

NEW MEXICO LAW ENFORCEMENT ACADEMY

BOARD MEETING

December 9, 2014

8:30 a.m.

Volume 2

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</p> <p>2</p> <p>3 BOARD MEMBERS</p> <p>4 James R. Coon, Vice Chair</p> <p>5 Nate Korn</p> <p>6 Jaime Quezada</p> <p>7 Chris McCall</p> <p>8 Pete Kassetas</p> <p>9</p> <p>10 ALSO PRESENT</p> <p>11 Jack F. Jones</p> <p>12 Rick Word</p> <p>13 Monique Lopez</p> <p>14 Monica Medrano</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 AGENDA ITEM INDEX</p> <p>2 ITEM PAGE</p> <p>3 1 Colby Morgan 4</p> <p>4 2 Pablo Padilla 8</p> <p>5 3 John Corvino 8</p> <p>6 4 Jose Martinez 18</p> <p>7 5 Michael Parrish 18</p> <p>8 6 Nathan Cadroy 19</p> <p>9 7 Frank Angel 20</p> <p>10 8 Jeannie Madsen 20</p> <p>11 9 David Moon 20</p> <p>12 10 Jonathan Davis 20</p> <p>13 11 Colby Morgan 25</p> <p>14 12 Jeremiah Phillips 25</p> <p>15 13 Jacob Swenk 27</p> <p>16 14 Michael Clifton 27</p> <p>17 15 Bradley Farrington 27</p> <p>18 16 Andrew Goodman 27</p> <p>19 17 Manuel Sanchez 27</p> <p>20 18 Audeliz Nieves 28</p> <p>21 19 Ronald Garcia 28</p> <p>22 20 Adam Casaus 37</p> <p>23 21 Billy Merrifield 37</p> <p>24 22 Isaac Vigil 42</p> <p>25 23 Adjournment 55</p>
<p>Page 4</p> <p>1 MR. COON: Let's go ahead and get started.</p> <p>2 This is the Law Enforcement Academy Board for</p> <p>3 December 9th, 2014. We'll start with a roll call.</p> <p>4 MS. LOPEZ: Chief Pete Kassetas.</p> <p>5 MR. KASSETAS: Here.</p> <p>6 MS. LOPEZ: Sheriff James Coon.</p> <p>7 MR. COON: Here.</p> <p>8 MS. LOPEZ: Chief Chris McCall.</p> <p>9 MR. McCALL: Here.</p> <p>10 MS. LOPEZ: Sergeant Jaime Quezada.</p> <p>11 MR. QUEZADA: Here.</p> <p>12 MS. LOPEZ: Nate Korn.</p> <p>13 MR. KORN: Here.</p> <p>14 MR. COON: Okay. We're going to start off</p> <p>15 today with our disciplinary matters, the</p> <p>16 administrative judge informal hearings.</p> <p>17 ITEM NO. 1: COLBY MORGAN</p> <p>18 MR. COON: The first one on the agenda is</p> <p>19 Colby Morgan. Is Colby Morgan here?</p> <p>20 MR. MORGAN: Yes.</p> <p>21 MR. COON: Sir, would you like to come up and</p> <p>22 address the Board. Please state your name.</p> <p>23 MR. MORGAN: Colby Morgan. I'm currently</p> <p>24 residing in Portales.</p> <p>25 MR. COON: Would you like to address this</p>	<p>Page 5</p> <p>1 Board at this time?</p> <p>2 MR. MORGAN: I would like to make a short</p> <p>3 presentation.</p> <p>4 MR. COON: Please do.</p> <p>5 MR. MORGAN: Gentlemen of the Board, I do</p> <p>6 apologize. It was not my intent, when I met in front</p> <p>7 of you in Ruidoso approximately three months ago, to</p> <p>8 provide you with false or erroneous information.</p> <p>9 According to the information and</p> <p>10 documentation that I received from the Director, I did</p> <p>11 so. And that was not my intent. My intent was to</p> <p>12 inform you that yes, I had been working lots of hours</p> <p>13 and that I was tired and that I made a mistake.</p> <p>14 And then I followed that up by making an even</p> <p>15 bigger mistake. I did not check my facts before I</p> <p>16 came before you and relied on my own memory and, thus,</p> <p>17 made another error. And I do apologize for that.</p> <p>18 MR. COON: So you don't think you lied in</p> <p>19 front of this Board?</p> <p>20 MR. MORGAN: I did, sir. I told you I gave</p> <p>21 you false information, sir.</p> <p>22 MR. COON: Do you have anything else?</p> <p>23 MR. MORGAN: No, sir. I do not.</p> <p>24 MR. COON: Anybody have any questions of</p> <p>25 Mr. Morgan?</p>

