

NEW MEXICO LAW ENFORCEMENT ACADEMY

BOARD MEETING

December 10, 2013

9:05 a.m.

Albuquerque Police Academy

5412 2nd Street, N.W.

Albuquerque, New Mexico 87107

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

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<p>1 ITEM NO. 1: CALL TO ORDER</p> <p>2 MR. KORN: My name is Nate Korn, I am the</p> <p>3 Vice Chair of the Law Enforcement Academy Board. This</p> <p>4 is our December meeting. Gary King, the Attorney</p> <p>5 General who is the Chairman of the Board, had an</p> <p>6 emergency and couldn't be here. So I'll be conducting</p> <p>7 the meeting.</p> <p>8 ITEM NO. 2: ROLL CALL</p> <p>9 MR. KORN: And we'll start with our roll</p> <p>10 call. The way Gary King has started this is that we</p> <p>11 all introduce ourselves and tell our affiliations. So</p> <p>12 I'll do the same thing today. So starting from my</p> <p>13 left, could you please introduce yourself and tell us</p> <p>14 who you're with.</p> <p>15 MR. McCALL: Chris McCall, I'm with the Hobbs</p> <p>16 Police Department, I'm the chiefs' representative.</p> <p>17 MR. QUEZADA: Jaime Quezada, Las Cruces</p> <p>18 Police Department, and I represent the line officers.</p> <p>19 MR. KASSETAS: Pete Kassetas, Chief of the</p> <p>20 State Police.</p> <p>21 MR. COON: Rob Coon, I'm the Sheriff of</p> <p>22 Chaves County, and I represent the sheriffs on the</p> <p>23 Board.</p> <p>24 MR. KORN: My name again is Nate Korn and I'm</p> <p>25 one of the two citizen representatives. And as I said</p>	<p>1 I'm the Vice Chair and conducting the meeting today.</p> <p>2 MR. BETZ: My name is Harry Betz, Chief of</p> <p>3 Police Santa Ana Pueblo, and I'm the tribal</p> <p>4 representative.</p> <p>5 MR. BARNCASTLE: My name is Pat Barncastle,</p> <p>6 I'm the District Attorney representative, and I live</p> <p>7 in Roswell.</p> <p>8 MR. KORN: Can everybody hear us? Some of us</p> <p>9 have microphones and some of us don't. Is there</p> <p>10 anybody in the back that cannot hear?</p> <p>11 Before we continue with the formal agenda, I</p> <p>12 wanted to acknowledge a loss that all of us in the law</p> <p>13 enforcement community suffered in the last week.</p> <p>14 Obviously I'm talking about Sergeant Robert Baron of</p> <p>15 the Sandoval County Sheriff's Department. When</p> <p>16 something tragic like this happens to our law</p> <p>17 enforcement community, it strikes to the heart of all</p> <p>18 of us that care about law enforcement.</p> <p>19 We don't always think about how the men and</p> <p>20 women in law enforcement put their lives in jeopardy</p> <p>21 every day doing common tasks. And Sergeant Baron died</p> <p>22 in the course of doing his duties. He leaves behind a</p> <p>23 wife and a small child. And our hearts and sympathy</p> <p>24 and prayers all go out to him.</p> <p>25 On behalf of the Board, I would ask us to</p>
<p>Page 8</p> <p>1 take a moment of silence to remember Sergeant Baron</p> <p>2 and having given the greatest sacrifice a law</p> <p>3 enforcement officer can give.</p> <p>4 (Moment of silence.)</p> <p>5 MR. KORN: Thank you. We'll continue with</p> <p>6 the agenda.</p> <p>7 ITEM NO. 4: APPROVAL OF MEETING MINUTES</p> <p>8 MR. KORN: Next on the agenda would be</p> <p>9 approval of the minutes. Do I have a motion?</p> <p>10 MR. COON: Mr. Chair, I make a motion that we</p> <p>11 approve the minutes of September 11th, 2013.</p> <p>12 MR. KORN: Sheriff Coon has a motion. Is</p> <p>13 there a second?</p> <p>14 MR. BETZ: I'll second.</p> <p>15 MR. KORN: A second by Chief Betz. All in</p> <p>16 favor say aye.</p> <p>17 (Those in favor so indicate.)</p> <p>18 MR. KORN: All opposed? Let the record show</p> <p>19 the ayes were unanimous.</p> <p>20 Moving along, the next order of business for</p> <p>21 the Academy Board is the misconduct cases. It looks</p> <p>22 like I missed one.</p> <p>23 ITEM NO. 3: APPROVAL OF AGENDA</p> <p>24 MR. KORN: The next item of business would be</p> <p>25 the approval of our agenda. Do I have a motion?</p>	<p>Page 9</p> <p>1 MR. BETZ: I make a motion to approve the</p> <p>2 agenda.</p> <p>3 MR. KORN: A motion by Chief Betz. Do we</p> <p>4 have a second?</p> <p>5 MR. McCALL: Second.</p> <p>6 MR. KORN: A second by Chief McCall. All in</p> <p>7 favor of approving the agenda please signify by saying</p> <p>8 aye.</p> <p>9 (Those in favor so indicate.)</p> <p>10 MR. KORN: Opposed? Let the record show that</p> <p>11 it's unanimous, we approve the agenda.</p> <p>12 ITEM NOS. 5, 6, 7, AND 8: DELINDA CHAVEZ, RONALD</p> <p>13 LASSITER, ROBERT WOOLEVER, AND EMMANUEL SALAZAR</p> <p>14 MR. KORN: Moving into the misconduct cases,</p> <p>15 the way the Board handles misconduct cases is, if</p> <p>16 there are people present who are Respondents, we would</p> <p>17 invite them and their representatives, if they care</p> <p>18 to, to address the Board. Everybody will have their</p> <p>19 time and their say and the Board will be happy to</p> <p>20 listen to everybody that wants to speak.</p> <p>21 We'll go in order of the business that is on</p> <p>22 the agenda. I'll try to call them by sections. So if</p> <p>23 there are people in the section that I call that are</p> <p>24 here, please raise your hand.</p> <p>25 The first section is default orders of</p>

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1 revocation. Delinda Chavez, Ronald Lassiter, Robert  
2 Woolever -- let the record show Robert Woolever is  
3 here. And next would be Emmanuel Salazar.

4 Of the four people I mentioned, the only one  
5 that is present is Robert Woolever.

6 Sir, would you like to address the Board?

7 MR. WOOLEVER: Yes, sir. I was just wanting  
8 to come up here to make my concerns known.

9 MR. KORN: Am I pronouncing your name right,  
10 is it Woolever?

11 MR. WOOLEVER: Yes, sir. I just wanted to  
12 point out some things that occurred throughout. My  
13 legal counsel is actually held up in court but are on  
14 their way. Is it possible to come back?

15 MR. KORN: To possibly come back?

16 MR. WOOLEVER: Come back to me or wait for  
17 them to be present.

18 MR. KORN: Sure. I think that will be fine.  
19 For the record, at the end of the process of speaking  
20 with everybody, we'll call you; or if your attorney  
21 comes in, perhaps you could raise your hand. And if I  
22 see it, we'll try to take you out of order.

23 MR. WOOLEVER: Yes, sir.

24 ITEM NOS. 9, 10, AND 11: MANECES ARTEAGA, BRION  
25 BERRIOS, AND JAMIE FASSLER

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1 Board?

2 MR. COON: Is everything that you and the  
3 Director talked about, are you in agreement with  
4 everything on this?

5 MR. ARTEAGA: Yes, sir, I am.

6 MR. KORN: Sir, I guess I did have some  
7 questions. Does anybody else have questions? No.

8 I did have a couple questions. The record  
9 seems to be kind of incomplete about items that it  
10 alleges you did. Among those are nine citations that  
11 were written when you claimed overtime, but you didn't  
12 write them during the time you claimed to have. Is  
13 that an incorrect allegation?

14 MR. ARTEAGA: No, sir, it's not.

15 MR. KORN: So you falsified records claiming  
16 to have written them on duty when you were working  
17 overtime, but you hadn't done that?

18 MR. ARTEAGA: That's correct.

19 MR. KORN: So the overtime pay that you  
20 accepted was fraudulent?

21 MR. ARTEAGA: Yes, sir.

22 MR. KORN: And then it says that you had two  
23 citations that you claimed to have written but weren't  
24 written by you.

25 MR. ARTEAGA: I believe so, sir. I'm not

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1 MR. KORN: The next group is the stipulated  
2 orders of suspension. I'll call these in groups of  
3 three. And if you're here, please again raise your  
4 hand.

5 First would be Maneces Arteaga, Brion  
6 Berrios, and Jamie Fassler. Okay. Apparently Jamie  
7 Fassler and Maneces Arteaga are here. So, sir,  
8 Mr. Arteaga, would you like to begin. And I probably  
9 massacred the pronunciation of your name.

10 MR. ARTEAGA: It's Maneces Arteaga.

11 MR. KORN: Maneces?

12 MR. ARTEAGA: Yes, sir.

13 MR. KORN: And how do you pronounce your last  
14 name?

15 MR. ARTEAGA: Arteaga.

16 MR. KORN: Arteaga. Mr. Arteaga, would you  
17 like to address the Board?

18 MR. ARTEAGA: Mr. Chairman, I would just like  
19 to address fellow Board Members that if the police --  
20 that you would accept the Director's recommendation on  
21 my commission. And that I truly regret my actions and  
22 I take full responsibility for it.

23 MR. KORN: Okay.

24 MR. ARTEAGA: That's it.

25 MR. KORN: Are there questions from the

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1 exactly sure. But yes.

2 MR. KORN: So that would be fraudulent too?

3 MR. ARTEAGA: Yes, sir. If that's the  
4 allegation, yes, sir.

5 MR. KORN: So there are nine fraudulent acts  
6 and the accepting of almost \$500 in overtime that  
7 you're alleged to have committed?

8 MR. ARTEAGA: Yes, sir.

9 MR. KORN: Okay. Are there any questions  
10 based on anything I raised from the Board?

11 MR. COON: Was any of this money paid back?

12 MR. ARTEAGA: No, sir. But again, talking to  
13 the Director, I'm willing to pay the money back.

14 MR. KORN: No other questions? Sir, thank  
15 you very much for appearing before us.

16 MR. ARTEAGA: Thank you, sir.

17 MR. KORN: Ms. Fassler.

18 MS. FASSLER: Good morning, Board. I want to  
19 thank you for allowing me this time to speak before  
20 you. I also want to apologize for having to be before  
21 you. This whole experience has definitely been very  
22 humbling for me.

23 I apologize for my actions. It is definitely  
24 not a good representation of the type of person or the  
25 type of police officer that I've been. And I ask that

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<p>1 you accept the order that the Director and I had 2 talked about. 3 MR. KORN: Thank you. Questions for 4 Ms. Fassler? 5 MR. COON: I have some. 6 MR. KORN: Sheriff Coon. 7 MR. COON: Ma'am, when you went to San Marcos 8 and you attended this class for, what, five days? 9 MS. FASSLER: Yes, sir. 10 MR. COON: And you only missed one day of it? 11 MS. FASSLER: Yes, sir. 12 MR. COON: But they wouldn't give you a 13 certificate because you were ill for one day? 14 MS. FASSLER: Yes, sir. 15 MR. COON: Wouldn't it have been easier to go 16 back and talk to the boss and say, hey, I was absent 17 for one day; therefore, I don't get a certificate. 18 And I can't imagine why they wouldn't give you a 19 certificate for 32 hours instead of 40. 20 MS. FASSLER: I don't know the answer to that 21 either. It was dealing with an out-of-state agency 22 that really didn't appreciate our agency being there, 23 number one. And number two, it would have worked out 24 a whole lot better had I come back and asked to do 25 that. But it was just part of the bad decision that I</p>	<p>1 did not do. 2 MR. KORN: Any other questions for 3 Ms. Fassler? 4 MR. QUEZADA: I have a question. What was 5 your illness? 6 MS. FASSLER: I have an ongoing illness which 7 I get -- 8 MR. QUEZADA: Let me ask you this way without 9 getting too much into it. It wasn't anything related 10 to drinking too much the night before or a party? 11 MS. FASSLER: No, sir. I have a medical 12 condition in which I can't drink. And I get 13 dehydrated very easily. And it was a buried bodies 14 class. So we were actually out in San Antonio for the 15 week in the humidity. And it was little too much for 16 me. 17 MR. KASSETAS: What was the training again? 18 I'm sorry. 19 MS. FASSLER: It was a buried bodies class. 20 MR. KORN: Any other questions from the 21 Board? Ms. Fassler, thank you for coming. 22 MS. FASSLER: Thank you, Board. 23 ITEM NOS. 12, 13, AND 14: JEFFREY HARRIS, JOSHUA 24 HESSINGER, AND EDWIN LINSON 25 MR. KORN: Continuing along, the next three</p>
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<p>1 persons, if you're in the room, please raise your 2 hand, would be Jeffrey Harris, Joshua Hessinger -- 3 MR. D'AMATO: John D'Amato on behalf of 4 Mr. Hessinger, Mr. Chair. 5 MR. KORN: Okay. So Mr. D'Amato is here for 6 Mr. Hessinger and Mr. Hessinger is not. 7 MR. D'AMATO: No, he is not. 8 MR. KORN: Okay. And the last one would be 9 Edwin Linson. 10 MR. D'AMATO: And also on behalf of 11 Mr. Linson. I'm here for Mr. Hessinger and 12 Mr. Linson. 13 MR. KORN: Okay. And the respondents are not 14 here, you're appearing for them? 15 MR. D'AMATO: Yes. 16 MR. KORN: And let the record show this is 17 the esteemed Mr. D'Amato. 18 MR. D'AMATO: Thank you. 19 MR. KORN: Sir, the other gentleman was ahead 20 of you. So let me take him first. 21 Mr. Harris, would you like to address the 22 Board. 23 MR. HARRIS: Yes, sir. Thank you, gentlemen, 24 for allowing me to come and address you today. 25 Basically the reason why I'm here is I'm not denying</p>	<p>1 any of the allegations, I take full responsibility for 2 my actions. 3 Why I am here is I just want to let you know 4 that I have completed everything that the Board has 5 asked me to do. And I'm asking that I am not 6 suspended a second time. I was suspended by my agency 7 for five and a half months. Part of that was under 8 the assumption that the Board has already acted in 9 suspending me for the original three months. 10 So I've basically completed everything. I've 11 done my psych evaluation, I've been declared fit for 12 duty, which I have a copy of the report here in case 13 you all don't have it. I've done my alcohol 14 screening, that's been completed. 15 And so my agency also has reinstated me to 16 full duty. So I'm just basically asking not to be 17 suspended a second time. 18 MR. KORN: So a question first for the 19 Director. Do we have the fit-for-duty report for the 20 Board during our deliberations? 21 MR. JONES: Yes, sir, we do. 22 MR. KORN: Mr. Harris, just to make sure I 23 understand this, you were suspended by your 24 department. And now there's a question about what the 25 Board's actions will be?</p>

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1 MR. HARRIS: Well, I had met with the  
2 previous Director on March 7th and, of course, went  
3 through a hearing. And there was a recommended  
4 stipulated order presented at that time. And it  
5 included a three-month suspension and one-year  
6 probation as well as an alcohol screening, because I  
7 had been charged with a DWI which has since been  
8 dismissed.

9 At that time I was under the assumption that  
10 that's what the disciplinary action would be. So I  
11 reported that to my agency, which they had already  
12 suspended me due to the allegations.

13 Once the charges were dismissed, my agency  
14 kept me on suspension under the assumption that the  
15 Board had suspended me for three months, which would  
16 have been on July 18th at the end of that period of  
17 time. So on July 19th they reinstated me back to full  
18 duty.

19 Of course, the week after that I received a  
20 certified letter stating that the Board has rejected  
21 the original stipulated order because they also wanted  
22 a fit-for-duty declaration. I got the information and  
23 I went and contacted a psychologist, a Dr. DiVasto  
24 down in Las Cruces. And I did go through the  
25 evaluation, at which time he presented a report to me

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1 as well as the Board and the Director.

2 And so basically what I'm concerned with is  
3 DPS never did suspend me for three months, apparently  
4 just my agency. And I'm just asking that -- I've  
5 completed everything that's been required. And I just  
6 don't want to be suspended a second time, I just want  
7 to continue with my duties.

8 MR. KORN: Okay. Questions for Mr. Harris.  
9 Sheriff Coon.

10 MR. COON: What state park do you work at?

11 MR. HARRIS: I work at Elephant Butte State  
12 Park.

13 MR. COON: Also the charges of the DWI were  
14 dismissed?

15 MR. HARRIS: Yes, sir, they were.

16 MR. COON: With a 0.13?

17 MR. HARRIS: Yes, sir, they were.

18 MR. COON: Why were they dismissed?

19 MR. HARRIS: According to the prosecution,  
20 they were unable to obtain all their witnesses for  
21 their prosecution. And so they dismissed the charges.

22 MR. COON: Are you denying that this happened  
23 or are you --

24 MR. HARRIS: No, sir. I take full  
25 responsibility for my actions.

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1 MR. COON: Okay. Thank you.

2 MR. HARRIS: Yes, sir.

3 MR. KORN: Other questions from the Board?

4 When the Board rejected Director Medina's  
5 recommendation of three months, did the Board not  
6 request that it would be a six months plus the  
7 fit-for-duty?

8 MR. HARRIS: No, sir.

9 MR. KORN: I guess I'm asking that of the  
10 Director. My notes indicate that's what the  
11 discussion was.

12 MR. JONES: My notes say it remained a  
13 three-month suspension in effect and the fit-for-duty  
14 completed report is what I have for my notes.

15 MR. KORN: So that may be something we'll be  
16 discussing when we discuss your matter. Did you have  
17 anything else you wanted to add, Mr. Harris?

18 MR. HARRIS: No, sir. I just think that this  
19 experience has made me a better person and a better  
20 officer. I feel I am stronger today than I was during  
21 those times. I am a four-time Lifesaving Award  
22 recipient and a two-time Medal of Valor recipient.

23 So this was a bad choice. There was a lot of  
24 traumatic things in my life at that time. But I do  
25 believe I'm a much better person today than I was

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1 then.

2 MR. KORN: What awards did you say you've  
3 won?

4 MR. HARRIS: I'm a four-time Lifesaving Award  
5 recipient and a two-time Medal of Valor recipient.

6 MR. KORN: What is a Lifesaving Award  
7 recipient?

8 MR. HARRIS: Basically Lifesaving is that I  
9 either acted or I attempted or I did save someone's  
10 life at the park.

11 MR. KORN: In the course of your duties,  
12 you've saved four persons?

13 MR. HARRIS: Yes, sir, that's correct.

14 MR. KORN: That's very commendable. What was  
15 the other award?

16 MR. HARRIS: A Medal of Valor recipient.  
17 It's basically for the same thing. But it's the  
18 highest award that I can get from my department, which  
19 is the Energy, Minerals and Natural Resources  
20 Department. And I'm a two-time recipient of that.

21 MR. KORN: And what did you do to achieve  
22 that?

23 MR. HARRIS: One of them was I rescued a --  
24 how I do say it. An obese individual who was in the  
25 lake who had fallen off a jet ski and was unable to

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1 get back on the jet ski. And I went out in a storm  
2 and pulled him out of the lake and brought him in.  
3 The second one was for -- some people had  
4 left three children in an RV trailer on the beach in  
5 the heat. And it was approximately 120 degrees in the  
6 trailer and they were locked in the trailer. And  
7 myself and fellow officers broke into the trailer and  
8 rescued the children.

9 MR. KORN: Thank you for telling us that.

10 MR. HARRIS: Yes, sir.

11 MR. KORN: It rounds out who you are.

12 MR. HARRIS: Yes, sir. Thank you.

13 MR. COON: You've got 23 years and 159 days  
14 of service?

15 MR. HARRIS: Yes, sir.

16 MR. COON: Are you a double dipper?

17 MR. HARRIS: No, sir. I started in June of  
18 1990. And I started at Elephant Butte Lake State Park  
19 and I've been there ever since.

20 MR. BARNCASTLE: You alluded to events that  
21 caused either the drinking or something in your life  
22 to cause this judgment.

23 MR. HARRIS: Yes, sir.

24 MR. BARNCASTLE: Are you past those events or  
25 are they still --

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1 time, he was represented by counsel. For whatever  
2 reason no follow-up was made. We got involved and it  
3 was set for a formal hearing.

4 In the morning of the formal hearing, I  
5 tendered an offer. We met with the Director. And now  
6 we have the proposed stipulated order. We think  
7 that's an appropriate order given the severity of the  
8 violation.

9 He accepts full responsibility. He currently  
10 is employed as a Bernalillo County deputy sheriff. He  
11 has high accolades from his employer. And that's all  
12 we would ask this morning.

13 MR. KORN: So, Mr. D'Amato, the Board had  
14 assigned a Hearing Officer as a result of  
15 Mr. Hessinger's request; is that not correct?

16 MR. D'AMATO: Yes.

17 MR. KORN: For a formal hearing?

18 MR. D'AMATO: Yeah. Let me back up. And  
19 I'll go by memory, but the Board may have a better  
20 memory than I.

21 He went down to Hobbs I believe on his own  
22 without counsel and tendered the stipulated order. It  
23 was rejected. And there was a duty or responsibility  
24 to follow up with a proposed second stipulated order  
25 by then counsel.

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1 MR. HARRIS: Yes, sir.

2 MR. BARNCASTLE: I'm not going to ask you  
3 what the events were. Are you past those events or is  
4 there something in the history?

5 MR. HARRIS: Yes, sir. It's pretty much  
6 over. It was a divorce and I was looking at losing my  
7 family. And so I made a bad choice. I was very  
8 depressed. I sought counseling. And I credit her  
9 with saving me basically. It made me realize what's  
10 important in life. And yes, sir, I am past that.

11 MR. BARNCASTLE: Thank you.

12 MR. KORN: Any other questions for Officer  
13 Harris? No. Sir, thank you very much for coming and  
14 appearing before us.

15 MR. HARRIS: Thank you for your time.

16 MR. KORN: Next is Mr. D'Amato appearing on  
17 behalf of Joshua Hessinger.

18 MR. D'AMATO: Good morning, Mr. Chair,  
19 Members of the Board. On behalf of Mr. Hessinger, I'm  
20 asking the Board to adopt and approve the Stipulated  
21 Order of Suspension. He had the opportunity to meet  
22 with the Director.

