 MR. COON: All in favor say aye. 2 (Those in favor so indicate.) 3 MR. REYNOLDS: Mr. Chair, actually, if you're 4 going into closed session, I apologize. But you have 5 to have a roll call vote. 6 MR. COON: I'm sorry. You're right. 7 MS. LOPEZ: Pat Barncastle. 8 MR. BARNCASTLE: Yes. 9 MS. LOPEZ: Sheriff Coon. 10 MR. COON: Yes. 11 MS. LOPEZ: Chief Betz. 12 MR. BETZ: Yes. 13 MS. LOPEZ: Chief Schultz. 14 MR. SCHULTZ: Yes. 15 MS. LOPEZ: Mark Myers. 16 MR. MYERS: Yes. 17 MS. LOPEZ: Nate Korn. 18 MR. KORN: Yes. 19 MS. LOPEZ: John Gratton. 20 MR. GRATTON: Yes. 21 MR. MEDINA: Mr. Vice Chair, I would 22 recommend that we invite Monica Medrano into closed 23 session. 24 MR. KORN: I would invite her. 25 (Recess from 3:25 p.m. to 4:05 p.m.)</p>	<p>1 MR. COON: We're back from closed session. 2 The only thing we discussed was the matters 3 identified in the motion to go into closed session. 4 ITEM NO. 35: SCHEDULING OF NEXT MEETING 5 MR. COON: The last thing on the agenda right 6 now I believe, which I'm glad you all stayed for this, 7 is where we're going to meet next on October 23rd. 8 MR. SANDERS: We've got a room open in Hobbs, 9 Mr. Chairman. 10 MR. COON: Actually I'm going to do you a 11 favor. I'm going to save you some mileage. It's 12 going to be in Roswell. 13 MR. SANDERS: I wonder where that came from. 14 MR. COON: I put in for it a long time ago. 15 MR. SANDERS: We'll be glad to visit. 16 MR. COON: If you guys would like to come 17 early, I can get with Frank Taylor and we can go out 18 and look at the ILEA building, the International Law 19 Enforcement Academy, and look at their operation and 20 meet some of the foreign exchange students. 21 That being said, it's a long ways off. So 22 clear your calendars for October 23rd. I will have 23 you an alien theme there, I promise you. I will bring 24 you something that's alien. 25 MR. BETZ: Alien beer.</p>
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<p>1 MR. COON: We can do alien beer. Now I will 2 entertain a motion to adjourn. 3 MR. BETZ: I'll make the motion to adjourn. 4 MR. KORN: Should we be setting up other 5 meetings, do we have meetings through the year? 6 MR. COON: Whatever we can work out. 7 MR. KORN: Do we have meetings through the 8 year? Do we have meetings through the whole year? 9 MR. MEDINA: Say it again, sir. 10 MR. KORN: Should we set up meetings through 11 the course of the next year so we can set our 12 calendars? 13 MR. MEDINA: I would recommend that. And I 14 would go with their recommendation on locations. 15 MR. COON: I think it's nice that we can -- 16 MR. KORN: We can set up two or three 17 quarters in advance so we can reserve the offer at 18 Hobbs. Do we have one for December, a meeting? 19 MS. LOPEZ: Our fourth quarter meeting is in 20 October. So we would be looking at a first quarter 21 meeting in January. 22 MR. KORN: That's our last meeting for the 23 year? 24 MS. LOPEZ: Yes, sir. 25 MR. COON: If you all love Southeastern New</p>	<p>1 Mexico after you come to Roswell, you're going to beg 2 to go to Hobbs. 3 MR. SANDERS: I promise I'll feed you. 4 MR. COON: J.D. is going to feed us. 5 MR. SCHULTZ: We have to go back to the 6 center of the state. Two meetings a year are supposed 7 to be in either Albuquerque or Santa Fe. 8 MR. KORN: So the January meeting should be 9 Albuquerque or Santa Fe? 10 MR. GRATTON: Yes. And then we can go back 11 moving around the state. 12 MR. KORN: When is the next meeting, April? 13 MS. LOPEZ: January, April, July, and October 14 is kind of the routine we've been on. We've been 15 trying to keep it on the third Tuesday of the month. 16 You guys can switch it around however you like. 17 MR. KORN: Would you say maybe April in 18 Hobbs, springtime in Hobbs? 19 MR. SANDERS: Bring your kites. 20 MS. LOPEZ: Are we doing January in 21 Albuquerque, is that what you said? 22 MR. GRATTON: Santa Fe. 23 MR. KORN: Santa Fe. 24 MR. GRATTON: January in Santa Fe. 25 MR. COON: You know, the session will be</p>

1 starting along the usually around Martin Luther King
 2 Day.
 3 MR. KORN: How about Albuquerque in January
 4 and then April in Hobbs?
 5 MR. COON: Fine with me.
 6 MR. KORN: Should we pick dates or
 7 communicate that in the future?
 8 MR. COON: I think we can communicate that in
 9 the future.
 10 MS. LOPEZ: And how about July?
 11 MR. GRATTON: I think we need to meet in
 12 either Albuquerque or Santa Fe twice a year. So we
 13 can go back to Santa Fe in July.
 14 MR. COON: You don't want to come to
 15 Southeast New Mexico or anywhere south in July.
 16 MR. KORN: Maybe Silver City in July.
 17 MR. GRATTON: We can go there.
 18 MR. SCHULTZ: Ruidoso, July Ruidoso.
 19 ITEM NO. 36: ADJOURNMENT
 20 MR. COON: We have a motion to adjourn.
 21 MR. KORN: I make a motion to adjourn.
 22 MR. BETZ: Second.
 23 MR. COON: Okay. All in favor of that.
 24 (Those in favor so indicate.)
 25 (At 4:15 p.m. the meeting was adjourned.)

1 REPORTER'S CERTIFICATE
 2
 3 I, JAN A. WILLIAMS, New Mexico CCR #14, DO
 4 HEREBY CERTIFY that on July 24, 2012, the proceedings
 5 in the above captioned matter were taken before me,
 6 that I did report in stenographic shorthand the
 7 proceedings set forth herein, and the foregoing pages
 8 are a true and correct transcription to the best of my
 9 ability.
 10 I FURTHER CERTIFY that I am neither employed
 11 by nor related to nor contracted with (unless excepted
 12 by the rules) any of the parties or attorneys in this
 13 case, and that I have no interest whatsoever in the
 14 final disposition of these proceedings.
 15
 16
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 18
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 22 _____
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A

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