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<p>1 MR. KORN: I do.</p> <p>2 MR. COON: Mr. Korn.</p> <p>3 MR. KORN: Mr. Morgan, if I understand things</p> <p>4 right, the last time you told us that you were -- and</p> <p>5 I'm just going by my memory. You told us that your</p> <p>6 supervisor woke you up and asked you questions about</p> <p>7 your shift, and you answered him when you were groggy</p> <p>8 and asleep?</p> <p>9 MR. MORGAN: Yes, sir.</p> <p>10 MR. KORN: But, in fact, as we learn now, not</p> <p>11 only wasn't that true, but he spoke to you many times</p> <p>12 or several times when you were on duty; is that</p> <p>13 correct?</p> <p>14 MR. MORGAN: Correct. The first time when he</p> <p>15 called me, I was groggy and asleep. The subsequent</p> <p>16 times I was not.</p> <p>17 MR. KORN: And there was more than one</p> <p>18 subsequent time?</p> <p>19 MR. MORGAN: Yes, sir.</p> <p>20 MR. KORN: So it's a little hard to be vague</p> <p>21 on the facts when really it wasn't that you were</p> <p>22 groggy and asleep at all, it was that he actually</p> <p>23 talked to you while you were on duty more than once.</p> <p>24 MR. MORGAN: Yes, sir.</p> <p>25 MR. KORN: So when you came before the Board,</p>	<p>1 it's a little hard to believe that you were vague on</p> <p>2 the facts when you only remembered the part where he</p> <p>3 woke you up and you were groggy and asleep.</p> <p>4 MR. MORGAN: Yes, sir.</p> <p>5 MR. KORN: So even now, when you're saying</p> <p>6 that you were a little hazy on the facts, even now</p> <p>7 you're not telling us the truth.</p> <p>8 MR. MORGAN: I was -- I'm sorry.</p> <p>9 MR. KORN: When you're telling us today that,</p> <p>10 when you lied to us last time that you were a little</p> <p>11 hazy on the facts, you weren't a little hazy on the</p> <p>12 facts at all; you were lying to us and you knew that.</p> <p>13 MR. MORGAN: When I was a little hazy on the</p> <p>14 facts, sir, I was referring to how many days I had</p> <p>15 actually worked in that time period.</p> <p>16 MR. KORN: Oh. Well, I'm talking about hazy</p> <p>17 on the facts of you being groggy when he woke you up.</p> <p>18 That's what was a complete lie. And you knew it at</p> <p>19 the time you told us.</p> <p>20 MR. MORGAN: Yes, sir.</p> <p>21 MR. KORN: Okay. Thank you.</p> <p>22 MR. COON: Anybody else have any questions</p> <p>23 for Mr. Morgan? Thank you, sir.</p> <p>24 MR. MORGAN: Thank you.</p> <p>25 ITEM NO. 2: PABLO PADILLA</p>
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<p>1 MR. COON: Okay. Next on the agenda is</p> <p>2 No. 2, Pablo Padilla. Mr. Padilla, would you like to</p> <p>3 address this Board please, sir.</p> <p>4 MR. PADILLA: Good morning, sir.</p> <p>5 MR. COON: Mr. Padilla, would you like to</p> <p>6 address the Board.</p> <p>7 MR. PADILLA: I have been advised by counsel</p> <p>8 to ask for a formal hearing, sir.</p> <p>9 MR. COON: Okay. I guess that's it then.</p> <p>10 Thank you, sir.</p> <p>11 ITEM NO. 3: JOHN CORVINO</p> <p>12 MR. COON: Okay. Item No. 3 is John Corvino.</p> <p>13 Mr. Corvino, would you like to address this Board.</p> <p>14 MR. CORVINO: Yes, I would. Good morning.</p> <p>15 MR. COON: Good morning, sir.</p> <p>16 MR. CORVINO: Well, how should I actually</p> <p>17 start off, sir? Do you know the circumstances behind</p> <p>18 my situation?</p> <p>19 MR. COON: Basically we have it here in a</p> <p>20 synopsis.</p> <p>21 MR. CORVINO: So you're familiar?</p> <p>22 MR. COON: Yes.</p> <p>23 MR. CORVINO: Great. Well, first of all, I</p> <p>24 would like to start off with I've been around almost</p> <p>25 30 years and never had a blemish on my record ever.</p>	<p>1 This is where I work, here in this police academy. By</p> <p>2 being here I feel a little humiliated.</p> <p>3 So I would like to start off with that, in</p> <p>4 the recommendation from Mr. Linthicum, it says that it</p> <p>5 has not been proven -- I will quote. "I cannot prove</p> <p>6 that Officer Corvino did anything wrong, yet a</p> <p>7 cautionary letter is recommended." I don't understand</p> <p>8 that. I don't agree with that.</p> <p>9 If that is the case, I didn't violate any DPS</p> <p>10 policy at all. Also what it says -- and I'll clarify</p> <p>11 that summary. It says that I continually contacted</p> <p>12 DPS. To read into that is kind of confusing.</p> <p>13 I'll tell you exactly what I did. I spoke</p> <p>14 with Mr. Jack Jones one day about the particular</p> <p>15 letter that I was asked to sign from my chain of</p> <p>16 command. And we discussed that letter. That is it.</p> <p>17 And the particulars of this letter from my</p> <p>18 chain of command, it all started with that. I was</p> <p>19 asked to oversee -- well, the letter was addressed to</p> <p>20 Mr. Jack Jones from me that I oversaw training here in</p> <p>21 the police academy building.</p> <p>22 I did not oversee it. I didn't even know it</p> <p>23 was occurring. My chain of command asked me to sign</p> <p>24 that letter and I refused. That makes it sound like I</p> <p>25 was uncomfortable signing the letter. I was not</p>