23 If the Board may remember, this was an  
24 original stipulated order by then Director Medina. It  
25 was rejected by the Board. And then at that point in

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1 That was prepared by the Director, never  
2 really accepted or adopted by either counsel or  
3 Mr. Hessinger. And, therefore, it went -- it moved  
4 from the second stipulated order to a formal hearing.

5 And given what we had been proffered by the  
6 Attorney General's Office, all of us decided -- and  
7 that's on the record I believe. The Hearing Officer  
8 was Chief Camacho. He was in agreement and put on the  
9 record that this was the best resolution for Deputy  
10 Hessinger's case. It was appropriate I should say.

11 MR. KORN: I'm not asking that. What I'm  
12 asking is Deputy Hessinger invoked his right to  
13 request a formal hearing.

14 MR. D'AMATO: Yes, that's correct.

15 MR. KORN: He did that after the Board  
16 offered him a three-month stipulated agreement; is  
17 that not correct?

18 MR. D'AMATO: I'll defer to the record. I  
19 think that is correct.

20 MR. KORN: So he was offered a three-month  
21 stipulated agreement. He asked for a formal hearing  
22 because he protested that. Then that set in events  
23 the Board assigning a Hearing Officer, the Hearing  
24 Officer assembling counsel on both sides, subpoenas  
25 being issued for witnesses.

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1 MR. D'AMATO: Correct.  
 2 MR. KORN: A court schedule being set up, a  
 3 court stenographer being set up. And the, on the day  
 4 of the formal hearing, you appeared with Mr. Hessinger  
 5 and accepted what had been offered to him months  
 6 earlier. That's the way it worked, wasn't it?  
 7 MR. D'AMATO: I think that's correct. I  
 8 think there was an additional month attached. I'm not  
 9 sure.  
 10 MR. KORN: But, nevertheless, you agreed  
 11 three months later or four months later, after all  
 12 this work has been put in order, to accept something  
 13 that had been offered earlier.  
 14 MR. D'AMATO: You'll have to remember, with  
 15 all due respect, Mr. Chair, Mr. Hessinger's first  
 16 counsel for whatever reason never followed up. I was  
 17 not the attorney. Mr. Hessinger appeared pro se the  
 18 morning of the hearing.  
 19 I deemed that was not in his best interests.  
 20 And I appeared on his behalf. I was never the  
 21 attorney of record. But that's correct, your  
 22 assessment and summary is accurate.  
 23 MR. KORN: Okay. Thank you. Okay. Are  
 24 there any questions from the Board?  
 25 MR. KASSETAS: I have one question.

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1 This is a DWI. He took responsibility for  
 2 that. The reason he can't be here today is he is in a  
 3 driving while intoxicated class this morning from nine  
 4 to one p.m.  
 5 MR. KORN: By the way, what is the reason  
 6 Mr. Hessinger isn't here?  
 7 MR. D'AMATO: Mr. Hessinger I believe is  
 8 working.  
 9 MR. KORN: Questions from the Board about  
 10 Mr. Linson? Anybody? I have a question.  
 11 MR. D'AMATO: Yes, sir.  
 12 MR. KORN: The refusal to take the breath  
 13 test would make this an aggravated DWI?  
 14 MR. D'AMATO: That's correct.  
 15 MR. KORN: And so this offer with Mr. Linson  
 16 is below our guidelines. Can you tell us why it would  
 17 be in the Board's interest to accept something below  
 18 our guidelines?  
 19 MR. D'AMATO: My understanding is that the  
 20 aggravated DWI portion was not valid, that that was  
 21 dismissed by the prosecutor based on what the  
 22 prosecutor believed he could prove in court. It was a  
 23 straight driving while intoxicated without an  
 24 aggravating factor on the refusal.  
 25 So I think Mr. Linson is now on a one-year

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1 MR. KORN: Yes, Chief Kassetas.  
 2 MR. KASSETAS: What was the end result of the  
 3 charge the female faced, whatever happened to that  
 4 charge against her, the misdemeanor charge?  
 5 MR. D'AMATO: I'm not sure. I don't know the  
 6 resolution of that case.  
 7 MR. KASSETAS: Thank you.  
 8 MR. D'AMATO: You're welcome.  
 9 MR. KORN: Other questions from the Board?  
 10 No. Thank you, Mr. D'Amato. You also appear for the  
 11 next case?  
 12 MR. D'AMATO: I do. Mr. Edwin Linson, item  
 13 No. 14. This again is a Stipulated Order of  
 14 Suspension and Probation and falls into the same  
 15 category. I am not his attorney at the time of the  
 16 original Notice of Contemplated Action.  
 17 This arises out of an allegation of a driving  
 18 while intoxicated charge. For whatever reason, I  
 19 don't have the answers, counsel for Mr. Linson did not  
 20 follow up with the Director. This case was in limbo.  
 21 This was never originally presented to the Board.  
 22 And then I got a phone call from Mr. Linson,  
 23 prepared a stipulated order with the Director's  
 24 approval, and we are now before you asking you to  
 25 approve that stipulated order.

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1 deferred sentence on a DWI first offender program.  
 2 One year of probation that will be supervised through  
 3 Sandoval County. And I believe at some point, after  
 4 six months or so, it will be converted to  
 5 unsupervised.  
 6 MR. KORN: So in the criminal arena, the  
 7 aggravated DWI was negotiated to be a regular DWI?  
 8 MR. D'AMATO: Yes, that's correct.  
 9 MR. KORN: But the question I think before  
 10 the Board is did Mr. Linson refuse to take the  
 11 breathalyzer?  
 12 MR. D'AMATO: He attempted to take the test.  
 13 It was insufficient samples. That's not a refusal  
 14 under State of New Mexico law at this point. His  
 15 intent was controlling with the prosecutor. He wanted  
 16 to take a breath test, he wanted to cooperate. But  
 17 for whatever reason the insufficient sample was deemed  
 18 a refusal, which was not quite accurate.  
 19 MR. KORN: But our notes say that he refused.  
 20 Are you taking issue with that?  
 21 MR. D'AMATO: No. I mean basically the  
 22 LEA-90 was sent up as a refusal.  
 23 MR. KORN: Okay. Other questions for  
 24 Mr. D'Amato based on anything we've raised? Nobody?  
 25 MR. QUEZADA: I have a question.



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<p>1 MR. KORN: Yes, sir, Mr. Quezada.</p> <p>2 MR. QUEZADA: As far as the unmarked vehicle,</p> <p>3 was it an actual police vehicle?</p> <p>4 MR. D'AMATO: Yes.</p> <p>5 MR. QUEZADA: So does that mean he was</p> <p>6 drinking on duty?</p> <p>7 MR. D'AMATO: No. It was a take-home car</p> <p>8 undercover.</p> <p>9 MR. QUEZADA: So was he using the UC for</p> <p>10 personal also? I don't know if they're allowed to or</p> <p>11 not.</p> <p>12 MR. D'AMATO: They're not allowed to do that.</p> <p>13 He resigned in lieu of termination. He was facing</p> <p>14 that as a potential SOP violation.</p> <p>15 MR. KORN: Is Mr. Linson currently working?</p> <p>16 MR. D'AMATO: He is currently working real</p> <p>17 estate unrelated to law enforcement.</p> <p>18 MR. KORN: Mr. Quezada, any other questions?</p> <p>19 MR. QUEZADA: No.</p> <p>20 MR. KORN: Anybody else? Thank you,</p> <p>21 Mr. D'Amato.</p> <p>22 MR. D'AMATO: Thank you, Mr. Chair and</p> <p>23 Members of the Board.</p> <p>24 ITEM NOS. 15 AND 16: ROBERT METZGAR AND</p> <p>25 ISAAC MARTINEZ</p>	<p>1 MR. KORN: Moving along, the next two in turn</p> <p>2 are No. 15, Robert Metzgar. Is he in the room?</p> <p>3 MR. BREGMAN: I'm representing Mr. Metzgar.</p> <p>4 MR. KORN: Okay. Mr. Metzgar is represented.</p> <p>5 And the next one is Isaac Martinez. Is he in the</p> <p>6 room? No. Sir, Mr. Metzgar, would you like to step</p> <p>7 forward.</p> <p>8 MR. BREGMAN: Thank you. My name is Sam</p> <p>9 Bregman, I represent Mr. Metzgar. Mr. Chairman, Board</p> <p>10 Members, I would ask that you approve the stipulated</p> <p>11 order that's presented to you. And I'm happy to</p> <p>12 answer any questions.</p> <p>13 Basically this is a domestic violence call</p> <p>14 that my client responded to that the Albuquerque</p> <p>15 Police Department did not feel was responded to</p> <p>16 appropriately. And they did investigate him. My</p> <p>17 client would like to have this Board agree to the</p> <p>18 proposed stipulated order.</p> <p>19 MR. KORN: Questions for Mr. Bregman. Does</p> <p>20 the Board have any questions?</p> <p>21 MR. COON: Mr. Bregman, is Mr. Metzgar still</p> <p>22 working right now?</p> <p>23 MR. BREGMAN: Mr. Metzgar is not working</p> <p>24 currently in law enforcement. He hopes to be working</p> <p>25 soon, though, yes.</p>
<p>Page 32</p> <p>1 MR. COON: Was he terminated from APD for</p> <p>2 this?</p> <p>3 MR. BREGMAN: He resigned based on the issues</p> <p>4 before the hearing, that we came to a reasonable</p> <p>5 agreement between myself and Mr. Metzgar and the City</p> <p>6 of Albuquerque.</p> <p>7 MR. COON: Okay.</p> <p>8 MR. KORN: So I have a question kind of for</p> <p>9 the Director on this one.</p> <p>10 I think this is the information that was</p> <p>11 provided to the Board where the wording is substituted</p> <p>12 from Mr. Harris'. So I'm unclear. What is the offer</p> <p>13 from the Director to Mr. Metzgar? I assume there's</p> <p>14 not a fit-for-duty here for Mr. Metzgar, right?</p> <p>15 MR. BREGMAN: I'm sorry?</p> <p>16 MR. KORN: Not to undergo a fit-for-duty</p> <p>17 evaluation.</p> <p>18 MR. BREGMAN: No, no.</p> <p>19 MR. JONES: He was given 30 days suspension</p> <p>20 to be effective as of the date of this order.</p> <p>21 Respondent agreed to the stipulated probation period</p> <p>22 of one year which will be effective as of the date of</p> <p>23 this agreement, to complete a law enforcement course</p> <p>24 in ethics, provide proof of completion to the Director</p> <p>25 within 90 days of the effective date of this order.</p>	<p>Page 33</p> <p>1 MR. KORN: So the offer is a stipulated</p> <p>2 agreement for 30 days suspension?</p> <p>3 MR. JONES: Yes, sir. And probation period</p> <p>4 for one year and a law enforcement ethics course.</p> <p>5 MR. KORN: Okay. Mr. Barncastle.</p> <p>6 MR. BARNCASTLE: I have one question,</p> <p>7 Mr. Bregman. What was the outcome of the criminal</p> <p>8 case concerning this?</p> <p>9 MR. BREGMAN: The offender I believe was</p> <p>10 arrested. I don't know if there's been a resolution</p> <p>11 as far as the prosecution of that or not. That's what</p> <p>12 I've got at this point. I'm sorry.</p> <p>13 MR. BARNCASTLE: That's okay.</p> <p>14 MR. BREGMAN: I wasn't prepared for that.</p> <p>15 MR. KORN: So I have a question, Mr. Bregman.</p> <p>16 Can you maybe fill us in a little bit on the</p> <p>17 background because the facts are kind of unclear.</p> <p>18 MR. BREGMAN: Sure, sure.</p> <p>19 MR. KORN: Just let me get to this point. I</p> <p>20 understand that the officers responded to a domestic</p> <p>21 call. And I guess the allegation is they did nothing</p> <p>22 as a result of their response.</p> <p>23 MR. BREGMAN: Well, I don't think that's</p> <p>24 borne out by the facts. I don't think the city would</p> <p>25 necessarily agree with that either through the</p>

1 investigation.

2 MR. KORN: Can you flesh that out for us.

3 MR. BREGMAN: Sure. I think what happened

4 was there was a domestic violence call. Officer

5 Metzgar responded to that domestic violence call. And

6 she was -- the alleged victim or the victim was not

7 present at the house but across the way at a

8 neighbor's I believe at some point.

9 They were called back so that she could go

10 back in and get the -- get some of her belongings.

11 Officer Metzgar went back out and basically said don't

12 go back over there, we're not going escort you back

13 there. She goes back on her own later. And

14 unfortunately the offender shows back up and beats her

15 up again. And she's injured significantly.

16 And I think the concern was that she did

17 not -- that he didn't take her back to get her

18 belongings at that time because, if he had done that,

19 then she wouldn't have been back there later when the

20 offender shows back up again. And that was the

21 problem they had.

22 And in hindsight, 20/20, perhaps we can

23 agree. But it is what happened. There's no

24 allegation of any illegal activity on the part of my

25 client or anything like that. It's just a judgment

1 MR. QUEZADA: I do have a question.

2 MR. KORN: Mr. Quezada.

3 MR. QUEZADA: What was the reason he didn't

4 respond?

5 MR. BREGMAN: He did respond to her and

6 actually met her someplace else that second time. But

7 he didn't take her back to get her belongings, he

8 didn't make that judgment call.

9 MR. QUEZADA: So it wasn't like he was on

10 another call or something?

11 MR. BREGMAN: No.

12 MR. QUEZADA: He was physically there?

13 MR. BREGMAN: He wasn't physical at the

14 location. He met her someplace else but did not take

15 her back to get her belongings. So she went back on

16 her own. He shows up, the offender, and she gets

17 hurt.

18 MR. KORN: Other questions for Mr. Bregman?

19 MR. BARNCASTLE: So we really don't know if

20 this whole criminal case was actually followed through

21 with?

22 MR. BREGMAN: I don't know the end result as

23 far as the criminal case is concerned. I just don't

24 know. And I don't want to speculate. I don't know at

25 this point. I'm sorry.

1 call on whether or not he followed their SOPs when it

2 came to how to handle this domestic violence call.

3 MR. KORN: Was Officer Metzgar the primary

4 officer on this or a backup officer?

5 MR. BREGMAN: Well, that actually became one

6 of the issues we were trying to deal with with the

7 city as well, is who was the primary officer. I think

8 at some point he was identified as the primary officer

9 based on who was handling the call, the original call.

10 But subsequently, when the offender got --

11 when the offender got back and beat up the victim,

12 other officers were called to the scene.

13 MR. KORN: Was there an issue about a report

14 having been done or am I not correct about that? A

15 failure to report?

16 MR. BREGMAN: There was an issue with his

17 report. And there was an original issue as far as

18 untruthfulness. But the untruthfulness, the city did

19 not pursue that.

20 MR. KORN: Okay.

21 MR. BREGMAN: Whether or not he did his

22 reports in a timely manner, he did file a report. It

23 wasn't pursuant to the SOP I believe within I want to

24 say 24 hours.

25 MR. KORN: Other questions from the Board?

1 MR. BARNCASTLE: But Metzgar didn't do that?

2 He didn't complete the reports -- the criminal -- the

3 criminal complaint?

4 MR. BREGMAN: He did not do the criminal

5 complaint, no. There were other officers that did the

6 criminal complaint and addressed that. And he was

7 arrested. I just don't know what the result of the

8 prosecution was.

9 MR. BARNCASTLE: Okay. You answered my

10 question. Thank you.

11 MR. COON: One more question.

12 MR. KORN: Mr. Coon.

13 MR. COON: And I don't know if mine is up to

14 date, this the one I've got. But it also says one

15 year probation and take alcohol screening.

16 MR. KORN: That's wrong.

17 MR. COON: Okay. My bad.

18 MR. JONES: My bad, sir. I apologize.

19 MR. KORN: Any other questions from the

20 Board? One last one, Mr. Bregman.

21 MR. BREGMAN: Yes, sir.

22 MR. KORN: Mr. Metzgar is not here today. Is

23 there a reason for that?

24 MR. BREGMAN: We talked about the scheduling

25 of this awhile back. And I can't remember to be

1 honest with you. I knew I was going to be here.  
2 There was something -- there was some type of  
3 conflict.

4 And I said we can't push this back, we need  
5 to get it addressed. So I was going to be here. I  
6 can't tell you the reasons. I don't remember to be  
7 honest with you.

8 MR. KORN: Is he still with the APD,  
9 Albuquerque Police?

10 MR. BREGMAN: No, he's not.

11 MR. KORN: Where is he now?

12 MR. BREGMAN: He's unemployed right now.

13 MR. KORN: He's not working in law  
14 enforcement?

15 MR. BREGMAN: He's not. He wants to work in  
16 law enforcement obviously, that's why we're here. But  
17 no, he's not currently right this minute. He does  
18 plan on applying to other agencies.

19 MR. KORN: Okay. Thank you for appearing.

20 MR. BREGMAN: Thank you, sir.

21 MR. KORN: And Isaac Martinez, I think I  
22 asked, is not in the room? No.

23 ITEM NO. 17: ANDREA GUTIERREZ

24 MR. KORN: Moving on, the next section is  
25 cautionary letters. That would involve Andrea

1 room? Let the record reflect he is. Gary Graves is  
2 in the room. And Kenneth Martinez is in the room. So  
3 we'll start with Mr. Zepada. I probably mispronounced  
4 your name. How do you pronounce your name, sir?

5 MR. ZEPADA: Zepada.

6 MR. KORN: Zepada?

7 MR. ZEPADA: Yes, sir.

8 MR. KORN: Mr. Zepada, would you like to  
9 address the Board? I gather your law enforcement  
10 certification was revoked sometime ago?

11 MR. ZEPADA: Yes, sir.

12 MR. KORN: And you would like the Board to  
13 consider reinstating it?

14 MR. ZEPADA: Yes, sir.

15 MR. KORN: Please tell us a little bit about  
16 this.

17 MR. ZEPADA: Well, I would like to thank you  
18 for the opportunity to come and speak before you all.  
19 Approximately seven years ago, I had requested to go  
20 to training. While on that training, I was off duty.  
21 And I made a poor decision which led to further  
22 incidents.

23 Through that incident and through that poor  
24 decision, it was a life-changing event. It changed my  
25 life completely. It took my childhood dream from me

1 Gutierrez. Is she here? No.

2 ITEM NO. 18: VANCE LUNSFORD

3 MR. KORN: The next section would be letters  
4 of no action, Vance Lunsford. Is he here? Let the  
5 record show that neither Vance Lunsford nor Andrea  
6 Gutierrez nor Isaac Martinez are in the room.

7 ITEM NOS. 19 AND 20: JOAL NORTON AND  
8 JEREMIAH PHILLIPS

9 MR. KORN: Moving on into default orders of  
10 suspension, the first number, 19 is Joal Norton. Is  
11 he in the room? Jeremiah Phillips, is he in the room?  
12 Let the record show neither of those persons are in  
13 the room.

14 ITEM NO. 21: LEVI CHAVEZ

15 MR. KORN: Finally there is voluntary  
16 relinquishment. Levi Chavez, is he in the room? Let  
17 the record reflect Mr. Chavez is not in the room.

18 ITEM NOS. 22, 23, 24, AND 25: BENJAMIN KIRBY,

19 NICHOLAS ZEPADA, GARY GRAVES, AND KENNETH MARTINEZ

20 MR. KORN: The next group of persons are  
21 requesting reinstatement of certification. I'll read  
22 the names just so I know that all four are present.  
23 First is Benjamin Kirby, a show of hands?

24 MR. JONES: He's not here, sir.

25 MR. KORN: Nicholas Zepada, is he in the

1 and something that I had worked hard to accomplish. I  
2 lost my status as a police officer.

3 Through this I have learned greatly and have  
4 become -- have learned to make better decisions, to  
5 stop, slow down, and think through all this. Through  
6 all this time, I was never -- I never lost sight of my  
7 childhood goal as to returning. And that's why I'm  
8 here also.

9 In 2010 I was rehired by Lea County Detention  
10 Center. And I have since been working in the  
11 corrections department. That is as close as I could  
12 get to being a law enforcement officer.

13 In three and a half years, I spent  
14 approximately a year and three months as a --  
15 correction. As a line officer. I was promoted to  
16 classification officer. For about five months I was a  
17 sergeant. And currently, for the last year, I've been  
18 a lieutenant in my facility.

19 Every day I challenge myself to be a leader  
20 throughout my facility. And encourage my workers to  
21 better themselves. Throughout this time also I have  
22 become a defensive tactics instructor. I'm certified  
23 to instruct defensive tactics. I've also -- I also  
24 assist in my community. And I coach and assist coach  
25 in baseball and football programs with my kids and

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<p>1 with other kids.</p> <p>2 And many of these decisions -- my poor</p> <p>3 decision has allowed me to reflect back and has made</p> <p>4 me a better person today. I just ask that you guys</p> <p>5 don't see this poor decision as to hinder me from</p> <p>6 further law enforcement career. I would like to</p> <p>7 return back to law enforcement and continue to serve</p> <p>8 and protect my community.</p> <p>9 I am deeply regretful for the decision I did</p> <p>10 make. But like I said I do feel that I was called to</p> <p>11 be a police officer and serve my community.</p> <p>12 MR. KORN: Thank you, sir. Are there</p> <p>13 questions from the Board?</p> <p>14 MR. COON: I have one.</p> <p>15 MR. KORN: Sheriff Coon.</p> <p>16 MR. COON: You talk about a poor decision.</p> <p>17 What was the decision you made, what did you get in</p> <p>18 hot water for originally?</p> <p>19 MR. ZEPADA: The class I was attending was an</p> <p>20 officer survival. We had recently lost a fellow</p> <p>21 officer. And throughout that class, you know, they</p> <p>22 talked about my fellow coworker. I went out drinking</p> <p>23 in the evening and was involved in an altercation.</p> <p>24 MR. COON: Where did this happen?</p> <p>25 MR. ZEPADA: It was in Las Cruces.</p>	<p>1 MR. COON: So drinking and fighting?</p> <p>2 MR. ZEPADA: Well, the drinking wasn't</p> <p>3 brought up. But I was charged with aggravated</p> <p>4 battery.</p> <p>5 MR. COON: Were you prosecuted?</p> <p>6 MR. ZEPADA: Yes, sir, I was.</p> <p>7 MR. COON: Were you found guilty?</p> <p>8 MR. ZEPADA: Of Aggravated battery without</p> <p>9 bodily injury.</p> <p>10 MR. COON: What was the outcome of that?</p> <p>11 MR. ZEPADA: I did 60 days in Dona Ana County</p> <p>12 and I was on the remainder of the time probation, sir.</p> <p>13 MR. COON: So you did jail time?</p> <p>14 MR. ZEPADA: Yes, sir, I did.</p> <p>15 MR. BARNCASTLE: Mr. Chairman.</p> <p>16 MR. KORN: Yes, sir. Mr. Barncastle.</p> <p>17 MR. BARNCASTLE: Mr. Zepada, you were found</p> <p>18 guilty of the aggravated battery charge?</p> <p>19 MR. ZEPADA: Without bodily injury, a</p> <p>20 misdemeanor, sir.</p> <p>21 MR. BARNCASTLE: And placed on a year</p> <p>22 probation?</p> <p>23 MR. ZEPADA: Yes, sir.</p> <p>24 MR. BARNCASTLE: So that would have been 2007</p> <p>25 is when you completed that probationary period or</p>
<p>Page 44</p> <p>1 2008?</p> <p>2 MR. ZEPADA: I can't recall, sir. I believe</p> <p>3 it was completed in mid 2008.</p> <p>4 MR. BARNCASTLE: Between 2008 and 2010, when</p> <p>5 you went to work for the Lea County Detention Center,</p> <p>6 what did you do between that period of time?</p> <p>7 MR. ZEPADA: I had moved to Lea County. And</p> <p>8 I did a little bit of roughnecking, oil field work. I</p> <p>9 did water well service with my father-in-law. I also</p> <p>10 did some millwright industrial mechanic work until I</p> <p>11 had seen an opening with the detention center, which I</p> <p>12 applied. I was blessed with an opportunity to work</p> <p>13 for that facility, sir.</p> <p>14 MR. BARNCASTLE: Any other events during that</p> <p>15 period of time that caused you any further criminal</p> <p>16 problems?</p> <p>17 MR. ZEPADA: No, sir.</p> <p>18 MR. BARNCASTLE: Thank you. That's all I</p> <p>19 have.</p> <p>20 MR. COON: What department were you working</p> <p>21 for when all this happened?</p> <p>22 MR. ZEPADA: New Mexico State Police.</p> <p>23 MR. KORN: Any other questions from the</p> <p>24 Board?</p> <p>25 MR. QUEZADA: I have a question. What was</p>	<p>Page 45</p> <p>1 the outcome of your Internal Affairs investigation on</p> <p>2 that?</p> <p>3 MR. ZEPADA: At that time they had dismissed</p> <p>4 me. They filed conduct unbecoming an officer.</p> <p>5 MR. KORN: So I have a question. You have</p> <p>6 not been convicted of a felony?</p> <p>7 MR. ZEPADA: No, sir.</p> <p>8 MR. KORN: Does the Director have a position</p> <p>9 about him reapplying to an academy?</p> <p>10 MR. JONES: I have no position on that, sir.</p> <p>11 MR. KORN: So if he were to make application</p> <p>12 to the academy, you would treat his application and</p> <p>13 evaluate it?</p> <p>14 MR. JONES: Yes, sir.</p> <p>15 MR. KORN: Is there any reason that as you</p> <p>16 sit here that he couldn't make an application by the</p> <p>17 statue or the rules?</p> <p>18 MR. JONES: Not by the statute or the rules,</p> <p>19 sir. It depends on each individual agency, whether</p> <p>20 they would hire him with his background or not. If</p> <p>21 they would submit an application, then I would have to</p> <p>22 look at their application and see what the agency</p> <p>23 looks at.</p> <p>24 MR. KORN: And, of course, there are some</p> <p>25 academies in the state where he could apply without a</p>

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<p>1 sponsor of a law enforcement agency?  2 MR. JONES: He could self-sponsor, yes, sir.  3 MR. KORN: So he is eligible to be --  4 MR. JONES: Yes, sir. From three years from  5 the time that his probationary period was up.  6 MR. KORN: And, Mr. Zepada, have you applied  7 to an academy and been turned down?  8 MR. ZEPADA: I have spoken with a few  9 agencies, all stating that I need reinstatement of my  10 certification. With the status of it being revoked,  11 they wouldn't look at it.  12 MR. KORN: Was it revoked for a period of  13 years when your revocation happened?  14 MR. ZEPADA: Yes, sir. The Director then had  15 asked for -- it was almost five years.  16 MR. KORN: He asked for a five-year  17 revocation?  18 MR. ZEPADA: Yes, sir.  19 MR. KORN: So are you interested in applying  20 to an academy?  21 MR. ZEPADA: At this current time, no, sir.  22 I'm still working at the detention center. It's  23 possible, with reinstatement or allowing such  24 reinstatement, I would apply with the department.  25 MR. KORN: So you're asking that your</p>	<p>1 certification be reinstated, but you're not interested  2 in going to an academy?  3 MR. ZEPADA: I would go to an academy. I  4 would do whatever I need to do to return to law  5 enforcement.  6 MR. KORN: Very good. Thank you. Any other  7 questions by Board Members? No.  8 MR. QUEZADA: I do have one more.  9 MR. KORN: Yes, Mr. Quezada.  10 MR. QUEZADA: The aggravated battery, the  11 misdemeanor, did you plead out to that?  12 MR. ZEPADA: No, sir. That was the orders  13 given. There was I believe three different charges  14 issued by the judge at that proceeding. The jury  15 went -- that was what the jury had selected.  16 MR. QUEZADA: Okay. So it did go to trial?  17 MR. ZEPADA: Yes, sir. It was a jury trial.  18 MR. KORN: Okay. Any other questions? Sir,  19 thank you very much for appearing before us.  20 MR. ZEPADA: Thank you.  21 MR. KORN: Next would be Gary Graves. Ma'am,  22 are you representing Mr. Graves?  23 MS. GARRITY: Yes, I am. Thank you,  24 Mr. Chair. My name is Diane Garrity, I'm an attorney  25 in Santa Fe, New Mexico, and I'm representing</p>
<p style="text-align: right;">Page 48</p> <p>1 Mr. Graves today. And we appreciate being placed on  2 the agenda for consideration of his reinstatement to  3 law enforcement.  4 This actually began in 2004 with an audit  5 from the De Baca County commissioners related to  6 conditions in the sheriff's department, physical plant  7 conditions, treatment of some of the dispatch folks,  8 and other complaints against Mr. Graves.  9 In 2005 Judge Parker I believe from De Baca  10 County issued a probable cause finding on a recall  11 petition against Mr. Graves because he was the sheriff  12 of De Baca County at the time.  13 In around that same time, in 2007, a  14 complaint to the Board was made about Mr. Graves. He  15 left law enforcement and started to work in the movie  16 industry at that time.  17 In August 2009, a hearing was conducted  18 regarding Mr. Graves. He was not in attendance at  19 that revocation proceeding. As best I can figure out  20 from the record -- I was not representing him -- there  21 was a lot of postponements and back-and-forth about,  22 you know, what date was the hearing going to be, was  23 Mr. Graves going to be in attendance, who was  24 representing him, all of those, you know, issues that  25 you tangle with on a daily basis regarding your</p>	<p style="text-align: right;">Page 49</p> <p>1 agendas.  2 The bottom line is that the proposal was a  3 90-day suspension, a one-year probation, and ethics  4 training. And after the August 2009 hearing, that  5 turned into a permanent suspension or revocation of  6 Mr. Graves' certification.  7 And I do note that Mr. Coon, who is the  8 sheriffs' representative, did participate in that  9 proceeding. Since that time, 2010, Mr. Graves has  10 been a WIPP transportation officer. He complied with  11 all of the United States Department of Energy  12 requirements regarding his background, his financials,  13 and his criminal.  14 He was never charged with any kind of  15 criminal complaint. It was basically gross  16 mismanagement. There were allegations of violation of  17 inmate rights and how they were -- the process of  18 incarceration of those inmates.  19 I would like to note that the basis for the  20 permanent revocation of Mr. Graves' license as a  21 result of August 2009 hearing was based on a report.  22 There was no live testimony to the best I can sort  23 through from the record that's been provided to me.  24 So it was based on the probable cause finding by Judge  25 Parker, which I'm sure you would appreciate, as a</p>

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<p>1 matter of due process, that's probably improper.  2 Regardless, Mr. Coon has now been nine years  3 removed from the original incident --  4 MR. COON: Wait a minute. Back up.  5 MS. GARRITY: I'm sorry. Mr. Graves. I'm  6 sorry. I'm seeing your name, Mr. Coon, that's all.  7 Mr. Graves has not had any other incidents  8 since 2004 and since the 2005 recall petition. And I  9 think that that's important to note regarding your  10 decision so that he can clear his name and get his  11 certification back. That's what we're asking for.  12 I do not know why it changed from the  13 proposal to the permanent revocation. But I can tell  14 you the original was a 90-day suspension, one-year  15 probation, and ethics training. Mr. Graves has not  16 attended an ethics training that's law enforcement  17 related.  18 He did go through ethics training as a WIPP  19 transportation officer. I don't know if that meets  20 your requirements. But he's had no arrests, he's had  21 no kinds of incidents related to any kind of, you  22 know, public problems or things like that. He wasn't  23 cited for any kind of alcohol incident or any kind of  24 assault on another member.  25 From what I can tell, it was really based on</p>	<p>1 allegations of gross mismanagement. The political  2 process ran its course regarding the recall petition.  3 And Mr. Graves today seeks your approval to have his  4 certification reinstated.  5 MR. KORN: Thank you, Ms. Garrity. Does  6 Mr. Graves want to address the Board as well or are  7 you speaking for him?  8 MS. GARRITY: I'm speaking for him. But I  9 have no problem if he'd like to say some words to you.  10 MR. KORN: Mr. Graves, did you want to  11 address the Board?  12 MR. GRAVES: I appreciate the time, but I  13 really have nothing else to add.  14 MR. KORN: She did an able job in  15 representing your interests. Questions from the  16 Board?  17 MR. COON: I have one.  18 MR. KORN: Starting with Sheriff Coon.  19 MR. COON: Mr. Graves, how many departments  20 have you worked for since you've become a law  21 enforcement officer?  22 MR. GRAVES: I don't know the exact number,  23 Mr. Coon, but I've work for several.  24 MR. COON: Like 12?  25 MR. GRAVES: Maybe, possibly.</p>
<p>Page 52</p> <p>1 MR. COON: How many of those have you been  2 terminated from?  3 MR. GRAVES: One.  4 MR. COON: Which one was that?  5 MR. GRAVES: Chaves County Sheriff's Office  6 is what the record shows.  7 MR. COON: Well, I also show that you were  8 last at Angel Fire and you were terminated?  9 MR. GRAVES: That's incorrect. That was  10 mutual. I left and I retired.  11 MR. COON: How about Cuba?  12 MR. GRAVES: I left and took employment with  13 the Angel Fire Police Department.  14 MR. COON: How about Mountainair?  15 MR. GRAVES: With Mountainair Police  16 Department, I became sheriff in De Baca County. And I  17 left there to take over my term.  18 MR. COON: Also on your recall petition, the  19 citizens of De Baca County recalled you along with  20 Judge Parker; is that not correct?  21 MR. GRAVES: In direct accordance against the  22 appellate court who issued a direct order not to have  23 the election, yes, sir. They went ahead and  24 proceeded. And there was a vote and I lost the vote.  25 MR. COON: But Judge Parker upheld the recall</p>	<p>Page 53</p> <p>1 of your position as Sheriff of De Baca County?  2 MR. GRAVES: Judge Parker stated that he did  3 not find evidence of misconduct -- or I'm sorry.  4 Malfeasance or misfeasance of office. But he would  5 allow it to go before the voters for a vote. But at  6 the time an immediate petition was filed before the  7 appellate court, the appellate court issued a stay.  8 And the county clerk walked through the stay and held  9 the election.  10 MR. COON: What were some of the problems  11 that you had because of the recall, I mean that led up  12 to the recall?  13 MS. GARRITY: And I would know that this is  14 from 2005. And this was the basis of your revocation  15 order in August 2009 after the complaint in 2007. So  16 I'm sure you can see where I'm going with this in  17 terms of the timeliness and delay in terms of bringing  18 forward this information.  19 And that there was never an express  20 adjudication of the facts anywhere by Judge Parker.  21 It was merely a probable cause that the recall  22 petition could go forward.  23 MR. KORN: Ms. Garrity, our rules are very  24 relaxed here. We look at each officer and try to look  25 and see whether their background is what the citizens</p>

1 of New Mexico should expect in officers. And we file  
2 a due process to arrive where we're at.

3 So I think Sheriff Coon's questions are more  
4 relating to the background of Mr. Graves. And the due  
5 process we assume has already been existing because of  
6 our prior revocation.

7 MS. GARRITY: Well, we would disagree with  
8 that in terms of the due process. But we're here to  
9 answer all of your questions and to reassure you in  
10 every which way we can.

11 MR. KORN: Thank you. So we're back to the  
12 question from Sheriff Coon.

13 MR. COON: What were some of the allegations  
14 that led up to your recall?

15 MR. GRAVES: There were multiple allegations  
16 sir of employee misconduct, with mistreatment I  
17 believe of inmates. No inmate was -- ever testified  
18 in the court case. It was only simply a jailer that  
19 testified. A lot of the other issues were dropped. I  
20 don't recall what all of them were.

21 MR. COON: How about the \$2,000 from the  
22 lady?

23 MR. GRAVES: The money was brought before the  
24 court, presented to the court from my evidence locker,  
25 and handed to the court.

1 honor their request by taking it right after that?

2 MR. GRAVES: No, sir, I did not, sir.

3 MR. COON: Okay. That's all I have.

4 MR. KORN: Other questions for Mr. Graves or  
5 for Ms. Garrity?

6 MR. BETZ: I've got one.

7 MR. KORN: Chief Betz.

8 MR. BETZ: Mr. Graves, after you departed  
9 De Baca prior to going to the WIPP, were you employed  
10 by any other departments?

11 MR. GRAVES: I was employed by Cuba Police  
12 Department and Angel Fire Police Department.

13 MR. BETZ: That was during that time?

14 MR. GRAVES: Yes, sir, after that.

15 MR. BETZ: Thank you.

16 MR. McCALL: I have a question.

17 MR. KORN: A question from Chief McCall.

18 MR. McCALL: You stated that you were never  
19 charged criminally. What possible criminal charges  
20 could have been filed?

21 MR. GRAVES: Sir, I don't know that any could  
22 have been filed or I believe they would have done so.

23 MR. McCALL: I find it curious that you made  
24 the statement that no criminal charges were ever  
25 filed.

1 MR. COON: How long after that had happened  
2 without a report being filed?

3 MR. GRAVES: The report was filed immediately  
4 after the incident, sir.

5 MR. COON: So as soon as you took the 2,000,  
6 you did report?

7 MR. GRAVES: That's correct.

8 MR. COON: Okay. I know the New Mexico  
9 Sheriffs and Police Association did an audit/internal  
10 investigation.

11 MR. GRAVES: Correct.

12 MR. COON: They requested that you take a new  
13 psych and an anger management class. Did you ever  
14 take any of those?

15 MR. GRAVES: I've had multiple psychologicals  
16 since that event, sir.

17 MR. COON: No, no, no. Right after that  
18 happened --

19 MR. GRAVES: No, sir.

20 MR. COON: -- you didn't take one?

21 MR. GRAVES: I've had multiples since then.

22 MR. COON: I'm not talking about the  
23 multiples since then. Upon the request of the Board  
24 that went and did the internal investigation in your  
25 department, that was one of their requests. Did you

1 MR. GRAVES: That's correct, sir.

2 MR. McCALL: So there was some kind of  
3 investigation or basis that there could have been  
4 criminal charges?

5 MR. GRAVES: No, sir. I believe that I was  
6 investigated by the New Mexico State Police, I was  
7 investigated by the District Attorney's Office. And  
8 no charges were ever brought against me, sir, in any  
9 way, shape, form, or fashion.

10 MR. McCALL: The allegation of mistreatment  
11 of inmates came from a detention officer?

12 MR. GRAVES: That is correct, who also  
13 participated in the incident that they ended up then  
14 filing an allegation against me, sir.

15 MR. McCALL: Okay.

16 MR. KORN: Anything else from Chief McCall?

17 MR. McCALL: No.

18 MR. QUEZADA: Sir, if the Board decides to  
19 allow you to get your certification back, what do you  
20 plan on doing with it?

21 MR. GRAVES: I plan on using it to clear my  
22 name, attending whatever necessary training to  
23 reinstate myself, and get back in good standing, sir.

24 MR. QUEZADA: Do you plan on working for  
25 another agency?

1 MR. GRAVES: I plan on running as Sheriff of  
2 Chaves County. I am running as Sheriff of Chaves  
3 County right now, sir.

4 MR. KORN: Any other questions from Officer  
5 Quezada?

6 MR. QUEZADA: No.

7 MR. KORN: Mr. Graves, I have a couple  
8 questions for you.

9 MR. GRAVES: Yes, sir, Mr. Korn.

10 MR. KORN: The revocation took place, if I  
11 understand everything right, in 2009?

12 MR. GRAVES: That's correct.

13 MR. KORN: And you received notice to appear  
14 at the hearing but elected not to, is that the way it  
15 worked?

16 MR. GRAVES: At the time that I received  
17 notice, I was on the road working for CAST Specialty  
18 Transportation. And I could not get away from it due  
19 to the fact that it would have cost me my employment.  
20 So I could not come so I did send a letter.

21 MR. KORN: And did you ask for a different  
22 hearing time or date?

23 MR. GRAVES: I don't recall, Mr. Korn. I  
24 don't have the letter in front of me, sir.

25 MR. KORN: All right. So after the hearing

1 had taken place, you did find out that your  
2 certification was revoked?

3 MR. GRAVES: Recently I have, yes, sir.

4 MR. KORN: Well, you must have found out in  
5 2009?

6 MR. GRAVES: Sir, I don't recall any letter.  
7 And I was not home at the time, I was traveling. So I  
8 don't recall if I got a letter or not.

9 MS. GARRITY: Can I step in. He did receive  
10 a revocation letter. And we did file a notice of  
11 appeal in state district court. And that proceeding  
12 was dismissed for lack of prosecution. So there was  
13 some notice to Mr. Graves I think at the conclusion of  
14 your revocation action.

15 MR. KORN: Okay. Thank you.

16 MR. GRAVES: I apologize. I don't recall all  
17 of that.

18 MR. KORN: Thank you for clarifying that. So  
19 we can establish that you did receive notice and that  
20 you did appeal the order. And then you failed to  
21 prosecute your appeal in district court?

22 MR. GRAVES: I believe so, yes, sir.

23 MR. KORN: So you've had due process and  
24 you've had years to clear your name. And now five  
25 years later you're asking the Board to reverse itself

1 even though you've had five years of other remedies  
2 you could have done?

3 MR. GRAVES: Sir, I am asking the Board to  
4 reverse itself, yes, sir.

5 MR. KORN: Okay. Is there anything else you  
6 would like to add, Ma'am?

7 MS. GARRITY: No, Your Honor. I just would  
8 request that the Board take all necessary action  
9 regarding any appearance of conflict of interest  
10 regarding membership. Thank you.

11 MR. KORN: Thank you. Moving along, Kenneth  
12 Martinez.

13 MS. QUINTANA: Good afternoon, sir. My name  
14 is Yvonne Quintana and I'm representing Mr. Martinez.  
15 I'm his legal counsel.

16 MR. KORN: I'm sorry. And you're an  
17 attorney?

18 MS. QUINTANA: Yes, sir, I'm an attorney.

19 MR. KORN: And could you give me the spelling  
20 of your name, please.

21 MS. QUINTANA: Yvonne Quintana, Y-v-o-n-n-e,  
22 Quintana, Q-u-i-n-t-a-n-a.

23 MR. KORN: And where do you practice?

24 MS. QUINTANA: I practice all over the State  
25 of New Mexico. But my office is located in Rio Arriba

1 County in Espanola, New Mexico.

2 MR. KORN: Thank you. And the record can  
3 show that you're appearing here with your client,  
4 Mr. Martinez. And would you like to address the  
5 Board?

6 MS. QUINTANA: I would. Mr. Chairman, we are  
7 requesting reinstatement. Factually this case arises  
8 I believe in about 2006, 2007. Mr. Martinez was sent  
9 the standard notice by certified letter advising him  
10 of the ability to respond to this Board. That letter  
11 initially went unresponded to.

12 One of the things that the Board should know,  
13 and Mr. Martinez has been before the Board previously  
14 on this issue, is that he was on active duty. He was  
15 a member of the Army National Guard at the time that  
16 that letter was sent. He was represented by legal  
17 counsel. And at the time that he came before this  
18 Board, that representative was unable to be here with  
19 him.

20 We are asking for reinstatement.  
21 Mr. Martinez has provided a response to the Director.  
22 I'm not sure if you have access to all of that  
23 information or just a recommendation.

24 The nature of the charges that were brought  
25 against Mr. Martinez were an amalgamation of charges.



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<p>1 They ranged from falsifying records, falsifying 2 educational information, and excessive use of force in 3 the line of duty. And there was a number of charges 4 of that.</p> <p>5 So I'll start by addressing the excessive use 6 of force. Those issues were raised over -- at the 7 time when he was being terminated from the Santa Fe 8 Police Department. He had some issues with the 9 superiors that he worked with at that time.</p> <p>10 He had had an uneventful career in the sense 11 that he had never had any type of disciplinary matter, 12 he had never been brought before this Board, he had 13 never had any type of cautionary letter, no type of 14 discipline whatsoever throughout his career up until 15 that time.</p> <p>16 He ultimately was terminated in Santa Fe. He 17 served on active duty in the military. And he has 18 continued to work with the Department of Homeland 19 Security.</p> <p>20 There has been an extraordinary amount of 21 delay in getting this matter before the Board. And we 22 come before you requesting reinstatement. It was a 23 request for reinstatement or request for formal 24 hearing.</p> <p>25 We did provide documentation that addressed</p>	<p>1 each and every one of the charges brought against 2 Mr. Martinez. And I believe that we appropriately 3 satisfied each of those allegations. I think that 4 this was more a matter of termination.</p> <p>5 They sought to terminate him. He was not 6 welcome in the department that he was working at for 7 personal reasons. And it was not really the way that 8 he performed his duties in the line of service.</p> <p>9 The allegation that he falsified records with 10 regard to his education, Mr. Martinez endeavored to 11 complete an online degree, a Bachelor's degree. For 12 many people in the military and law enforcement, the 13 only way to work and simultaneously complete a degree 14 is to do it through these online universities that are 15 available.</p> <p>16 He had a number of hours that he had already 17 completed. He researched and found a school that 18 would accept his credits and selected a school. The 19 representations that were made to him online were that 20 it was an accredited school. He completed the 21 Bachelor's degree and turned in the paperwork to his 22 employer. He received a \$50 a month increase.</p> <p>23 That's the nature of one of the allegations 24 that he falsified a record, because it turns out the 25 online university later was alleged to have been</p>
<p>Page 64</p> <p>1 unaccredited rather than accredited, something that 2 Mr. Martinez was not aware of at the time that he 3 completed that degree.</p> <p>4 He did complete another degree with another 5 online university so that there would be no question 6 as to his credentials. He filed a complaint with the 7 Florida Attorney Genera -- federal U.S. Attorney's 8 Office concerning the misrepresentations that were 9 made to him by that online university.</p> <p>10 To this day he continues to receive 11 correspondence from that school offering for a fee to 12 provide him with proof of accreditation.</p> <p>13 There was also an allegation that 14 Mr. Martinez falsified a police report by virtue of 15 the dates that it was submitted. He had an incident 16 where he went to a call. The report was begun that 17 night. It was not finished and turned in until a 18 later date. He had four days off in between.</p> <p>19 The report at the beginning of the report has 20 the date of the incident, it has the date that he 21 began the information. And where he signed it has a 22 different date. We provided information where, as 23 part of the internal investigation that was done, 24 Mr. Martinez answered questions.</p> <p>25 And he answered the questions truthfully. He</p>	<p>Page 65</p> <p>1 indicated that he had believed that he had prepared 2 the report on the date of the incident. And then, as 3 he was questioned further, he told the investigating 4 authority that he wasn't sure what date, but the 5 record would -- and the report would reflect the date 6 that he turned that in.</p> <p>7 I think that we have adequately provided 8 information that would establish that Mr. Martinez's 9 certification should not have been revoked at that 10 time.</p> <p>11 With regard to the allegations of excessive 12 use of force, there was a civil lawsuit that was 13 settled associated with his employment, not for the 14 City of Santa Fe but a prior agency. We've provided 15 documentation that reflects that that was settled on a 16 civil basis.</p> <p>17 It involved multiple officers. Mr. Martinez 18 was not the lead officer on that incident. And it was 19 settled as a nuisance matter. And we provided many 20 statements from the officers involved and the 21 superiors involved that address those instances. And 22 we believe that we've established that Mr. Martinez 23 did not engage in such conduct.</p> <p>24 Mr. Martinez would like to address the Board. 25 And I'd like to have him address you with regard to</p>

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1 what he's been doing since these charges arose. There  
2 were some delays that were not his fault. He came  
3 before this Board to try to deal with those delays in  
4 order to rectify this situation.

5 He's had to secure new legal counsel because  
6 that was part of the delays that were occurring. And  
7 we appear here before you today because we have come  
8 before the academy Director as well as you to try to  
9 seek a resolution to this.

10 Mr. Martinez I believe is very close to being  
11 able to retire should he return to law enforcement.  
12 But he's done some very commendable things in the  
13 meantime. And I would like him to address you on  
14 those issues as well as your questions.

15 MR. KORN: Ms. Quintana, before we hear from  
16 Mr. Martinez, just so the Board has an idea of the  
17 timeline here, were all these allegations in one  
18 continuous grouping of things or were there several  
19 allegations that brought him to the Board the first  
20 time?

21 MS. QUINTANA: They were all in one grouping.  
22 It appeared to me, when I read the complaint, that at  
23 the time that they were trying to terminate him, they  
24 went back and looked at his entire record; not only  
25 with the Santa Fe Police Department, but with regard

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1 MR. MARTINEZ: It must have been in 2007.

2 MR. KORN: And, Mr. Director, can you  
3 clarify, was there a Notice of Revocation?

4 MR. JONES: Yes, there was.

5 MR. KORN: Any idea when that was?

6 MR. JONES: Yes, sir. Sir, it was in  
7 February of 2012.

8 MR. KORN: Of 2012?

9 MR. JONES: Yes, sir.

10 MR. KORN: So then does the Director agree  
11 that the Notice of Contemplated Action for the LEA-90  
12 was somewhere in 2006 or 2007?

13 MR. JONES: Yes, sir. It was in 2006.

14 MR. KORN: And then the Notice of Revocation  
15 was in 2012?

16 MR. JONES: Yes, sir. There was lots of  
17 correspondence due to the fact that he was in the  
18 military being deployed and things being sent back.  
19 We've got a couple of things of notes that he sent  
20 from his attorney, Mr. Mowrer, at the time and  
21 correspondence with the Director at the time, which  
22 was Bill Hubbard.

23 MR. KORN: So does our record reveal whether  
24 Mr. Martinez was given a notice to appear at a  
25 hearing?

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1 to his service with other agencies to try to create a  
2 pattern, which they then used as the report.

3 MR. KORN: I'm just trying to get an idea.

4 When were these charges brought before the Board?

5 MS. QUINTANA: I believe they were brought  
6 before the Board in either 2006 or 2007. It may have  
7 been 2006 when they were brought before the Board and  
8 2007 when the notice went out.

9 MR. KORN: And was there a formal hearing in  
10 this matter?

11 MS. QUINTANA: There has never been a formal  
12 hearing.

13 MR. KORN: There has never been a formal  
14 hearing?

15 MS. QUINTANA: No, sir.

16 MR. KORN: Was there a Notice of Revocation  
17 that was issued by the Board?

18 MS. QUINTANA: There was a Notice of  
19 Revocation that was issued by the Board. That notice  
20 was issued when my client was serving on active duty  
21 in the military. He is a member of the Guard.

22 MR. KORN: And when was that, when was the  
23 revocation notice?

24 MS. QUINTANA: I don't know what the date is,  
25 sir.

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1 MR. JONES: No, it does not.

2 MR. KORN: Was he ever given notice to appear  
3 before us at a hearing, at a formal hearing, or an  
4 informal hearing for that matter?

5 MR. JONES: Sir, I think there was an  
6 informal hearing in front of Bill Hubbard. But that  
7 was the only time that they had anything.

8 MR. KORN: So would it be helpful if we took  
9 a recess before we hear from Mr. Martinez just so that  
10 the Director can kind of give the chronology here.  
11 Would the Board be in agreement to do that, to take a  
12 recess so we can get the chronology?

13 Okay. So a motion for a recess.

14 MR. BETZ: I make a motion.

15 MR. BARNCASTLE: I'll second.

16 MR. KORN: A motion from Chief Betz and a  
17 second from Investigator Barncastle. We'll take a  
18 ten-minute recess. The time is 10:20. We'll resume  
19 at 10:30.

20 (Recess.)

21 MR. KORN: I would ask everybody to take your  
22 seats. When we broke for our brief recess, it was for  
23 the purpose of the Director reviewing the file to see  
24 if he was able to establish a timeline as far as  
25 Mr. Martinez. And do I understand that you've done

<p style="text-align: right;">Page 70</p> <p>1 that, Director Jones?</p> <p>2 MR. JONES: Yes, Mr. Vice Chair. I have</p> <p>3 looked at the record of Mr. Kenneth Martinez. It's</p> <p>4 obvious that he was sent several notices from the Law</p> <p>5 Enforcement Academy Board and the Director's office.</p> <p>6 And they were all returned. And this is mainly due to</p> <p>7 his active duty being deployed while he was with the</p> <p>8 New Mexico Army National Guard.</p> <p>9 And so I find that there's enough information</p> <p>10 in there that we should return this to him and allow</p> <p>11 him to have the opportunity to come back for an</p> <p>12 informal hearing.</p> <p>13 MR. KORN: So in the interest of due process,</p> <p>14 you're recommending that the Board reverse the</p> <p>15 revocation and that Mr. Martinez have an opportunity</p> <p>16 to go through the pipeline starting with his informal</p> <p>17 hearing?</p> <p>18 MR. JONES: That's affirmative, sir.</p> <p>19 MR. KORN: Okay. So that's your</p> <p>20 recommendation to the Board?</p> <p>21 MR. JONES: Yes, sir.</p> <p>22 MR. KORN: And, of course, the Board would</p> <p>23 have to decide this in our closed session. But based</p> <p>24 on what you've just heard, Ms. Quintana and</p> <p>25 Mr. Martinez, are you satisfied with that, would you</p>	<p style="text-align: right;">Page 71</p> <p>1 like to wait for the results of Board action?</p> <p>2 MS. QUINTANA: We are satisfied with that.</p> <p>3 We will wait for the results. But we're satisfied</p> <p>4 with the recommendation.</p> <p>5 MR. KORN: Okay. And obviously, if the</p> <p>6 recommendation is to start the process with an</p> <p>7 informal hearing, you would be able to set that up</p> <p>8 with the Director and Mr. Martinez?</p> <p>9 MS. QUINTANA: Absolutely. We're ready to do</p> <p>10 that.</p> <p>11 MR. KORN: And based on this does the Board</p> <p>12 have any questions before we move on from this case?</p> <p>13 MR. BARNCASTLE: I don't.</p> <p>14 MR. KORN: Okay. Well, thank you,</p> <p>15 Ms. Quintana, and thank you, Mr. Martinez.</p> <p>16 So we have one last matter I think before we</p> <p>17 recess. Mr. Woolever was here, but his attorney was</p> <p>18 delayed. I understand that his attorney is here now.</p> <p>19 MR. ASSED: Good morning. My apologies for</p> <p>20 running late this morning. My name is Ahmad Assed.</p> <p>21 It's a pleasure to be here. I think I've been</p> <p>22 practically to every administrative body and court in</p> <p>23 the State of New Mexico, but I've never appeared</p> <p>24 before all of you. So it's a pleasure to be here this</p> <p>25 morning.</p>
<p style="text-align: right;">Page 72</p> <p>1 I am here representing Mr. Woolever. And</p> <p>2 previous counsel was my former associate, Mr. King,</p> <p>3 Ian King. Ian King had represented Mr. Woolever. And</p> <p>4 up and through yesterday, I had not been his attorney.</p> <p>5 As of yesterday afternoon, with a conversation to be</p> <p>6 here today, I am officially his attorney from here on</p> <p>7 out.</p> <p>8 What I'd like to do is just briefly address</p> <p>9 this Board and allow for Mr. Woolever to make a</p> <p>10 statement. What we're seeking today is the</p> <p>11 opportunity for Mr. Woolever to have his hearing. And</p> <p>12 what I believe due process requires is for</p> <p>13 Mr. Woolever to have his hearing.</p> <p>14 As you all know, there was -- and you may not</p> <p>15 know -- you may know. There was an attempt to --</p> <p>16 first there was a setting on July 18th sent out for a</p> <p>17 hearing that was scheduled for August 14, 2013. There</p> <p>18 was a stipulated motion, stipulated by both parties</p> <p>19 agreeing, for Officer Linthicum to allow for a</p> <p>20 continuance in the matter.</p> <p>21 Despite the fact that there was a stipulated</p> <p>22 motion by both parties asking for it to be continued,</p> <p>23 he denied the motion. And the reason for the</p> <p>24 continuance at the time was that Mr. Woolever was not</p> <p>25 able to come because he was in Texas and employed in</p>	<p style="text-align: right;">Page 73</p> <p>1 Texas.</p> <p>2 He was unable to be here at that time because</p> <p>3 it would interfere with his ability to earn a living.</p> <p>4 So we sought a different date at that time and filed a</p> <p>5 secondary motion to reconsider timely, two weeks prior</p> <p>6 to the actual August 14th hearing date.</p> <p>7 It was also denied. And so since Officer</p> <p>8 Woolever at the time was not going to be able to</p> <p>9 appear, I believe Mr. King and Mr. Woolever concluded</p> <p>10 that the hearing would be moot and his inability to</p> <p>11 make a statement and appear at the hearing would</p> <p>12 render the hearing moot.</p> <p>13 So there was a notice of withdrawal of the</p> <p>14 request for a hearing. But as I understand, in</p> <p>15 speaking to Mr. Woolever yesterday afternoon -- and</p> <p>16 unfortunately I apologize. I did not get into</p> <p>17 in-depth discussions with Mr. King who is no longer my</p> <p>18 associate. But I do have a good relationship with</p> <p>19 Mr. King.</p> <p>20 And I wanted to tackle the issue of why</p> <p>21 strategically a notice of withdrawal of the request</p> <p>22 for the hearing was filed rather than some alternative</p> <p>23 method to get Mr. Woolever his hearing.</p> <p>24 Nevertheless, in the body of the motion,</p> <p>25 clearly it indicates that they attempted -- I recall</p>

1 Mr. Korn's questions to others this morning about  
2 whether they ever were given an alternative date. And  
3 unfortunately in this matter there were attempts by  
4 parties in the form of a stipulated motion to ask for  
5 that hearing. And both were denied.

6 So it is somewhat of a procedural complexity  
7 that a withdrawal was filed. But I believe the Board  
8 does have the authority. And if you don't feel that  
9 it does, maybe a better approach this afternoon would  
10 be to table the matter until I've had the benefit of  
11 researching a way to get Mr. Woolever's hearing.

12 But I think due process does require  
13 Mr. Woolever to have his hearing and a fair and  
14 impartial hearing to address what essentially is his  
15 future.

16 So I find myself before you today with no  
17 further information as it pertains to the remedy and  
18 the request other than what I've stated to you  
19 previously. Like I said I just spoke to Mr. Woolever  
20 yesterday afternoon about being here today.

21 But I would like to have Mr. Woolever speak  
22 to you and then I'll be here for any questions you may  
23 have. Would that be okay, Mr. Korn?

24 MR. KORN: As a procedural introduction,  
25 though, you understand that our Board is a little

1 based on the nature of the evidence that was going to  
2 be presented at this hearing -- and I would direct  
3 your attention to the synopsis having to do with  
4 Mr. Woolever -- that there was a clear indication that  
5 a video, an enhanced video would be part and parcel of  
6 the evidence that would be part of that hearing.

7 And I find it very difficult for Mr. Woolever  
8 to be able to be effective in Texas on the phone with  
9 the idea that a video would play such an important  
10 part of this case and an important part  
11 evidentiary-wise of the hearing.

12 MR. KORN: Well, his attorney would be local.  
13 Mr. Woolever would be on the telephone.

14 MR. ASSED: I understand that. And at the  
15 end of the day, I honestly don't want to turn the  
16 argument that you could not have a hearing. But I  
17 think that, in order for there to be no idea that due  
18 process was not afforded, I think that moving the date  
19 to something suitable would -- it's probably easier  
20 than trying to cope with the idea of a video being in  
21 Albuquerque, an attorney being in Albuquerque, and his  
22 client being in Texas and trying to be effective. I  
23 weigh them both.

24 MR. KORN: I don't presume to speak for the  
25 Board, I mean the Board will make its own decisions.

1 different when it comes to formal hearing than maybe  
2 courts are. A stipulated request from both parties  
3 for an adjournment does not necessarily mean that the  
4 Hearing Officer would adjourn the hearing.

5 The Board has made it very clear to every  
6 Hearing Officer that we want cases to be moved  
7 forthrightly. And delays due to death or illness  
8 would be good excuses for a delay. But that would be  
9 probably one of the few good excuses. So I should  
10 point that out to you.

11 Was Mr. Woolever afforded the opportunity to  
12 appear by telephone from Texas?

13 MR. ASSED: No, Your Honor. I don't believe,  
14 from reading the motion, that that was afforded. But  
15 I don't know with certainty. And I cannot stand here  
16 before you and tell you that I know for a certainty  
17 that that wasn't afforded to him.

18 MR. KORN: And, Mr. Assed, just so you know,  
19 it would be the standard method of our Board,  
20 especially Hearing Officers, to afford people the  
21 opportunity to appear if they're out of state by  
22 telephone. So it would be surprising if he wasn't  
23 afforded that.

24 MR. ASSED: I will tell you, if I may,  
25 Mr. Korn and members of the committee, I think that,

1 I just want to tell you that, when cases are set --  
2 and this case has been delayed for quite some period  
3 of time and set for a hearing, you know, that  
4 Mr. Woolever was afforded certain times I'm sure as  
5 formal hearings go. And it's our normal process to  
6 afford people to appear by telephone if they have to.

7 MR. ASSED: I take that statement with  
8 respect, Mr. Korn. But I will tell you what is  
9 contradicting that position, which I completely  
10 understand, is that you have Officer Doyle who was a  
11 secondary individual here whose case was  
12 indeterminately continued.

13 MR. KORN: These things travel on different  
14 tracks, though.

15 MR. ASSED: But it's the same case  
16 essentially or I should say the same set of facts with  
17 regard to the case.

18 MR. KORN: But Mr. Doyle's case and  
19 Mr. Woolever's case went through different Hearing  
20 Officers and different tracks. So what happens with  
21 one has no bearing on what happens on the other.

22 MR. ASSED: But a policy with one should be  
23 consistent with the policy of the other despite the  
24 fact that one Hearing Officer is different than the  
25 other. All I'm saying is, if there's urgency with

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<p>1 regards to the hearing, then it should be consistent 2 because of the set of facts are the same as it 3 pertains to Officer Doyle in terms of the evidence, 4 not in terms of the charges.</p> <p>5 So the bottom line is I do understand that 6 there are urgencies that need to be met in some cases, 7 there's a track that needs to be addressed. I 8 understand there's efficiency of moving forward cases.</p> <p>9 I know that's important. I understand all 10 those. And by no means do I try to minimize the 11 importance of moving the cases forward. Those are the 12 policies.</p> <p>13 All I'm saying is, based on the fact that 14 this gentleman here was making a living out of state 15 as a result of this case and asking the court -- 16 asking the officer for a continuance in the form of a 17 stipulated motion, meaning both parties saw fit that 18 it was a reasonable request, that it should have taken 19 a little bit more consideration than denying even a 20 motion to reconsider.</p> <p>21 Having said that, we find ourselves here at a 22 point where a notice of withdrawal was filed. And it 23 was done, in speaking to Mr. Woolever, as a result of 24 what he believes was essentially a duress motion; 25 because he did not feel that there could be any</p>	<p>1 adequacy or any justice done in his hearing without 2 his physical appearance here.</p> <p>3 So what I would ask is for the Board to do 4 one of two things today. Either to decide on a 5 recommendation to allow for Mr. Woolever to have his 6 hearing, let due process be prevalent in that hearing, 7 and allow for him to be present.</p> <p>8 The alternative is allow for me to table the 9 matter and allow for me to do a little bit more 10 research on a procedural mechanism that gets us there. 11 That's what I would ask.</p> <p>12 MR. KORN: Okay. And I know the Board may 13 have questions of you. But did you say you wanted 14 Mr. Woolever to speak?</p> <p>15 MR. ASSED: Just briefly if I could.</p> <p>16 MR. KORN: Sure.</p> <p>17 MR. ASSED: Thank you.</p> <p>18 MR. KORN: Mr. Woolever.</p> <p>19 MR. WOOLEVER: I'd like to thank everybody 20 for allowing me to speak. I just had a few concerns 21 throughout the process that brought me here. When I 22 first was notified that I had a certification hearing, 23 I was somewhat shocked; because I did have a 24 stipulated agreement that my certification would be 25 held in abeyance until my employment appeal had</p>
<p style="text-align: right;">Page 80</p> <p>1 concluded. To this day my employment appeal has not 2 even started.</p> <p>3 The Notice of Hearing was actually filed less 4 than 30 days from my hearing. I personally was not 5 notified until approximately 14 days before the 6 hearing was to be held. At that time I was on 7 vacation in Florida. For me to make it here, I would 8 have had to drop my family off in Texas and drive 9 immediately here.</p> <p>10 The problem is I had to be back at work that 11 day. And eight hours on the phone there is still 12 eight hours here. It's still I'm missing work and I 13 might possibly lose my job. That's why I could not 14 make it here. And that's why I was offered that. And 15 I told them it's the same thing. I can't miss work.</p> <p>16 Other than that I would like for it to be 17 tabled as well so we can discuss this further, discuss 18 these issues, and possibly get a hearing date that I 19 can make it to. Thank you.</p> <p>20 MR. KORN: Members of the Board, any 21 questions for either Mr. Assed or Mr. Woolever? Any 22 Member of the Board?</p> <p>23 Anything else to add, Mr. Assed?</p> <p>24 MR. ASSED: I have nothing further other than 25 just to reiterate that I'm new to the facts in their</p>	<p style="text-align: right;">Page 81</p> <p>1 totality. So, Judge, I'm just playing catch-up as of 2 yesterday afternoon. But I figured I would target the 3 main issues, and I tried to do that this morning.</p> <p>4 MR. KORN: Does the Director have the file of 5 the procedural items in regard to Mr. Woolever's case?</p> <p>6 MR. JONES: Yes, sir, we do. However, I do 7 not have that video that's in this file. I don't know 8 where the video is.</p> <p>9 MR. KORN: Just procedural, not the 10 evidentiary.</p> <p>11 MR. JONES: Yes, sir, I do.</p> <p>12 MR. KORN: So you would be able to present 13 the chronology, are you prepared to present that to us 14 now?</p> <p>15 MR. JONES: Yes, sir.</p> <p>16 MR. KORN: Can you give us a chronology?</p> <p>17 MR. JONES: At this point in time, sir? Can 18 we take a few minutes.</p> <p>19 MR. KORN: I might ask our counsel, 20 Mr. Reynolds, is this the sort of thing that we can 21 discuss in our closed session or do we need to discuss 22 that now? Mr. Jones obviously needs some time to 23 refresh his recollection about the file.</p> <p>24 MR. REYNOLDS: I don't think there's any 25 violation, that the Board can use the file and look at</p>

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<p>1 the chronology when you're discussing it in the closed 2 session.</p> <p>3 MR. KORN: So why don't we postpone this 4 until our closed session, Mr. Assed. We'll go through 5 the file with Director Jones and we'll assure 6 ourselves that due process took place, if we decide to 7 not accept your motion or we'll decide that due 8 process did not take place.</p> <p>9 MR. ASSED: Very good. Thank you very much.</p> <p>10 MR. KORN: Thank you, Mr. Assed and 11 Mr. Woolever. Are there any other questions? No. 12 Thank you.</p> <p>13 MR. ASSED: Thank you.</p> <p>14 MR. KORN: So we are obviously at a point 15 where all the disciplinary matters have been heard in 16 open session. So we will be going into closed session 17 now. And Mr. Reynolds always assists me with the 18 proper protocol, and I would appreciate that again.</p> <p>19 MR. REYNOLDS: Sure. I'll give you the 20 wording for a motion to be voted on to go into closed 21 session. And that motion would be for the Board to 22 enter into closed session pursuant to NMSA Section 23 10-15-1(H)(1) to discuss the items listed on the 24 agenda on Nos. 5 through 35. And you need to take a 25 roll call vote on that motion.</p>	<p>1 MR. KORN: So we heard the form of motion. 2 Is there a motion to accept Mr. Reynolds' form of 3 motion?</p> <p>4 MR. COON: I make a motion we accept 5 Mr. Reynolds form of motion.</p> <p>6 MR. KORN: So we have a motion by Sheriff 7 Coon.</p> <p>8 MR. QUEZADA: I'll second.</p> <p>9 MR. KORN: And a second by Officer Quezada. 10 And we'll take a roll call vote. If Monique will read 11 the roll.</p> <p>12 MS. LOPEZ: Pat Barncastle.</p> <p>13 MR. BARNCASTLE: Yes.</p> <p>14 MS. LOPEZ: Chief Kassetas.</p> <p>15 MR. KASSETAS: Yes.</p> <p>16 MS. LOPEZ: Sheriff Coon.</p> <p>17 MR. COON: Yes.</p> <p>18 MS. LOPEZ: Chief Betz.</p> <p>19 MR. BETZ: Yes.</p> <p>20 MS. LOPEZ: Chief McCall.</p> <p>21 MR. MCCALL: Yes.</p> <p>22 MS. LOPEZ: Jaime Quezada.</p> <p>23 MR. QUEZADA: Yes.</p> <p>24 MS. LOPEZ: Nate Korn.</p> <p>25 MR. KORN: Yes. Okay. So it's obvious that</p>
<p style="text-align: right;">Page 84</p> <p>1 the Board agrees unanimously. We'll go into closed 2 session.</p> <p>3 Now, for the participants or the observers in 4 the room, usually with this volume of cases, I think 5 you can expect that at a minimum we will be at least 6 an hour and a half in deliberations or longer.</p> <p>7 So you could enjoy a leisurely lunch and come 8 back and still probably be comfortable that we would 9 not have come out of closed session. Any other 10 matters from the Board? I guess we already had the 11 motion to adjourn. Okay. So the Board is adjourned. 12 (Recess from 10:55 a.m. to 3:15 p.m.)</p> <p>13 MR. KORN: The Law Enforcement Board is back 14 in session after our break for going through the 15 misconduct matters.</p> <p>16 And I'm sure Mr. Reynolds will help me with 17 the protocols on this. But I would advise the public 18 that the Board only talked about those items in closed 19 session that we announced we were going to discuss 20 prior to going into closed session. Did I do that 21 appropriately?</p> <p>22 MR. REYNOLDS: You hit it right on the head.</p> <p>23 MR. KORN: Okay. Thank you. So with that in 24 mind, do we have a motion to go back into open 25 session?</p>	<p style="text-align: right;">Page 85</p> <p>1 MR. COON: Mr. Vice Chair, I make a motion we 2 go back into open session.</p> <p>3 MR. BETZ: I'll second it.</p> <p>4 MR. KORN: A motion by Sheriff Coon and a 5 second by Chief Betz. All in favor signify by saying 6 aye.</p> <p>7 (Those in favor so indicate.)</p> <p>8 MR. KORN: Opposed? Let the record show that 9 the ayes were unanimous. We're back in open session. 10 We will be going through these in order. 11 We'll try to do them in groups as best we can to make 12 this most efficient.</p> <p>13 So the first group would be item Nos. 5, 6, 14 7, and 8, the default orders of revocation. Do I have 15 a motion?</p> <p>16 MR. BARNCASTLE: Yes. Mr. Vice Chairman, I 17 would like to make a motion to accept the Director's 18 recommendations as approving the default order and 19 revocation of agenda item Nos. 5, 6, 7, and 8.</p> <p>20 MR. KORN: We have a motion by Investigator 21 Barncastle. Do we have a second?</p> <p>22 MR. COON: I'll second.</p> <p>23 MR. KORN: A second by Sheriff Coon. All 24 those in favor signify by saying aye. 25 (Those in favor so indicate.)</p>

1 MR. KORN: All opposed? Let the record show  
2 that the ayes are unanimous.

3 MR. KASSETAS: Mr. Vice Chair, if I may note  
4 that on item No. 6, let the record reflect that I  
5 recused myself from that item.

6 MR. KORN: Thank you, Chief. And I also  
7 believe that Jaime has --

8 MR. QUEZADA: Yes. Vice Chair, also for the  
9 record to show that I recused myself on item No. 8.

10 MR. KORN: Let the record so show.

11 Moving along, on item Nos. 9, 11, and 16, do  
12 we have a motion on those three?

13 MR. COON: Mr. Chairman, on No. 9 I make a  
14 motion we reject it and send it back to the Director.

15 MR. KORN: Okay. We have a motion on item  
16 No. 9 which is Maneces Arteaga to reject this and send  
17 it back to the Director. Do we have a second?

18 MR. BETZ: I'll second.

19 MR. KORN: A second by Chief Betz. All those  
20 in favor.

21 (Those in favor so indicate.)

22 MR. KORN: All opposed? Let the record show  
23 that the ayes are unanimous.

24 MR. KASSETAS: Mr. Vice Chair, also please  
25 let the record reflect that on item No. 9 that I

1 this. Jamie Fassler will have to come up next time  
2 again for accepting her new stipulated order.

3 MR. JONES: Okay, sir.

4 MR. KORN: So we have a motion by Sheriff  
5 Coon. Do we have a second?

6 MR. BARNCASTLE: I'll second.

7 MR. KORN: A second by Pat Barncastle. All  
8 those in favor of rejecting the Director's  
9 recommendation signify by saying aye.

10 (Those in favor so indicate.)

11 MR. KORN: Opposed? Let the record show the  
12 motion is carried unanimously. Thank you, Director.

13 Next is item No. 16, Isaac Martinez. Do we  
14 have a motion?

15 MR. COON: Mr. Chairman, I make a motion we  
16 reject No. 16 and send it back to the Director.

17 MR. KORN: A motion to reject No. 16 and send  
18 it back to the Director. Do we have a second?

19 MR. BETZ: I'll second.

20 MR. KORN: A second by Chief Betz. All those  
21 in favor of approving the motion signify by saying  
22 aye.

23 (Those in favor so indicate.)

24 MR. KORN: All opposed? Let the record show  
25 it's unanimous, that the ayes carry it.

1 recused myself.

2 MR. KORN: Let the record so reflect that  
3 Chief Kassetas was not involved in our discussion on  
4 this matter.

5 On items 11 and 16, do we have a motion?

6 MR. COON: On No. 11 reject the Director's  
7 recommendation and change that to four months.

8 MR. KORN: So we have a motion in regard to  
9 rejecting No. 11. I wonder, Director, do you have any  
10 update for us in that regard on item No. 11, which is  
11 Jamie Fassler?

12 MR. JONES: Mr. Vice Chair, I talked to  
13 Ms. Jamie Fassler, ID No. 13-068. She accepts the new  
14 stipulated order of four months and is willing to let  
15 it go from this point forward.

16 MR. KORN: And is Jamie Fassler in the room  
17 at this point?

18 MR. JONES: No, sir. I think she left.

19 MR. KORN: Has she signed the new stipulated  
20 order?

21 MR. JONES: Not at this time. We don't have  
22 the paperwork here. But she said that she would, sir,  
23 she would accept it.

24 MR. KORN: Okay. So as far as the Board is  
25 concerned, Sheriff Coon has made a motion to reject

1 The next group that we will be talking about  
2 is item Nos. 10, 13, 14, and 15. Do we have a motion  
3 on those?

4 MR. QUEZADA: Mr. Vice Chair, I would like to  
5 make a recommendation or the motion that we accept the  
6 Director's recommendation on Nos. 10, 13, 14, and 15.

7 MR. KORN: We have a motion. Is there a  
8 second?

9 MR. McCALL: Second.

10 MR. KORN: A second by Chief McCall. All  
11 those in favor signify by saying aye.

12 (Those in favor so indicate.)

13 MR. KORN: Opposed? Let the record show the  
14 ayes are unanimous. We accept the Director's  
15 recommendation.

16 In regard to item No. 12, do we have a motion  
17 on Jeffrey Harris?

18 MR. BETZ: Mr. Vice Chairman, after reviewing  
19 the timeline and seeing that the respondent had met  
20 all his requirements under that, I would like to make  
21 a recommendation that he be given credit for his  
22 suspension and that he will only have to do his  
23 one-year probation starting from now.

24 MR. KORN: So you make a motion to accept the  
25 recommendation of the Director?

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1 MR. BETZ: With that stipulation, sir.  
 2 MR. KORN: We have a motion. Do we have a  
 3 second?  
 4 MR. QUEZADA: I'll second that.  
 5 MR. KORN: A second by Jaime Quezada. All  
 6 those in favor signify by saying aye.  
 7 (Those in favor so indicate.)  
 8 MR. KORN: Opposed? Let the record show that  
 9 the motion carries unanimously.  
 10 We might point out that the Board found that  
 11 both the department and the respondent both believe  
 12 that they had already been serving that time. And it  
 13 seemed only in the interest of justice to continue  
 14 with that.  
 15 In regard to items Nos. 17, 18, and 21, do we  
 16 have a motion?  
 17 MR. KASSETAS: Mr. Vice Chair, regarding  
 18 items 17, 18, and 21, Gutierrez, Lunsford, and Chavez,  
 19 I make a motion to accept the recommendation of the  
 20 Director.  
 21 MR. KORN: We have a motion. Do we have a  
 22 second?  
 23 MR. QUEZADA: I'll second that.  
 24 MR. KORN: Seconded by Jaime Quezada. All  
 25 those in favor signify by saying aye.

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1 (Those in favor so indicate.)  
 2 MR. KORN: Opposed? Let the record show we  
 3 are unanimous, the ayes are carrying it.  
 4 Next is item No. 23, Nicholas Zepada. Do we  
 5 have a motion?  
 6 MR. QUEZADA: I would like to make a motion  
 7 of rejecting the certification. We do invite him to  
 8 reapply for certification once the eight years of  
 9 revocation is completed.  
 10 MR. KORN: Okay. Is there a second?  
 11 MR. BARNCASTLE: I'll second that.  
 12 MR. KORN: Seconded by Pat Barncastle. All  
 13 those in favor signify by saying aye.  
 14 (Those in favor so indicate.)  
 15 MR. KORN: Opposed? The ayes are unanimous.  
 16 MR. KASSETAS: Mr. Vice Chair, please let the  
 17 record note that I recused myself from item No. 23.  
 18 MR. KORN: Let the record so note.  
 19 The next one is Gary Graves. Let the record  
 20 note that both Sheriff Coon and Investigator  
 21 Barncastle recused themselves from this decision. Do  
 22 we have a motion on this?  
 23 MR. KASSETAS: We do. Mr. Vice Chair, I make  
 24 a motion that Mr. Graves' request for reinstatement of  
 25 certification is denied as the Board determined he had

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1 (Those in favor so indicate.)  
 2 MR. KORN: All opposed? Let the record show  
 3 that the Board is unanimous the ayes are carried.  
 4 The next items are Nos. 19 and 20. Do we  
 5 have a motion?  
 6 MR. McCALL: Mr. Chair, I would like to make  
 7 a motion on items 19 and 20 to reject the  
 8 recommendation of the Director and refer it back to  
 9 the Director.  
 10 MR. KORN: Is there a second?  
 11 MR. KASSETAS: Second.  
 12 MR. KORN: A second by Chief Kassetas. All  
 13 those in favor signify by saying aye.  
 14 (Those in favor so indicate.)  
 15 MR. KORN: Opposed? Please let the record  
 16 note that the ayes were unanimous.  
 17 Next we're moving into requests for  
 18 reinstatement. The first would be item No. 22,  
 19 Benjamin Kirby. Do we have a motion?  
 20 MR. COON: Mr. Vice Chair, I make a motion he  
 21 we reject the reinstatement of Mr. Kirby.  
 22 MR. KORN: Is there a second to the motion?  
 23 MR. McCALL: Second.  
 24 MR. KORN: A second by Chief McCall. All  
 25 those in favor signify by saying aye.

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1 more than adequate due process.  
 2 MR. KORN: We have a motion. Is there a  
 3 second?  
 4 MR. QUEZADA: I'll second that.  
 5 MR. KORN: Seconded by Jaime Quezada. All  
 6 those in favor signify by saying aye.  
 7 (Those in favor so indicate.)  
 8 MR. KORN: All opposed? The ayes are  
 9 unanimous, the request is denied.  
 10 Number 25 is Kenneth Martinez.  
 11 MR. McCALL: Mr. Chair, I would like to make  
 12 a motion that, due to Mr. Martinez's service, we  
 13 understand that he was unable to participate in his  
 14 due process. And we would like to withdraw his  
 15 revocation and refer it to the Director for issuance  
 16 of a Notice of Contemplated Action to restart that  
 17 process.  
 18 MR. KORN: A motion by Chief McCall. Is  
 19 there a second?  
 20 MR. BETZ: I'll second.  
 21 MR. KORN: All those in favor signify by  
 22 saying aye.  
 23 (Those in favor so indicate.)  
 24 MR. KORN: All opposed? Let the record show  
 25 that the ayes are unanimous and we are in agreement



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<p>1 for withdrawal of the revocation.  2 ITEM NO. 26: SENESA ENCINAS  3 MR. KORN: Next we're moving into formal  4 hearings. The first one is No. 26, Senesa Encinas.  5 Do we have a motion?  6 MR. BARNCASTLE: Yes. Mr. Vice  7 Chairman, I would like to make a motion that we accept  8 the Hearing Officer's findings and we find that there  9 are no violations and the certification remains in  10 good standing.  11 MR. KORN: We have a motion. Do we have a  12 second?  13 MR. BETZ: I'll second.  14 MR. KORN: A second by Chief Betz. All those  15 in favor signify by saying aye.  16 (Those in favor so indicate.)  17 MR. KORN: Opposed? Let the record show the  18 ayes are unanimous.  19 ITEM NO. 27: RAYMOND HERNANDEZ  20 MR. KORN: Next is item No. 27, Raymond  21 Hernandez. Do we have a motion?  22 MR. BETZ: Mr. Vice Chairman, I would like to  23 make a motion to accept the findings of the Hearing  24 Officer and to revoke the certification.  25 MR. KORN: Is there a second to Chief Betz's</p>	<p>1 motion?  2 MR. McCALL: Second.  3 MR. KORN: A second by Chief McCall. All  4 those in favor signify by saying aye.  5 (Those in favor so indicate.)  6 MR. KORN: Opposed? Let the record show the  7 ayes are unanimous.  8 ITEM NO. 28: DEBBIE HESHLEY  9 MR. KORN: Next is the matter of Debbie  10 Heshley. Do we have a motion?  11 MR. KASSETAS: Yes, we have a motion.  12 Mr. Vice Chair, I make a motion that the Board accept  13 the findings of the Hearing Officer and that her  14 certification remains in good standing.  15 MR. KORN: Is there a second?  16 MR. COON: I'll second.  17 MR. KORN: A second by Sheriff Coon. All  18 those in favor signify by saying aye.  19 (Those in favor so indicate.)  20 MR. KORN: All opposed? There are no nays,  21 the ayes are unanimous.  22 ITEM NO. 29: TIMOTHY MARSHALL  23 MR. KORN: Next is No. 29, Timothy Marshall.  24 Is there a motion?  25 MR. QUEZADA: Mr. Vice Chair, I would like to</p>
<p>Page 96</p> <p>1 make a motion on No. 29, Timothy Marshall. I make a  2 motion to accept the findings of the Hearing Officer  3 and impose a penalty of three months suspension.  4 MR. KORN: Is there a second?  5 MR. BARNCASTLE: I'll second it.  6 MR. KORN: A second by Pat Barncastle. All  7 those in favor signify by saying aye.  8 (Those in favor so indicate.)  9 MR. KORN: All opposed? Let the record show  10 the ayes are unanimous.  11 ITEM NO. 30: ELVIRA MARTINE  12 MR. KORN: On No. 30, do we have a motion?  13 MR. COON: Mr. Chairman, I would like to make  14 a motion that the Director send out a letter of  15 caution to Elvira Martine. We accept the findings and  16 ask Mr. Jones to send her a letter of caution.  17 MR. KORN: And do we have a second?  18 MR. BARNCASTLE: I'll second that.  19 MR. KORN: A second by Pat Barncastle. All  20 those in favor signify by saying aye.  21 (Those in favor so indicate.)  22 MR. KORN: Opposed? Let the record show  23 please that the ayes are unanimous.  24 ITEM NO. 31: JAMES MARTINEZ  25 MR. KORN: Number 31 is James Martinez. Do I</p>	<p>Page 97</p> <p>1 have a motion?  2 MR. McCALL: Mr. Vice Chair, I would like to  3 make a motion to accept the findings of the Hearing  4 Officer.  5 MR. KORN: A motion by Chief McCall. Is  6 there a second?  7 MR. BETZ: I'll second.  8 MR. KORN: A second by Chief Betz. All those  9 in favor signify by saying aye.  10 (Those in favor so indicate.)  11 MR. KORN: All opposed? Let the record show  12 that the ayes are unanimous.  13 ITEM NO. 32: RICARDO MARTINEZ  14 MR. KORN: Next is item No. 32.  15 MR. COON: Mr. Chairman, I would like to make  16 a motion to accept the findings of the Hearing Officer  17 and impose a revocation on Mr. Martinez.  18 MR. KORN: Is there a second?  19 MR. KASSETAS: Second.  20 MR. KORN: A second by Chief Kassetas. All  21 those in favor signify by saying aye.  22 (Those in favor so indicate.)  23 MR. KORN: Opposed? Let the record show that  24 the ayes are unanimous.  25 ITEM NO. 33: KENT O'DONNELL</p>

1 MR. KORN: Going on to No. 33, Kent  
 2 O'Donnell. Do we have a motion?  
 3 MR. BARNCASTLE: Yes. I'm sorry,  
 4 Mr. Chairman. I would like to make a motion that we  
 5 accept the Hearing Officer's findings and revoke the  
 6 certification of Mr. O'Donnell.  
 7 MR. KORN: There is a motion by Investigator  
 8 Barncastle. Is there a second?  
 9 MR. BETZ: I'll second.  
 10 MR. KORN: A second by Chief Betz. All those  
 11 in favor signify by saying aye.  
 12 (Those in favor so indicate.)  
 13 MR. KORN: Opposed? Let the record reflect  
 14 that the ayes are unanimous.  
 15 ITEM NO. 34: JONATHAN ROMERO  
 16 MR. KORN: Next is No. 34, Jonathan Romero.  
 17 Is there a motion?  
 18 MR. BETZ: Mr. Vice Chairman, I would like to  
 19 make a motion to accept the Hearing Officer's findings  
 20 that no violations occurred and that the certification  
 21 would remain in good standing.  
 22 MR. KORN: A motion by Chief Betz. Is there  
 23 a second?  
 24 MR. COON: I'll second.  
 25 MR. KORN: A second by Sheriff Coon. All

1 those in favor signify by saying aye.  
 2 (Those in favor so indicate.)  
 3 MR. KORN: All opposed? Let the record  
 4 reflect that the ayes are unanimous.  
 5 ITEM NO. 35: LUIS MONAREZ  
 6 MR. KORN: Finally No. 35, Luis Monarez. Do  
 7 we have a motion?  
 8 MR. McCALL: Mr. Vice Chair, I would like to  
 9 make a motion to accept the Hearing Officer's findings  
 10 and impose revocation on Mr. Monarez's certification.  
 11 MR. KORN: There is a motion by Chief McCall  
 12 is there a second?  
 13 MR. BARNCASTLE: I'll second that.  
 14 MR. KORN: A second by Investigator  
 15 Barncastle. All those in favor signify by saying aye.  
 16 (Those in favor so indicate.)  
 17 MR. KORN: All opposed? Let the record  
 18 reflect the ayes are unanimous.  
 19 So that concludes the misconduct portion of  
 20 this Board matter or this LEA Board meeting. We are  
 21 about to move into the other matters that are  
 22 administrative.  
 23 ITEM NO. 36: DIRECTOR'S REPORT  
 24 MR. KORN: And we will start with item No. 36  
 25 for which we will be delighted to hear from our

1 Director.  
 2 MR. JONES: Mr. Vice Chair, Members of the  
 3 Board, ladies and gentlemen, it's my pleasure to  
 4 present to you the Director's report from  
 5 September 11, 2013, through December 10, 2013.  
 6 Since that time the New Mexico Law  
 7 Enforcement Academy has put on several classes. We've  
 8 trained 177 students just at the New Mexico Law  
 9 Enforcement Academy for a total of 3,924 contract  
 10 hours in advanced training.  
 11 The following is a summary that you have in  
 12 front of you from the other academies throughout the  
 13 State of New Mexico. The Albuquerque Police Academy  
 14 graduated 18; the San Juan Academy, Class 31,  
 15 graduated ten; Western New Mexico University,  
 16 Class 58, graduated eight police officers; New Mexico  
 17 Law Enforcement Academy, cert by waiver, four  
 18 participated and passed; Southeastern New Mexico Law  
 19 Enforcement Academy in Hobbs did a cert by waiver with  
 20 16 personnel, and they passed; the New Mexico Law  
 21 Enforcement Academy PST Academy Class 124 graduated  
 22 23; Southeastern New Mexico Law Enforcement Academy  
 23 PST Academy Class 5, they graduated 19.  
 24 All the academies have been very, very busy.  
 25 The Albuquerque Police Department has started their

1 academy just this month. We've been very, very  
 2 fortunate we haven't had any incidents.  
 3 The New Mexico Law Enforcement Academy just  
 4 started our officer survival today. And it's the  
 5 second iteration of the live-fire vehicle stops day  
 6 and night, a second iteration of a live-fire shooting  
 7 house, and second iteration of live-fire square range  
 8 tactical drills for this class. We are in  
 9 anticipation that this class will graduate on December  
 10 20 in Santa Fe, New Mexico, which everybody on the  
 11 Board has received an invitation.  
 12 We know everybody is busy. But it's an  
 13 opportunity for you to meet the 36 cadets that we  
 14 believe will graduate with our class after they take  
 15 the LEOC.  
 16 Special activities, we have to really take  
 17 our hats off to Elliott Guttman. Counselor Guttman  
 18 has done many things for the State of New Mexico. He  
 19 has a cartoon that describes different formats of law  
 20 and how it's applied in the State of New Mexico.  
 21 And it goes out to 725 different entities  
 22 that have signed up to receive his cartoons. They are  
 23 embraced by law enforcement, the legal profession, and  
 24 many people throughout the United States. They  
 25 really, really enjoy what Elliott Guttman puts out

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<p>1 for limited jurisdiction and the rule of law.</p> <p>2 Training was presented for the New Mexico Law</p> <p>3 Enforcement Academy by Southeastern New Mexico Law</p> <p>4 Enforcement Academy's Ms. Robbie McCormick and</p> <p>5 Director Angela Bird.</p> <p>6 They presented a new PST class for us, public</p> <p>7 safety telecommunications class. And they used the</p> <p>8 APCO curriculum, which is something that is known</p> <p>9 worldwide. It is the largest telecommunications class</p> <p>10 in the world that is presented.</p> <p>11 We did a pilot program. And we would like to</p> <p>12 adopt this APCO curriculum for our PST class in the</p> <p>13 future. It is a three-week class. It is the same</p> <p>14 information that we put out for our PST classes.</p> <p>15 The only difference is that, when they</p> <p>16 graduate, they receive not only a state certification</p> <p>17 as a dispatcher, they also receive a national</p> <p>18 certification as dispatchers, which is a good thing</p> <p>19 for everybody across the board.</p> <p>20 Our division personnel changes, we hired</p> <p>21 Officer Fares Martinez on 9/28/13 as an advanced law</p> <p>22 enforcement instructor; Officer Jason Hatch was hired</p> <p>23 on 11/9/13 as an advanced instructor; and Officer</p> <p>24 Roger Jimenez will be coming on board December 21st as</p> <p>25 an advanced law enforcement instructor.</p>	<p>1 We still have an instructor/investigator</p> <p>2 position that is vacant. We will be doing interviews</p> <p>3 shortly to fill that position. We have an</p> <p>4 administrative assistant position that is vacant.</p> <p>5 Interviews have been conducted, and we expect to hire</p> <p>6 next week on that one.</p> <p>7 The New Mexico Law Enforcement Academy would</p> <p>8 like to wish you all happy holidays and a blessed</p> <p>9 2014. Are there any questions?</p> <p>10 MR. BARNCASTLE: I have one acknowledgment,</p> <p>11 Director Jones. The information that Elliott Guttmann</p> <p>12 puts out via email generally comes out way before the</p> <p>13 legal bulletins come out for our attorneys.</p> <p>14 And I can tell you that I forward those</p> <p>15 almost immediately when I receive them. And the</p> <p>16 information that's contained within those emails,</p> <p>17 generally it's the first time they have seen them.</p> <p>18 They're totally unaware of some of the new law that he</p> <p>19 keeps track of it seems like almost daily.</p> <p>20 And I'd like him to know that they appreciate</p> <p>21 that tremendously. I personally know of several</p> <p>22 incidents where they've actually used that case law in</p> <p>23 hearings within several days that have made a</p> <p>24 difference. And I'd like for him to be acknowledged</p> <p>25 regarding his efforts. Thank you. I know he's not</p>
<p>1 here.</p> <p>2 MR. JONES: We'll definitely make sure that</p> <p>3 Counselor Guttmann understands that. He receives</p> <p>4 daily emails from people that appreciate everything he</p> <p>5 puts out, from the Supreme Court Justices of New</p> <p>6 Mexico all the way down to the newest law enforcement</p> <p>7 officers that are on the street.</p> <p>8 All of our academy cadets appreciate his</p> <p>9 opportunity and the hard work that he puts into them</p> <p>10 and that he produces a bulletin that they can</p> <p>11 understand and relate to.</p> <p>12 MR. BARNCASTLE: Well, obviously what I'm</p> <p>13 telling you is not news to you then.</p> <p>14 MR. JONES: But we will pass the word.</p> <p>15 MR. BARNCASTLE: Thank you.</p> <p>16 MR. JONES: Hooah, sir.</p> <p>17 MR. KORN: Thank you, Director. Are there</p> <p>18 any other questions for Director Jones? Anybody? No.</p> <p>19 Thank you. Thank you, Investigator Barncastle, for</p> <p>20 the comments about Elliott.</p> <p>21 ITEM NO. 37: PUBLIC COMMENT</p> <p>22 MR. KORN: The next item on the agenda is</p> <p>23 public comments. I've just been given the list.</p> <p>24 There are four people on public comments. The last</p> <p>25 one is Elliott Guttmann, who is not going to be here</p>	<p>1 obviously.</p> <p>2 Usually we keep our public comments to about</p> <p>3 five minutes each. The first person on the public</p> <p>4 comments is Paul Heh. Mr. Heh, welcome.</p> <p>5 MR. HEH: Thank you, Mr. Korn. I know you.</p> <p>6 MR. KORN: We know each other.</p> <p>7 MR. HEH: And I know Elliott very well. And</p> <p>8 I was subject to many of his legal updates when he was</p> <p>9 the Assistant District Attorney in Bernalillo County.</p> <p>10 And very informative and very well done. He should be</p> <p>11 applauded.</p> <p>12 My name is Paul Heh, spelled H-e-h. Spell it</p> <p>13 backwards, if you like. A little bit about myself. I</p> <p>14 started my law enforcement career in Hobbs, New</p> <p>15 Mexico, in 1980. I was there for approximately six</p> <p>16 plus years.</p> <p>17 I was recruited by Albuquerque PD in 1987,</p> <p>18 where I joined the police department in Albuquerque</p> <p>19 and was there until 2011, a little over 24 years, when</p> <p>20 I retired. So 30 plus years in New Mexico I'm proud</p> <p>21 to say.</p> <p>22 The reason I'm here today is because I</p> <p>23 recently in this past election ran for mayor of the</p> <p>24 City of Albuquerque. It didn't work out well for me,</p> <p>25 but at least I ran.</p>

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<p>1 And as I ran, the constant question that the 2 people of this community asked me over and over and 3 over again is what about Mary Han's death. Mary Han 4 I'm sure you all know was a prominent civil rights 5 attorney. 6 Her death was ruled a suicide. She was found 7 dead in her home on November 18th of 2010. People 8 would ask me what are you guys hiding, what is the 9 police department hiding. We all know it wasn't a 10 suicide, we all know what went on there. And they 11 would all tell me their versions of what they had 12 heard. 13 The police department in Albuquerque has lost 14 the trust of the citizens of this community. They're 15 being faced with a takeover by the United States 16 Justice Department. For me the Albuquerque Police 17 Department is my second home. It hurts me to the core 18 to see this going on. 19 As a request by the family's attorney for 20 Mary Han, the Attorney General for the State of New 21 Mexico, Mr. Gary King, did an investigation into her 22 death. And his investigation came out this past 23 summer. 24 And in his investigation he stated that, 25 because of the gross misconduct of the top</p>	<p>1 administration of the Albuquerque Police Department 2 and top officials of the City of Albuquerque, it is 3 very unlikely that it will ever be determined exactly 4 how Ms. Han died. 5 Ms. Han's family deserves more and this 6 community deserves more. None of these police 7 officers that trampled through that crime scene, the 8 top brass of this department, anybody that had 9 graduated from the academy, 101 in crime scene 10 preservation or evidence collection, would have done 11 what they did. And none of them, none of them have 12 been held accountable. 13 And, gentlemen, this is where it starts. 14 When the top administration is not held accountable, 15 it starts filtering down. And then you start having 16 your problems with the rank and file. 17 MR. KASSETAS: Mr. Heh, if I may. Maybe I'm 18 confused. What does this have to do with the Law 19 Enforcement Academy Board? I'm confused by your 20 dissertation about the leadership of APD and the rank 21 and file. I don't understand. 22 MR. HEH: Let me answer your question. The 23 leadership of the APD is the ones that trampled 24 through that crime scene. None of them have been held 25 accountable for doing that, none of them.</p>
<p>Page 108</p> <p>1 None of their certifications have been put up 2 for review. If any other officer would have done 3 that, what they did, they would have probably been 4 terminated. And rightfully so. And their 5 certifications would have certainly been sent to you 6 for review, and rightfully so. 7 MR. KASSETAS: I suppose that is a matter of 8 opinion. I don't have anything in front of me in the 9 form of an LEA-90. Mr. Vice Chair, is this something 10 for the Board to hear? I'm not sure, I'm new to the 11 Board. 12 MR. KORN: No. Chief Kassetas does raise a 13 good point, Mr. Heh. The Board is the Law Enforcement 14 Academy Board. And our main focus is education 15 through our academies and then misconduct cases that 16 come before us. And so what you're talking about is a 17 topic that's outside the scope of what the Law 18 Enforcement Academy does. 19 And, you know, we want to give everybody 20 their time. But as Chief Kassetas has pointed out, 21 it's not the appropriate forum. And frankly your time 22 is up. You've reached the five-minute mark. 23 MR. HEH: If I may ask one question. 24 MR. KORN: Sure. 25 MR. HEH: If you don't look into the improper</p>	<p>Page 109</p> <p>1 actions of top brass, no matter what department it is, 2 who does? 3 MR. KORN: The Law Enforcement Academy Board 4 is not an investigatory body. We're really an 5 administrative body. And as I told you, we do the 6 curriculum in our academies, we manage the academies 7 through our Director, and we do misconduct on 8 individual officers. So the points you're raising are 9 just outside the scope of what we do. 10 MR. HEH: Okay, gentlemen. I won't give up. 11 I will leave. By your own agenda of October 23rd of 12 2012, I think between the Attorney General and the 13 Office of the Director, when you don't receive notice 14 of an LEA-90, it is incumbent upon you or the Attorney 15 General to take action. That's by your own meeting 16 notes on October 12th. 17 MR. KORN: Thank you. 18 MR. HEH: Thank you, gentlemen. Have a Merry 19 Christmas. 20 MR. KORN: Thank you. The next person in 21 line is Pat Mooney. I don't see him here or am I 22 missing something? 23 Next person is a gentleman by the name of Ken 24 no last name. Is Ken here? No. And finally we know 25 Elliott Guttman has left.</p>

1 ITEM NO. 38: RATIFICATION OF CERTIFICATIONS FOR LAW  
 2 ENFORCEMENT OFFICERS  
 3 MR. KORN: So next we're into the  
 4 certification portion. Item No. 38 is ratification of  
 5 certifications for law enforcement officers. And,  
 6 Mr. Director, would you provide a list of persons for  
 7 us that you would like us to certify.  
 8 MR. JONES: Yes, sir. They're in the  
 9 handout, if you would turn to tab 38. There's a list  
 10 of names and groups.  
 11 MR. KORN: Would you like to offer a segment  
 12 to these into the record for the Board to approve.  
 13 MR. JONES: Yes, sir, I would. We have  
 14 several attachments. We have the attachment for the  
 15 Cert By Waiver Challenge Course 2013, which has three  
 16 names on it; we have Western New Mexico University  
 17 Academy No. 58, San Juan Academy No. 31, Cert By  
 18 Waiver Academy No. 80, and Albuquerque Police Academy  
 19 No. 109.  
 20 MR. KORN: And, Mr. Jones, I think this is a  
 21 departure from the way we usually do it. In an effort  
 22 to streamline, you want us to approve the groups and  
 23 put them into the record?  
 24 MR. JONES: That's affirmative. What I would  
 25 like to do is each of one of the attachments are

1 separate. And I would like you to just look at the  
 2 attachment and approve each attachment. For example,  
 3 Cert By Waiver Challenge No. 2013.  
 4 MR. KORN: Can we approve these as a group  
 5 the way you've read them?  
 6 MR. JONES: Yes, we can, sir.  
 7 MR. KORN: Would the Board be willing to do  
 8 that, to approve these as a group?  
 9 MR. BARNCASTLE: Yes, sir.  
 10 MR. BETZ: I have a question.  
 11 MR. JONES: And they're in chronological  
 12 order.  
 13 MR. BETZ: Mr. Director, what do the X's  
 14 mean? Some names have an X. I'm just curious.  
 15 MS. LOPEZ: They're just stating what  
 16 department, municipal, tribal, county. It shows it on  
 17 mine. But I don't put that in all your packets  
 18 because it's for my own use.  
 19 MR. BETZ: Okay. I was just curious.  
 20 MR. JONES: It was to determine what agency  
 21 they were from.  
 22 MR. KORN: So we might recommend for the  
 23 future that you submit them without the X's because,  
 24 when we go on the record, there's no designation.  
 25 MR. JONES: Yes, sir.

1 MR. KORN: So for the record this group  
 2 today, the X's in the right-hand column signify  
 3 nothing?  
 4 MR. JONES: They don't signify anything, sir.  
 5 MR. KORN: Nothing, not class valedictorian  
 6 or class jokester.  
 7 MR. JONES: No, sir.  
 8 MR. KORN: So do I have a motion to accept  
 9 the certifications for law enforcement officers the  
 10 way the Director has offered?  
 11 MR. BETZ: I make a motion to accept the  
 12 Director's recommendations to accept.  
 13 MR. KORN: A motion by Chief Betz to accept  
 14 the law enforcement officers the Director gave. Is  
 15 there a second?  
 16 MR. McCALL: Second.  
 17 MR. KORN: A second by Chief McCall. All  
 18 those in favor signify by saying aye.  
 19 (Those in favor so indicate.)  
 20 MR. KORN: All opposed? Let the record show  
 21 the ayes are unanimous.  
 22 ITEM NO. 39: RATIFICATION OF CERTIFICATIONS FOR  
 23 PUBLIC SAFETY TELECOMMUNICATORS  
 24 MR. KORN: The next item is No. 39.  
 25 Director, do you have a list in the same fashion?

1 MR. JONES: Yes, sir, I do. They're in  
 2 chronological order and they are in tab 39. The list  
 3 of certifications for ratification, the Southeast New  
 4 Mexico Law Enforcement Academy PST No. 5 and the New  
 5 Mexico Law Enforcement Academy PST No. 124. And they  
 6 are in chronological order for each class that was  
 7 given.  
 8 MR. KORN: Just so I ask the proper question,  
 9 these people you're giving us, you're certifying that  
 10 they have met all the qualifications to be public  
 11 safety telecommunicators?  
 12 MR. JONES: Yes, sir.  
 13 MR. KORN: And likewise, in the previous  
 14 section, No. 38, you're representing to us that those  
 15 persons have all met the requirements to be law  
 16 enforcement officers?  
 17 MR. JONES: Yes, sir.  
 18 MR. KORN: So can we have a motion from the  
 19 Board to accept item No. 39, the names of the public  
 20 safety telecommunicators that the Director has given  
 21 us.  
 22 MR. QUEZADA: Vice Chair, I'll make that  
 23 motion on agenda item No. 39, to accept the  
 24 Director's representation on PST academies No. 5 and  
 25 No. 124 as stated in the attachment from the Director.

1 MR. KORN: Okay. A motion by Officer  
 2 Quezada. Is there a second?  
 3 MR. BETZ: I'll second.  
 4 MR. KORN: A second by Chief Betz. All those  
 5 in favor signify by saying aye.  
 6 (Those in favor so indicate.)  
 7 MR. KORN: All those opposed? Let the record  
 8 show that the ayes are unanimous.  
 9 ITEM NO. 40: CURRICULUM APPROVAL  
 10 MR. KORN: Next we're up to item No. 40,  
 11 curriculum approval. And if I remember correctly,  
 12 this is a continuation of the changes in the NMAC  
 13 rule?  
 14 MR. JONES: Yes. Sir, if I may, I just  
 15 handed a binder to you that has the table of contents  
 16 for the police officer training class, which is the  
 17 schedule for a 16-week academy that's been looked at  
 18 and scrutinized by all the other academies in the  
 19 State of New Mexico and by several different law  
 20 enforcement agencies to accept the 16-week academy.  
 21 This is the schedule that has been developed  
 22 in correlation with the other nine law enforcement  
 23 academies in the State of New Mexico. We have looked  
 24 at this and we have gone through and met all the  
 25 requirements that were listed in the NMAC rule with a

1 reduction in number of hours.  
 2 The hours that were reduced were due to the  
 3 fact that we looked at the redundancy and took  
 4 redundancy out of what was going on for the 22-week  
 5 academy. We applied that towards other things.  
 6 And one of the things we're going to do is  
 7 we're going to do 60 percent practical-based or  
 8 scenario-based training at our academy at this point  
 9 in time, which is going to reduce the academy  
 10 significantly. Across the United States, we're going  
 11 to scenario-based training. And people learn better,  
 12 it's easier to teach, and it's easier for people to  
 13 learn from.  
 14 I want you to note that we kept the high-risk  
 15 litigation areas in there. We kept the same number of  
 16 hours for firearms, for emergency vehicle operations,  
 17 for defense tactics.  
 18 And defense tactics is what we added because  
 19 all the agencies are going to a taser. We added eight  
 20 hours of taser to the 16-week curriculum, which gives  
 21 us a total of 648 hours for what we're looking at in  
 22 the future.  
 23 We've reduced patrol procedures. There was a  
 24 whole week of patrol procedures. But during a whole  
 25 academy, patrol procedures is taught throughout.

1 And then we added officer survival, we added  
 2 a week of officer survival into this, which is all the  
 3 culmination of patrol procedures that is taught  
 4 throughout the academy. And that's what they're doing  
 5 currently at the Law Enforcement Academy at this time.  
 6 So what we've been able to do is validate  
 7 that we can do some changes in this with the firearms  
 8 and continue to do dynamic training in firearms by  
 9 qualifying our individual cadets in three days for the  
 10 basic law enforcement day and night qualification and  
 11 ensuring that they can meet all of those standards.  
 12 And then we go forward with the live-fire  
 13 vehicle stops, our FAT simulators or whatever it is  
 14 that the academy may have, because not every academy  
 15 has the ranges that we have. And we're fortunate to  
 16 have the ranges that we have in Santa Fe, New Mexico,  
 17 to move on with this.  
 18 One of the things that's interesting to note,  
 19 we talked about ethics. Ethics is a whole course by  
 20 itself now. And we added sexual harassment and  
 21 cultural diversity to ethics. So we've reduced ethics  
 22 out of each one of the former blocks of instruction  
 23 and made it a separate block of instruction by itself,  
 24 adding sexual harassment and cultural diversity.  
 25 As we move forward with this and we look at

1 the things that have happened, the New Mexico Law  
 2 Enforcement Academy worked with the other academies to  
 3 develop the 16-week curriculum and lesson plans.  
 4 It also worked specifically to change and  
 5 make defense tactics, use of force, and firearms  
 6 something that is relevant to what is current with the  
 7 threat that we face today in the State of New Mexico.  
 8 So this is the final product that we'd like to present  
 9 to the New Mexico Law Enforcement Academy.  
 10 One of the other things that we did was we  
 11 changed the physical fitness requirements to gain  
 12 entrance into the academy. We went to a nongender/age  
 13 physical fitness requirement that is across the board.  
 14 And we went to the law enforcement fitness norms that  
 15 was put out by The Cooper Institute.  
 16 We had a lot of help from Bernalillo County  
 17 Sheriff's Department, the Albuquerque Police  
 18 Department, San Juan, and Hobbs Police Academy. And  
 19 we looked at this at the 40th percentile.  
 20 To run the 1.5 mile run to get into the  
 21 academy, for the 40th percentile, you have to run it  
 22 in 15 minutes and 20 seconds. That's for everybody  
 23 versus it being age or gender specific, which allowed  
 24 those who were older to run it in a slower time and  
 25 those that were younger to run it in a much faster

1 time.  
 2 This is much more equitable across the Board  
 3 and is easily defensible in court. The 60th  
 4 percentile, which is what they have to run to get out  
 5 of the Law Enforcement Academy, is 13.58. So they  
 6 have to run it in 13 minutes and 58 seconds.

7 The 300-meter run, which we've kept in there,  
 8 across the board, everybody has to run it in 65.4  
 9 seconds or under. To graduate from the academy, they  
 10 have to run it at the 60th percentile mark, which is  
 11 58.9 seconds.

12 The push-ups, the 40th percentile for the  
 13 push-ups to enter the academy is 29 pushups for  
 14 everybody. And that's on-your-toe push-ups. And to  
 15 get out of the academy, everybody has to do 35  
 16 push-ups.

17 Sit-ups, the 40th percentile is 31 sit-ups.  
 18 The 60th percentile to exit the academy is 37 sit-ups.  
 19 One of the things that we looked at when we were doing  
 20 this is that we've taken six weeks off the back end of  
 21 this academy.

22 All of the cadets have got to work harder.  
 23 We've reduced the run time. But we've increased their  
 24 ability to have to do pushups and their physical  
 25 ability, their inner core and arm strength.

1 We've reduced this academy by six weeks. We  
 2 have got to have them stronger at the front of the  
 3 academy so that, as we move through the academy, we  
 4 can get them to a point where they can pass the  
 5 physical agility tests that are required at the end of  
 6 the academy, which are all police-related tasks.

7 For example, dragging a 180-pound dummy from  
 8 a car, pushing a vehicle a certain distance, and mount  
 9 and climb a six foot wall. They have to have the  
 10 upper body strength and the inner core to be able to  
 11 do this.

12 That's one reason that the 40th percentile  
 13 for the pushups is a little higher than what it would  
 14 be normally, if you were a 26-year old female that  
 15 only had to do 19 pushups to get into the academy.

16 At this point in time, we are finalizing all  
 17 of our lesson plans. All the lesson plans will be  
 18 finalized by the end of December. And we're working  
 19 on our PowerPoint presentations at this time.

20 It is the academy's position that we would  
 21 like to have the Board look at this and ratify the  
 22 16-week academy so that we will be able to produce  
 23 this and present this at all three of our law  
 24 enforcement academies, San Juan, Hobbs, and Silver  
 25 City, if they elect to do so, in January of 2014. The

1 New Mexico Law Enforcement Academy will also go to it  
 2 in 2014.

3 MR. KORN: Thank you, Mr. Director.

4 Questions from the Board?

5 MR. COON: I've got a question. Director  
 6 Jones, on day one, January 20th, academy admission, I  
 7 saw this 15 hours under physical fitness team  
 8 training.

9 MR. JONES: Yes, sir.

10 MR. COON: Can you get 15 hours -- is that  
 11 15 hours for that --

12 MR. JONES: Sir, that is what we call day  
 13 one. That's a team building exercise. And what we  
 14 start with is we start with the academy mission. We  
 15 talk about the academy mission. And then we take them  
 16 out there to the New Mexico Army National Guard  
 17 facility in Santa Fe. Hobbs does something similar.  
 18 Their day one is 24 hours long, our day one is  
 19 16 hours.

20 MR. COON: Okay. I understand that.

21 MR. JONES: And it's a team building exercise  
 22 so that they all get to know each other. And they all  
 23 have to work through exercises like rappelling off of  
 24 a 90-foot tower and going through different physical  
 25 requirements that they all have to help each other

1 through, because everybody needs help, you know,  
 2 sometime in their life. And sometime during this  
 3 exercise, trust me, they all need help.

4 MR. KORN: Other questions for Director  
 5 Jones? So I guess I have a question. What you're  
 6 showing us is the syllabus that you've put together  
 7 for the Santa Fe Law Enforcement Academy. Are you  
 8 offering this as proof of the concept and now each of  
 9 the satellite academies would be responsible for  
 10 making their own similar syllabus?

11 MR. JONES: Sir, each academy will have to  
 12 ensure that they teach this 16-week academy. For  
 13 example, New Mexico State Police, Albuquerque Police  
 14 Department, Bernalillo County Sheriff's Department.  
 15 They all have a much longer academy. But they need to  
 16 teach and they ensure that they teach a 16-week core  
 17 curriculum that we have here.

18 They can expand on this all that they want  
 19 to. For example, the New Mexico State Police teach  
 20 rifle and shotgun. We don't teach that at the basic  
 21 Law Enforcement Academy. So that naturally would  
 22 expand their firearms program two weeks.

23 And then the Albuquerque Police Department  
 24 would teach their own policies and procedures along  
 25 with their rifle class, their shotgun class, their

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<p>1 bean bag class. So it depends on where they're at in 2 this class and what they want to teach and how they 3 want to expand it. At a minimum, though, sir they 4 have to teach the 16-week curriculum.</p> <p>5 MR. KORN: But they're not required to teach 6 it in the exact order.</p> <p>7 MR. JONES: No, sir, they are not.</p> <p>8 MR. KORN: Because some of the academies 9 don't do 16-hour days, do they, or do they all?</p> <p>10 MR. JONES: Well, for example, Southeastern 11 New Mexico Law Enforcement Academy at Hobbs, they do 12 4/10s. So they will teach this curriculum in ten-hour 13 days four days a week. And the New Mexico Law 14 Enforcement Academy is going to stay on 5/8s.</p> <p>15 MR. KORN: So this is a program to show that 16 it's done. You want all these things done, but not 17 necessarily in this exact order, or do you expect them 18 in this order?</p> <p>19 MR. JONES: No, sir. I do not expect them in 20 this order. I expect them to be completed, though. 21 They have to do all these. For example, if you turn 22 to section 2, section 2 is something that we talked 23 about, that's the accreditation worksheet.</p> <p>24 As we go through the accreditation worksheet, 25 Introduction to the Academy, it's Block 1. You will</p>	<p>1 see Block 1-1 is the academy mission; 1-2, overall 2 academy objectives; 1-3, rules and regulations of the 3 academy. This can be taught any time within the first 4 two weeks.</p> <p>5 So they don't necessarily have to follow 6 this. But when we go through the schedule to look at 7 the accreditation for any academy that's out there, we 8 go through and look to see that they've met all of the 9 block requirements.</p> <p>10 When the New Mexico State Police sends us 11 their curriculum for accreditation, we have to go 12 through it. And right now we look at what is in the 13 22-week program. And we ensure that they meet all of 14 those requirements. Now what we'll go through is we 15 will look and see that they meet the requirements in 16 the 16-week program.</p> <p>17 MR. KORN: I see. And when we were here at 18 our last meeting, we talked the curriculum and 19 approving this so we can get the academies going in 20 January.</p> <p>21 MR. JONES: Yes, sir.</p> <p>22 MR. KORN: Are we in agreement I guess, Mark, 23 that this curriculum basically is what we're approving 24 and the lesson plans that follow later?</p> <p>25 MR. REYNOLDS: Mr. Vice Chair, I actually</p>
<p>Page 124</p> <p>1 have not seen what you're looking at. But that is my 2 understanding.</p> <p>3 MR. KORN: Because I guess the goal of all of 4 us is to get the academies going the way they want. 5 You don't have all your lesson plans quite yet?</p> <p>6 MR. JONES: Sir, it would take ten of these 7 five-ring binders to bring in all of the lesson plans.</p> <p>8 MR. KORN: But you have lesson plans?</p> <p>9 MR. JONES: Yes, sir. We do have the lesson 10 plans. They are finalized.</p> <p>11 MR. KORN: Was it your intention to put them 12 on the web or do you just put the curriculum on the 13 web?</p> <p>14 MR. JONES: The lesson plans will be put on 15 the web. And we will put up a secure site on our 16 website where the academies can go in and draw our 17 lesson plans.</p> <p>18 MR. KORN: So I mean if the Board is 19 satisfied with this, that would be perfectly 20 acceptable, wouldn't it?</p> <p>21 MR. REYNOLDS: I believe that approving what 22 he has presented to you, in the time that I've flipped 23 through it, satisfies the requirement for the Board 24 approving the curriculum under the new regulation that 25 was passed.</p>	<p>Page 125</p> <p>1 MR. KORN: Fine. So with that in mind, does 2 the Board have any questions for the Director?</p> <p>3 MR. McCALL: I do have a question.</p> <p>4 MR. KORN: Chief McCall.</p> <p>5 MR. McCALL: Director, under tab 4, page 19, 6 under T, there's in bold letters discussions regarding 7 choke holds, lateral vascular neck restraints, 8 trachea, and their defenses.</p> <p>9 MR. JONES: Sir, that is if somebody puts a 10 lateral choke hold on a police officer, not us putting 11 choke holds on suspects.</p> <p>12 MR. McCALL: Okay.</p> <p>13 MR. JONES: That is the defense if somebody 14 comes up behind a police officer and puts on a lateral 15 choke hold.</p> <p>16 MR. McCALL: My other question is in regards 17 to use of force. Have you got a curriculum put 18 together for use of force?</p> <p>19 MR. JONES: Yes, sir, we do.</p> <p>20 MR. McCALL: Are we still with the RCM?</p> <p>21 MR. JONES: No, sir. We are going to move 22 away from the RCM. We are going to move away from the 23 RCM and we are going to go to what case law is.</p> <p>24 Years ago, when Chief Betz, Chief Kassetas, 25 and Sheriff Coon were young police officers, what we</p>



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<p>1 did was we went by use-of-force guidelines as to what 2 was reasonable and prudent for the officer at the 3 time. And that's what we're going to go back to at 4 this point in time.</p> <p>5 We're going to identify those things that a 6 police officer needs. We believe that the RCM puts 7 police officers in those little boxes. Okay, they 8 can't cross this line until something else has 9 happened over here. And what we're seeing in our 10 agencies that come through the academy is that they 11 have trouble identifying when they can go to a next 12 level of use of force.</p> <p>13 So we're going to go to basically what the 14 feds have gone to, which is defensible with use of 15 force, what is reasonable and prudent for the officer 16 at the time.</p> <p>17 MR. McCALL: Are we planning on putting 18 advanced training out for train the trainer?</p> <p>19 MR. JONES: Yes, sir, we are. We've got 20 several classes that we're getting ready to put on the 21 web now for advanced training; for example, for the 22 live-fire vehicle stops, house, and square range 23 tactical drills, advanced training to reteach the 24 defense tactics portion of this.</p> <p>25 Dr. Fons is adamant about doing this as soon</p>	<p>1 as we possibly can in Hobbs, New Mexico, especially in 2 the Southeast region of New Mexico. We're going to 3 have a couple of classes where we can bring everybody 4 together, firearms instructors, and bring them all 5 together to do this.</p> <p>6 We need to do this as quickly as we can this 7 next year to make all this happen. We're on an 8 aggressive schedule, we've been on an aggressive 9 schedule since we started this, and it's not going to 10 get any easier in the future.</p> <p>11 MR. McCALL: Thank you, Director. There was 12 a lot of work that went into this. I appreciate your 13 efforts.</p> <p>14 MR. JONES: Thank you, sir.</p> <p>15 MR. KORN: Any other questions for the 16 Director?</p> <p>17 MR. KASSETAS: I have one.</p> <p>18 MR. KORN: Chief Kassetas.</p> <p>19 MR. KASSETAS: Director Jones, how well has 20 this been received by the other academy directors, 21 have you shared it with them?</p> <p>22 MR. JONES: We have shared this with all the 23 other academy directors. A lot of this work has been 24 done by Sergeant Bode out of Farmington. Director 25 Bird out of Hobbs has been very, very instrumental in</p>
<p>Page 128</p> <p>1 helping us put this together to make this work. 2 New Mexico State Police has been very 3 instrumental with their training staff to help us work 4 through this so that, as we look at these things, it 5 will meet their requirements.</p> <p>6 The Albuquerque Police Department has bent 7 over backwards to help us with the firearms, the 8 defense tactic side of this, and to ensure that all of 9 the things there fall into what their academy is.</p> <p>10 The Bernalillo County Sheriff's Department 11 gave us three officers for 12 days to do nothing but 12 work on this and put this together. So all the other 13 academies have looked at it.</p> <p>14 We've talked about this. Silver City will 15 probably not go to the 16-week curriculum. I think 16 that they still want to do the 22 weeks for the first 17 iteration.</p> <p>18 MR. NAJAR: Yes.</p> <p>19 MR. JONES: So we've had great responses from 20 everybody else. There are very few naysayers. We've 21 briefed this to the Municipal Chiefs League and to the 22 Sheriffs Association in the State of New Mexico. They 23 all accepted it and embraced it wholeheartedly.</p> <p>24 The new firearms proposals that we have, we 25 worked closely with Albuquerque Police Department and</p>	<p>Page 129</p> <p>1 New Mexico State Police and other firearms instructors 2 throughout the State of New Mexico to come up with the 3 new firearms program that we're proposing.</p> <p>4 MR. KASSETAS: Thank you.</p> <p>5 MR. JONES: Yes, sir.</p> <p>6 MR. KORN: And, Mr. Director, I noticed that 7 we have Director Bode as well as Director Najjar here. 8 Perhaps they would like to say a few words about this.</p> <p>9 MR. JONES: Absolutely, sir.</p> <p>10 MR. KORN: Share your insights or your 11 observations, if you would like to. We can start with 12 Director Bode. It's always nice to hear from you.</p> <p>13 MR. BODE: I don't know about that, but 14 thanks. Mr. Chairman, Members of the Board, Director 15 Jones and Director Bird have worked like crazy on 16 this. And they've done a good job.</p> <p>17 And this represents the base of what 18 everybody pretty much needs. Director Jones has 19 implemented this where we can add onto it, if we want 20 to, for specific academy, like State Police or APD or 21 even us.</p> <p>22 But one of the things that he kind of -- I 23 don't want to say hit lightly. But it was the 24 hands-on training. And for those of you that came up 25 to our academy last year, I mean that was one of the</p>

<p style="text-align: right;">Page 130</p> <p>1 things that was different than what was going on at 2 the Santa Fe Academy at the time.</p> <p>3 And we told the Board members at that time 4 that that scenario-based training is key right now. 5 By cutting those hours back, that redundancy, that 6 does give us the option of doing that now statewide. 7 And I personally think that will make a huge 8 difference statewide. It will make a difference in 9 our particular academy as well because it will allow 10 us to spread that hands-on training out now throughout 11 the academy instead of just putting it at the end, 12 which we feel is really going to help our cadets 13 retain the knowledge.</p> <p>14 So I can't say enough for the Board 15 supporting Director Jones changing the curriculum and 16 the work that Director Jones and Director Bird did 17 doing this. And I also appreciate how they did come 18 to the academies and talked to us, trying to find 19 something that works for us all statewide; but still 20 giving us the flexibility to change it if we have to. 21 So thank you.</p> <p>22 MR. KORN: Thank you. Any questions for 23 Director Bode? No. Thank you for coming.</p> <p>24 Director Najar, would you like to add 25 something?</p>	<p style="text-align: right;">Page 131</p> <p>1 MR. NAJAR: Gilbert Najar with the Western 2 New Mexico University Regional Police Academy. 3 Mr. Chairman, Board Members, I have previously come up 4 and kind of expressed some concerns about it.</p> <p>5 I think the delivery of the material here 6 today kind of alleviates some of my concerns. The 7 worksheet, the schedule that you see on there, that 8 each of the nine academies has to submit to the 9 Director requires that we cover those 648 hours.</p> <p>10 So I've just got to now go back and ensure 11 that I've covered those. My due date by rule is this 12 coming Friday. So that was, as I told you before, one 13 of my concerns.</p> <p>14 I think the part of this that I think is 15 going to kind of echo what Director Bode said is that, 16 even though I'm still staying with the 22-week 17 academy, the fact that we've pulled out the redundant 18 material allows me to expand the scenario-based 19 hands-on application part of that.</p> <p>20 So even though the classroom content has been 21 shortened, I can now expand on the actual hands-on 22 application of that, which I think is far better 23 training, superior training than the lecture-based 24 mode that we've been doing for years now. So I look 25 forward to that.</p>
<p style="text-align: right;">Page 132</p> <p>1 One of the struggles I think, but one of the 2 nice things about being a regional academy is you 3 allow us to meet the needs of the agencies that we 4 serve in the Southwest part of the state. So even 5 though I'm about 850 hours, I'm still trying to fit in 6 radar, Intoxilyzer, and taser so that we have a 7 comprehensive academy as well.</p> <p>8 So it's a mixed bag of things that I think 9 the changes bring for us as academy directors. But 10 I'm all for and in support of what the Director has 11 done here. And I think going to the scenario-based 12 training is definitely a more effective and efficient 13 way for preparing officers for the field.</p> <p>14 MR. KORN: Thank you, Director.</p> <p>15 MR. NAJAR: Thank you.</p> <p>16 MR. KORN: Any questions for Director Najar? 17 Any other questions for Director Jones?</p> <p>18 MR. JONES: One of the things that I'd like 19 to say is I get excited about scenario-based training. 20 Scenario-based training is what police officers need 21 to do to learn their trade and where we need to take 22 it.</p> <p>23 And we have so many different ways to do 24 scenario-based training. This gives us the 25 opportunity, whether we're in Farmington, Silver City,</p>	<p style="text-align: right;">Page 133</p> <p>1 or Hobbs, to do it in different ways. The New Mexico 2 Law Enforcement Academy is going to do it in live 3 fire, because we have the capability to do that with 4 our range.</p> <p>5 Hobbs takes it another step further. Angie 6 Bird has done a great job down there. She has one of 7 the few FAT systems that's operational that is down 8 there. And she can do her dynamic training within 9 that realm using Simunitions and everything.</p> <p>10 The college down there in Hobbs is supporting 11 this and they're going all out. They're going to 12 build her a 50-person dorm, they just built her a 13 Simunition shoot house in the back of her area right 14 there, and they gave her that whole area. Where her 15 little academy was, she now has that whole building.</p> <p>16 So people have gone out and embraced this. 17 They see what we're trying to do, they know what we're 18 capable of doing, and they are excited about this 19 16-week academy and where we're taking it.</p> <p>20 I thank the Board tremendously. I know that 21 we had to have two extra meetings to make this happen 22 this year. Not all of us were able to make those 23 meetings. And those who did, I know it was a 24 sacrifice. This isn't easy.</p> <p>25 But thank you very much for allowing us to do</p>

1 this. This is something that has been needed and  
2 something we were able to put together and make  
3 happen. We could not have done it without the support  
4 of this Board and this Board moving forward with us  
5 and trusting us to do the things we need to do. Thank  
6 you all very, very much.

7 MR. KORN: Thank you. And I'd like to join  
8 Chief McCall in thanking you and your staff for doing  
9 really all the heavy lifting and putting this  
10 together. I think it's a magnificent job as well.

11 So having said that, I suppose we should take  
12 a motion to adopt the curriculum.

13 MR. McCALL: Mr. Vice Chair, I would like to  
14 make a motion to approve the 16-week curriculum.

15 MR. KORN: We have a motion from Chief  
16 McCall. Do we have a second?

17 MR. BETZ: I'll second.

18 MR. KORN: A second from Chief Betz. All in  
19 favor signify by saying aye.

20 (Those in favor so indicate.)

21 MR. KORN: All opposed? Let the record show  
22 the ayes are unanimous. Thank you, Director Jones.  
23 Congratulations.

24 MR. JONES: Thank you very much. Hooah,  
25 thank you, sir.

1 pressing needs from those that they served as to what  
2 we needed to change for the next two-year cycle. We  
3 did not get any changes that were requested.

4 Right now, other than the statutory mandates,  
5 the only two training topics that are Board mandates  
6 are the four hours for the firearms and the two hours  
7 for legal update.

8 This is a discussion item. What we would  
9 like to do for 2014 and 2015 is to maintain the  
10 current two-year cycle that is in the biennium under  
11 10-29-7-8 for the law enforcement officers and  
12 10-29-7-9 for our public safety telecommunicators.

13 We want to keep all that language the same  
14 for the next two-year cycle. Just change the dates  
15 from 2012-2013 to 2014-2015, keeping in mind that, if  
16 we do get a change in the legislature, that we would  
17 come back to the Board and remove all of those  
18 statutory mandates; and at the pleasure of the Board,  
19 either release those hours to discretionary training  
20 by the agencies or, if the Board felt that there were  
21 specific topics that needed to be addressed as  
22 mandated by the Board, then we could include those in  
23 there.

24 We're very cautious about trying to add Board  
25 mandates right now with all the statutory mandates.

1 ITEM NO. 41: DISCUSSION: 2014-2015 BIENNIUM  
2 TRAINING REQUIREMENTS

3 MR. KORN: So now we're ready to move on to a  
4 discussion of the 2014-2015 biennium training  
5 requirements from Mr. Mark Shea.

6 MR. SHEA: Mr. Vice Chair, Members of the  
7 Board, we are coming to the close of our 2012-2013  
8 biennium training cycle. We're looking forward to  
9 2014-2015 of setting the stage for our next two-year  
10 cycle.

11 One of the challenges that we have had at  
12 this point, and Vice Chair Korn will talk about that  
13 in item No. 44 and we had talked about this at  
14 previous Board meetings, was trying to sunset the  
15 statutory mandates that will take a little over  
16 half -- 23 hours of our 40-hour biennium in-service  
17 training requirements are mandated by statute or by  
18 NMAC.

19 So we're looking at hopefully that occurring  
20 with the 30-day session. There's no guarantee on  
21 that. But in anticipation of that, we met with the  
22 Sheriff's Association down in Las Cruces. And we met  
23 with the Chief's Association up in Taos.

24 And we presented to both associations and  
25 requested from both associations if they had any

1 As I had said, 23 hours of that 40 hours is already  
2 now nondiscretionary, which makes it very difficult  
3 for agencies and their local jurisdictions to meet  
4 their agency needs and their community needs with  
5 their valuable training hours.

6 What I would like to ask the Board is to  
7 consider going to the rule change with our next Board  
8 meeting. And the rule change would just reflect a  
9 change in the year dates from 2012-2013 to 2014-2015  
10 and keeping the requirements the same.

11 I have handed out to you the 2012-2013  
12 requirements. So you can look at those. And then the  
13 only change would be to change the year dates in that  
14 administrative code. With that I'll stand for any  
15 questions.

16 MR. KORN: Questions for Mr. Shea?

17 MR. BETZ: I would make one comment. Myself,  
18 Chief McCall, Counselor Guttman, and John Gratton are  
19 all part of the subcommittee. And it's just going to  
20 take more time.

21 We have met with the Attorney General, we met  
22 with his staff. I believe Mr. Gratton had recently  
23 met with somebody from Governor Martinez's staff. And  
24 it's going to take us a little bit more time to put  
25 that together. So what Mr. Shea brings out, it's the

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1 best road that I can think of right now.  
 2 MR. KORN: And thank you, Chief Betz. That's  
 3 part of the discussion in item No. 44. But it's good  
 4 that we raise it now. It's pretty topical.  
 5 ITEM NO. 44: TRAINING MANDATED BY LEGISLATION: BOARD  
 6 ACTION TO INVESTIGATE EXTENT AND EFFECTIVENESS OF  
 7 MANDATED TRAINING AND TO ESTABLISH METHODS TO BEST  
 8 ACHIEVE TRAINING GOALS  
 9 MR. KORN: For item 44, I had opened this  
 10 just as a placeholder. And we should discuss it now  
 11 briefly. We do have a subcommittee of which Chief  
 12 Betz, Chief McCall, and John Gratton headed. And  
 13 Elliott Guttman was adjutant to that and brought I  
 14 understand a great deal of help for the committee.  
 15 And I think also Attorney General King provided a  
 16 great deal of help.  
 17 And I think there's a plan afoot to try to  
 18 make those changes in January of this year.  
 19 MR. BETZ: Yes, sir. It's still pending.  
 20 But it's being written to my understanding right from  
 21 the individual that Mr. Gratton talked to out of  
 22 Governor Martinez's office.  
 23 I got together with him. And I wish  
 24 Mr. Gratton was here. I'm not too much privy in the  
 25 meeting that he had that day. He put some emails out.

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1 thank Chief Betz and Chief McCall and John Gratton. I  
 2 know you've all put in a large amount of time trying  
 3 to perfect this. And it's going to be for the  
 4 betterment of all law enforcement. And thank you,  
 5 Mr. Shea.  
 6 MR. SHEA: Vice Chair Korn, I believe the  
 7 Board needs to make a motion to send this to public  
 8 hearing or for rulemaking. Is that correct?  
 9 MR. KORN: Mr. Reynolds.  
 10 MR. REYNOLDS: Just a moment.  
 11 MR. KORN: I'm not so sure we have to make  
 12 any motions at this time, do we?  
 13 MR. REYNOLDS: And I'm not sure why we need  
 14 to make a regulation change.  
 15 MR. SHEA: Other than the date. We will be  
 16 changing the date from 2012-2013 biennium to 2014-2015  
 17 biennium. So there will be a language change in the  
 18 NMAC rule.  
 19 MR. KORN: I was under the impression that  
 20 those NMAC rules had been already put in flux.  
 21 MR. REYNOLDS: Could you give us a few  
 22 moments to study the language of the current rule.  
 23 And before we adjourn I'll be able to come back and  
 24 give you a better answer on whether or not we need to  
 25 do that.

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1 So we have to wait to hear back from John on that.  
 2 MR. KORN: Chief McCall, do you have anything  
 3 else to add that you can tell us about that  
 4 subcommittee?  
 5 MR. McCALL: No. I think we're just waiting  
 6 for that language in that bill to be written. The  
 7 Attorney General's Office assisted us initially with  
 8 that. And we passed off to the governor. And once we  
 9 get that, I think it will make it a lot easier for us  
 10 to move it through the state.  
 11 MR. KORN: Lobby as a committee?  
 12 MR. McCALL: Yes.  
 13 MR. KORN: So in January hopefully, during  
 14 that short session, we'll see if it gets introduced  
 15 and then if it moves ahead. Hopefully that will be  
 16 after our next Board meeting.  
 17 Director, I don't know, when do you  
 18 anticipate our next Board meeting occurring?  
 19 MR. JONES: Sir, we're looking at the next  
 20 Board meeting in February, the first week of February.  
 21 MR. KORN: So maybe by that time we will have  
 22 an idea what happened in the January session.  
 23 MR. JONES: We hope so, sir.  
 24 MR. KORN: Very good. Thank you. I did want  
 25 to bring up, since that was part of my thing later, to

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1 MR. KORN: So we'll get back with you.  
 2 MR. SHEA: Thank you, sir.  
 3 MR. KORN: Thank you for being so aware of  
 4 the rule. And we'll get back to item No. 41.  
 5 Moving along, the next item is No. 42, which  
 6 involves to some extent Mr. Reynolds.  
 7 ITEM NO. 43: FORMAL HEARING BACKLOG: BOARD ACTION  
 8 FOR SOLUTIONS, HEARING OFFICER TRAINING AND MANAGEMENT  
 9 MR. KORN: So we'll skip that for a moment  
 10 and go on to item No. 43, which is formal hearing  
 11 backlog: Board action for solutions, Hearing Officer  
 12 training and management. And on that I was going to  
 13 raise something and bring out something that the Board  
 14 has already done.  
 15 We formed a subcommittee two or three  
 16 sessions ago. The subcommittee has the personnel of  
 17 Pat Barncastle, Rob Coon, Pete Kassetas, and myself.  
 18 And as a subcommittee we deal with the selection of  
 19 Hearing Officers and the requirements of the Hearing  
 20 Officers, and we make sure that hearings move through  
 21 the system swiftly.  
 22 And in that regard I wanted to bring up  
 23 something that came to light because of Mr. Hessinger  
 24 and get the Board's kind of impression on this.  
 25 Obviously the NMAC rules are written so that

<p style="text-align: right;">Page 142</p> <p>1 an informal hearing and Notice of Final Decision is  2 issued. And if the responding officer is in  3 agreement, he can sign off. And if he's not in  4 agreement, he can ask for a formal hearing. And he  5 has 30 days to ask for a formal hearing.  6 What we saw in the case of Mr. Hessinger is  7 an offer was made to him which he rejected. He asked  8 for a formal hearing. Many months transpired between  9 his request and the time of the hearing. A Hearing  10 Officer was appointed by our Board committee.  11 The Hearing Officer did studies to find out  12 when he could have his hearing. He reserved a room,  13 he reserved our Board counsel, he communicated with  14 counsel for both the prosecution and the defense; and  15 he arranged for a court stenographer, for a room and  16 for witnesses, and subpoenas were issued.  17 And then, at the last instant, the respondent  18 came into the formal hearing and decided that he  19 wanted to accept the agreement we offered. By doing  20 that he put lots of people at great expense, lots of  21 time at great expense, lots of time lost from him  22 serving his required misconduct time or from a Board  23 hearing to exonerate him.  24 My point is in this is that I would like the  25 Board to consider as a policy that we advise the</p>	<p style="text-align: right;">Page 143</p> <p>1 Director that, at the time that a person asks for a  2 hearing, he's required to have his hearing. He can no  3 longer go back and ask to take the offer that the  4 Director offered him earlier.  5 And I have spoken with the Director Jones. I  6 understand he's in agreement with this. It will make  7 his life easier as well as the Board more efficient.  8 So I would ask the Board as a policy if we could agree  9 that that's a good idea or if there's any discussion  10 we should have.  11 MR. COON: Mr. Vice Chair, I think that's a  12 great idea.  13 MR. KORN: Thank you.  14 MR. COON: That's all I have to say about  15 that.  16 MR. KORN: Other discussion, anybody have any  17 nays, any negative?  18 MR. KASSETAS: Mr. Vice Chair, I have to  19 agree with that process, I think it's a good process  20 change.  21 MR. KORN: So anybody to the contrary? So we  22 would say that as a policy, with the Director joining  23 with us in this policy, that as a policy, if a  24 respondent asks for a formal hearing, then he is  25 committed to a formal hearing.</p>
<p style="text-align: right;">Page 144</p> <p>1 At the point of 30 days where he has to ask,  2 if he asks for that, that there's no turning back and  3 accepting anything else, he's committed resources to  4 it. And that's where we're going to move ahead.  5 And we could have some discussion with the  6 Director about putting that in writing when he sends  7 those announcements out to the responding officers in  8 the NFD. So I would ask for a motion for the Board to  9 approve that as a policy. And I'll make that motion.  10 MR. COON: Second.  11 MR. KORN: A second by Sheriff Coon.  12 Everybody in agreement signify by saying aye.  13 (Those in favor so indicate.)  14 MR. KORN: Opposed, nay? Let the record show  15 that the ayes are unanimous.  16 ITEM NO. 42: MISCONDUCT CASES: BOARD REVIEW OF  17 MISCONDUCT CASES, TRACKING AND MANAGEMENT  18 MR. KORN: Moving ahead to the next item,  19 we'll go back to item No. 42. Mr. Reynolds, item 42  20 would involve something to do with the appeals  21 procedure. Would you be able to speak to that?  22 MR. REYNOLDS: Sure.  23 MR. KORN: Okay. So let me hand this out.  24 As a prologue to this, item No. 42, this is misconduct  25 cases, Board review of misconduct cases and tracking.</p>	<p style="text-align: right;">Page 145</p> <p>1 This involves two different courses. One is the  2 management of the cases and the other is the  3 management of the appeals.  4 We as a Board decided probably six or eight  5 sessions ago that we needed to have more hands on for  6 what was going on in our Board. Much of that involved  7 the appeals, what happens after we make our decisions,  8 how are they being treated in the courts, are we being  9 overturned or are we being approved, and how is our  10 appeal process working.  11 In that regard we have been truly ably  12 represented by Mark Reynolds of the Attorney General's  13 Office. And I've said many times that we as a Board  14 are very lucky to have him as our resource and as one  15 of our Board attorneys and truthfully the head of that  16 whole department as our Board attorney.  17 So he personally handles the appeals cases.  18 And when he first started giving us his appeal  19 snapshot, I think it was three pages and had something  20 like a dozen cases on it. Obviously now it's shorter.  21 So would you like to talk to that issue.  22 MR. REYNOLDS: Sure. I'm going to keep  23 saying it until somebody tells me to stop, which is  24 that we haven't lost an appeal since I've taken over.  25 I don't have a whole lot to present about it other</p>

1 than we're doing something right.  
 2 The decisions that we're making I think has a  
 3 lot to do with it. But when I first took over, I  
 4 can't remember how long ago, we had about a dozen  
 5 appeals. We have won every one of those. And I  
 6 currently right now only have two pending. And we  
 7 haven't had any appeals filed.  
 8 Our luck will run out at some point. And  
 9 it's only a matter of time, especially before we start  
 10 getting more appeals filed. I'm actually kind of  
 11 surprised we haven't had more appeals of our  
 12 decisions. It just happens.  
 13 My division acts as counsel to a whole lot of  
 14 boards and commission. Everybody gets appeals of  
 15 their administrative decisions. We just haven't had  
 16 many lately. And those that we have had we have been  
 17 successful.  
 18 The two that you have in front of you have  
 19 been pending for a long time. They basically have  
 20 been pending because of a lack of court action. The  
 21 Cunningham case dates back to I believe the summer of  
 22 last year.  
 23 And we have just very recently had Judge  
 24 Singleton in the First Judicial District get  
 25 reassigned to that case. And she has set a scheduling

1 report on the appeals.  
 2 MR. KORN: Thank you, Mr. Reynolds. Any  
 3 questions for Mr. Reynolds? Anybody.  
 4 MR. BARNCASTLE: Mark, these appeals are held  
 5 in the district court jurisdiction where the offense  
 6 occurred?  
 7 MR. REYNOLDS: Every appeal can be filed in  
 8 the First Judicial District in Santa Fe because that's  
 9 where the Law Enforcement Academy offices are. And  
 10 many of them are filed in the First Judicial District.  
 11 But any of them can also be filed in the  
 12 jurisdiction in which, yeah, the offense or the  
 13 respondent worked. So they could be anywhere around  
 14 the state. Most of them are in the First Judicial  
 15 District in Santa Fe.  
 16 MR. KORN: Thank you.  
 17 MR. REYNOLDS: Thanks.  
 18 MR. KORN: Then the other matter under the  
 19 same topic that involves Director Jones, this is the  
 20 case tracking. And he and I have had discussions  
 21 about this.  
 22 The Board may recall that two or three years  
 23 ago we had issues with case tracking, where the Board  
 24 had no idea how many cases there were outstanding, how  
 25 many cases had been kind of forgotten about, whose

1 conference basically to see where we are on it, which  
 2 is basically nowhere because the court hasn't done  
 3 anything on it, on January 23rd I believe or something  
 4 like that.  
 5 The other one that's in front of you, I can't  
 6 remember the case name of it. Was it Gonzales?  
 7 MR. KORN: Gonzales.  
 8 MR. REYNOLDS: Gonzales. That dates back a  
 9 couple of years. And I am getting ready I believe to  
 10 probably file a motion to dismiss for lack of  
 11 prosecution. The case was filed, they had the initial  
 12 steps done.  
 13 The appellant made a motion to consolidate a  
 14 couple of cases. The one case that he tried to  
 15 consolidate in we won. This one is still outstanding  
 16 and he has done nothing with it. So it's sort of a  
 17 tactical decision as to when to file that motion for  
 18 lack of prosecution. We're probably just about there  
 19 as far as time to do that.  
 20 So I don't know. I'm hopeful, by the time  
 21 that we get around to probably not the February  
 22 meeting, but the meeting after that, those two cases  
 23 will be gone. And we'll see whatever other appeals we  
 24 have in front of us at that time. But we've been  
 25 lucky, we've been successful so far I'm happy to

1 responsibility the cases were.  
 2 And for a time there was a lot of work with  
 3 the Attorney General where we expressed our  
 4 dissatisfaction then we got on top of the cases. And  
 5 then we established as a Board the fact that we would  
 6 see a snapshot every quarter of where our cases were  
 7 so that we as managers could know how the cases are  
 8 proceeding.  
 9 The Director's office hasn't given us a  
 10 snapshot for three meetings now. And I recognize,  
 11 because I've talked with the Director, that the first  
 12 meeting he was just appointed, he wasn't involved in  
 13 it. At the second meeting, he was very, very busy  
 14 with getting the NMAC rule changes and likewise with  
 15 this one.  
 16 But I would like to ask the Director, do you  
 17 think that by the next meeting we can kind of get on  
 18 track? Because as managers the Board obviously really  
 19 does need to know what the backlog of cases are, how  
 20 they're being managed, and how they're being pushed  
 21 through the system.  
 22 MR. JONES: Mr. Vice Chair, the Law  
 23 Enforcement Academy will be able to give you that  
 24 snapshot before the next Board meeting in January, at  
 25 least two weeks out prior to the next Board meeting.

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<p>1 Is that okay?</p> <p>2 MR. KORN: Well, in light of all the time</p> <p>3 that's gone by, it takes a long time to process those.</p> <p>4 Do you think we can get one maybe shortly after this</p> <p>5 meeting just so we can kind of update everything and</p> <p>6 then another one two weeks before the next meeting?</p> <p>7 MR. JONES: Sir, we'll try. We have a</p> <p>8 graduation next week.</p> <p>9 MR. KORN: After that.</p> <p>10 MR. JONES: What we'll try to do is get you</p> <p>11 one the first week of January and then one two weeks</p> <p>12 before the next Board meeting.</p> <p>13 MR. KORN: That would be great.</p> <p>14 MR. JONES: I hate to say that we're busy,</p> <p>15 sir, but that's the only excuse I've got.</p> <p>16 MR. KORN: Well, you know, as managers it's</p> <p>17 pretty essential, you know, that's one of the</p> <p>18 functions of what we do.</p> <p>19 MR. JONES: Yes, sir. And we will work</p> <p>20 diligently to get you that as soon as we possibly can.</p> <p>21 MR. KORN: Thank you.</p> <p>22 MR. JONES: Yes, sir.</p> <p>23 MR. KORN: Any questions for the Director,</p> <p>24 any comments? Okay. Thank you, sir.</p> <p>25 Now we're on to the question from Mark Shea.</p>	<p>1 You're smiling, you must have the answer.</p> <p>2 MR. REYNOLDS: I do. I believe Mr. Shea is</p> <p>3 correct. So what I would do would be to invite this</p> <p>4 Board to make a motion and approve a proposed</p> <p>5 rulemaking to change the dates found in 10-29-7-8 and</p> <p>6 10-29-7-9 to reflect that those rules will be</p> <p>7 applicable for the 2014-2015 calendar years.</p> <p>8 MR. KORN: So why would we as a Board not</p> <p>9 want to do exactly what we did with Director Jones and</p> <p>10 take all the dates out of the NMAC so that there's</p> <p>11 total flexibility just like with the curriculum?</p> <p>12 I mean that would seem to be a much wiser</p> <p>13 thing so that we don't have to have these little</p> <p>14 nitpicky things that are curtailing the Director's</p> <p>15 office and the academy.</p> <p>16 MR. REYNOLDS: Mr. Vice Chair, I do not have</p> <p>17 a good response to that because it's probably a very</p> <p>18 good idea. If the desire of the Board would be to</p> <p>19 make it more flexible so that we wouldn't be having to</p> <p>20 change the dates every couple of years, I don't see</p> <p>21 anything wrong with that.</p> <p>22 MR. KORN: And for that matter, I mean I</p> <p>23 think the pulse of the Board is that we want to make</p> <p>24 things more streamlined. Do we really have to make</p> <p>25 that motion today or could we look at gutting it?</p>
<p>Page 152</p> <p>1 I mean a large portion of that really has no</p> <p>2 business being in NMAC rules and really should be a</p> <p>3 function of the Director's office. I guess what I'm</p> <p>4 thinking is our making a motion today doesn't do</p> <p>5 anything, right? We really have to put it on the</p> <p>6 agenda next time anyway.</p> <p>7 MR. REYNOLDS: That's correct. Your motion</p> <p>8 would be only to propose the rule change. So you</p> <p>9 would have to go through the public comment period.</p> <p>10 MR. KORN: So we have to propose something</p> <p>11 today?</p> <p>12 MR. REYNOLDS: Yes, in order to be able to</p> <p>13 vote on it at the next meeting.</p> <p>14 MR. KORN: So could we vote on asking the</p> <p>15 Director to look at the entire NMAC, changing that to</p> <p>16 make it more streamlined, if the Board wanted to do</p> <p>17 that?</p> <p>18 MR. JONES: Absolutely, sir. What a great</p> <p>19 idea.</p> <p>20 MR. KORN: I don't know if I'm speaking out</p> <p>21 of turn for the Board. But does the Board have an</p> <p>22 objection? Does the Board like the formality of the</p> <p>23 NMAC and the rigidity of it, the way it is? Sheriff</p> <p>24 Coon? Anybody care?</p> <p>25 MR. JONES: Sir, if I could make a comment.</p>	<p>Page 153</p> <p>1 To tailgate what Mark is talking about, there are a</p> <p>2 lot of things that are in the NMAC that are antiquated</p> <p>3 and out of date. And the Board could give us the</p> <p>4 opportunity to look at the NMAC rule that has</p> <p>5 everything to do with the Law Enforcement Academy and</p> <p>6 give us an opportunity to make those changes and bring</p> <p>7 them up to par with what is going on now with tactics,</p> <p>8 techniques, and procedures with bad guys and how we do</p> <p>9 training and how we would do procedures.</p> <p>10 MR. KORN: And total flexibility that you</p> <p>11 should have.</p> <p>12 MR. JONES: Absolutely, sir.</p> <p>13 MR. KORN: So we would have to talk to Mark</p> <p>14 to see how to frame that motion.</p> <p>15 MR. JONES: We'll talk to Mark, we'll get</p> <p>16 with him to see how we can do that.</p> <p>17 MR. KORN: Why don't you just do it now.</p> <p>18 MR. JONES: Okay, sir.</p> <p>19 MR. KORN: So, Mark, can you help us with the</p> <p>20 appropriate phrasing.</p> <p>21 MR. REYNOLDS: Well, I believe your motion</p> <p>22 would be to direct the Director and his staff to</p> <p>23 propose to publish a proposal rulemaking with regard</p> <p>24 to -- I'm struggling for the right word here. A</p> <p>25 revamp of Title 10, Chapter 29, Part 7, which are the</p>

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<p>1 in-service training requirements.</p> <p>2 And that proposed rulemaking should be done</p> <p>3 with adequate time to allow -- this is where it's</p> <p>4 going to be close. With a 30-day public comment</p> <p>5 period so you will be able to adopt it at the February</p> <p>6 meeting. So you have to allow that public comment</p> <p>7 period under the rules when you do a rulemaking.</p> <p>8 MR. KORN: So is the public comment by</p> <p>9 writing or do we have to have another Board meeting</p> <p>10 between now and February?</p> <p>11 MR. REYNOLDS: No. All that has to happen</p> <p>12 between now and the time that you vote on this,</p> <p>13 whether it be at the February meeting or the next one,</p> <p>14 is adequate time for that public comment period. So</p> <p>15 you've got to have that public comment period so you</p> <p>16 can vote on it at the next meeting.</p> <p>17 MR. KORN: Okay.</p> <p>18 MR. REYNOLDS: Does that make sense?</p> <p>19 MR. KORN: Yes. So would somebody like to</p> <p>20 adopt that as a motion? Just adopt what he said.</p> <p>21 MR. REYNOLDS: To put it succinctly, somebody</p> <p>22 could adopt a motion to direct the Director to revamp</p> <p>23 Title 10, Chapter 29, Part 7, to make changes to the</p> <p>24 in-service training requirements.</p> <p>25 MR. KORN: Thank you. Anybody want to adopt</p>	<p>1 that as a motion?</p> <p>2 MR. COON: I'll adopt that as a motion.</p> <p>3 MR. BARNCASTLE: I'll second it.</p> <p>4 MR. KORN: An adoption and a second. All in</p> <p>5 favor signify by saying aye.</p> <p>6 (Those in favor so indicate.)</p> <p>7 MR. KORN: All opposed? Let the record</p> <p>8 reflect that the vote was unanimous.</p> <p>9 ITEM NO. 45: INDIVIDUAL BOARD MEMBER COMMENTS</p> <p>10 MR. KORN: The next item on the agenda is</p> <p>11 individual Board comments. Anybody have anything to</p> <p>12 say that hasn't been said?</p> <p>13 MR. COON: It's been a long day.</p> <p>14 MR. KORN: Well said.</p> <p>15 MR. JONES: Before we schedule the next Board</p> <p>16 meeting, sir, I would like to beg the Board's</p> <p>17 indulgence for just a minute, if I may. I was going</p> <p>18 to do this earlier when we had public comments and I</p> <p>19 didn't get on the list.</p> <p>20 But the New Mexico Law Enforcement Academy</p> <p>21 had a special guest come in and do a presentation for</p> <p>22 us that was two days long that was very well needed</p> <p>23 and very appreciated by our cadets.</p> <p>24 In recognition and appreciation of his</p> <p>25 exceptional leadership, knowledge of tactics,</p>
<p>Page 156</p> <p>1 techniques, and firearms, devotion to the profession</p> <p>2 of arms, and supporting the New Mexico Law Enforcement</p> <p>3 Academy Basic Police Officer Training Program, his</p> <p>4 individual initiative, performance, and flawless</p> <p>5 execution of his gang and terrorism class has</p> <p>6 distinguished Chief Harry Betz as a true professional.</p> <p>7 You have earned our utmost confidence and</p> <p>8 respect. Your diligent efforts are vital to the</p> <p>9 success of the New Mexico Law Enforcement Academy.</p> <p>10 And I would just like to give you this small</p> <p>11 presentation we have.</p> <p>12 Thank you very much for allowing me to do</p> <p>13 this. It's been a long day. I appreciate it, Chief</p> <p>14 Betz. Thank you so much for everything.</p> <p>15 MR. BETZ: Thank you.</p> <p>16 (Applause.)</p> <p>17 ITEM NO. 46: SCHEDULING OF NEXT BOARD MEETING</p> <p>18 MR. KORN: So we are scheduling the next</p> <p>19 Board meeting. But I wonder if we should maybe not</p> <p>20 schedule it just now until you have time to figure out</p> <p>21 the appropriate timing.</p> <p>22 MR. JONES: Yes, sir. We can publish this.</p> <p>23 We have time, we've looked at the first week of</p> <p>24 February to hold the next scheduled Board meeting.</p> <p>25 January everybody is slammed. We have three academies</p>	<p>Page 157</p> <p>1 that are starting. That's where we're going to start</p> <p>2 the new 16-week curriculum and everything is going to</p> <p>3 happen.</p> <p>4 So if you want to sit back and everybody look</p> <p>5 at your schedule the first week of February and we can</p> <p>6 work from there, sir. We don't have to schedule it at</p> <p>7 this time.</p> <p>8 MR. KORN: For me the first week may be</p> <p>9 tight. Perhaps we can put this off and then we can</p> <p>10 contact the Board members individually.</p> <p>11 MR. JONES: We will, sir.</p> <p>12 MR. KORN: Okay. So then we'll put that part</p> <p>13 off as far as the scheduling of it.</p> <p>14 ITEM NO. 47: ADJOURNMENT</p> <p>15 MR. KORN: So we have only one final item</p> <p>16 No. 47, adjournment.</p> <p>17 MR. COON: Mr. Vice Chair, I make a motion.</p> <p>18 MR. KORN: We have a joint motion by</p> <p>19 everybody that we adjourn.</p> <p>20 MR. BETZ: I'll second it.</p> <p>21 MR. KORN: A second by Chief Betz. All in</p> <p>22 favor signify by saying aye.</p> <p>23 (Those in favor so indicate.)</p> <p>24 MR. KORN: We are adjourned. Thank you.</p> <p>25 (The meeting concluded at 4:45 p.m.)</p>



## 1 REPORTER'S CERTIFICATE

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I, JAN A. WILLIAMS, New Mexico CCR #14, DO  
HEREBY CERTIFY that on December 10, 2013, the  
proceedings in the above captioned matter were taken  
before me, that I did report in stenographic shorthand  
the proceedings set forth herein, and the foregoing  
pages are a true and correct transcription to the best  
of my ability.

I FURTHER CERTIFY that I am neither employed  
by nor related to nor contracted with (unless excepted  
by the rules) any of the parties or attorneys in this  
case, and that I have no interest whatsoever in the  
final disposition of these proceedings.

---

JAN A. WILLIAMS, RPR  
New Mexico CCR #14  
License Expires: 12/31/13

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