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<p>1 uncomfortable signing it. I flat out refused to sign 2 it.</p> <p>3 I felt I was being retaliated against the 4 months that continued after that. And that's why 5 we're here today. Again I feel I did not violate any 6 DPS policy because this cautionary letter states 7 that -- well, I'm getting a cautionary letter for 8 what? And maybe you could answer that for me.</p> <p>9 Respectfully, if possible, I hope you will 10 understand my circumstances and find a no action in my 11 case. Did I clarify everything, does anyone have any 12 questions for me? After 30 years I would like to 13 leave here without a blemish on my record. And please 14 ask me questions.</p> <p>15 MR. COON: Does anybody have any questions? 16 MR. KASSETAS: I do. 17 MR. COON: Chief Kassetas. 18 MR. KASSETAS: Mr. Corvino, you were 19 suspended for 40 hours by your agency? 20 MR. CORVINO: Eighty hours. 21 MR. KASSETAS: And the way it works for APD 22 is 40 hours is served and 80 is held in abeyance? 23 MR. CORVINO: I don't know if that's policy. 24 But in my case, yes. 25 MR. KASSETAS: You went 40 days without pay</p>	<p>1 for something?</p> <p>2 MR. CORVINO: Yes. 3 MR. KASSETAS: I want to hear you tell me 4 what it was. 5 MR. CORVINO: Well, I can tell you. I don't 6 have the charges in front of me. But it was 7 insubordination, conduct unbecoming, and I want to 8 say -- here is where it started, if I can elaborate a 9 little bit.</p> <p>10 My chain of command thought I posted a 11 particular letter on the Eye on Albuquerque. And 12 that's where the complaint is. All this other stuff 13 would not have been an issue. But they could not find 14 I put that letter on the Eye on Albuquerque, which I 15 did not.</p> <p>16 Then they went back in the past five, six 17 months and decided to charge me with insubordination 18 and conduct unbecoming. That's where it comes from.</p> <p>19 And also I want to tell you that letter in 20 itself -- again I feel so strongly about this. I've 21 been training people -- you know, if you count all the 22 cops and people I've trained over the years, I'll bet 23 you it's close to 1,000, if not more. I take pride in 24 training. 25 I would not sign that kind of letter. And</p>
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<p>1 this thing blew so much out of proportion. They're 2 trying -- the letter is kind of being pushed aside a 3 little bit. And my insubordination and conduct 4 unbecoming, putting the department in disrepute, they 5 went back months and found things like that they 6 accused me of, which I did not do.</p> <p>7 Our director here at the academy, Mr. Joe 8 Wolf, received a letter of reprimand for that letter. 9 I mean that's big. But a slap on the hand and I 10 received 80 hours, which if the validity of instructor 11 certificates were valid, this would not be an issue.</p> <p>12 What if I signed that letter and this issue 13 could have possibly come up? I would be the only one 14 lied to. And then if I did sign it, I should be 15 standing here in front of all of you trying to defend 16 myself, which I would not be able to.</p> <p>17 MR. COON: Anybody else have any questions? 18 MR. KASSETAS: Thank you. 19 MR. KORN: I guess I do. 20 MR. COON: Mr. Korn. 21 MR. KORN: Mr. Corvino, in your 30 years of 22 being an officer, I think I've known you about 20 of 23 those. And I've gone on ride-alongs with you and I've 24 seen you in the field. And as you say you have 25 probably trained 1,000 officers here.</p>	<p>1 I know for a fact that you consistently get 2 one of the highest grades from your cadet classes that 3 appreciate your efforts.</p> <p>4 And I also know that you do extra things for 5 the department, such as you recently did a very 6 touching exercise with cancer children that you 7 thought of on your own and that you invited them and 8 50 people from APD to volunteer to take them to the 9 range and make it a special day for them. What did 10 you call that day?</p> <p>11 MR. CORVINO: It's called a hero academy. It 12 was for children with cancer. They had one day to 13 learn how to become a police officer. And we spent 14 all day here teaching them integrity, honesty, and, 15 you know, rise above. What we do every day with the 16 kids, that's correct.</p> <p>17 MR. KORN: Which was also very touching. And 18 I asked you how you came up with that idea. And you 19 came up with it all on your own. 20 MR. CORVINO: That is correct. 21 MR. KORN: And you brought honor to the 22 department as well as to yourself. So when you say 23 you have a long unblemished record, I know that to be 24 true. 25 There's a question in the record that says</p>

1 that you spoke to -- I'm not sure. That many  
2 instructors asked you on their behalf to inquire about  
3 instructor credentials, which implies that there were  
4 many conversations with LEA.

5 MR. CORVINO: Yes.

6 MR. KORN: Can you speak to that.

7 MR. CORVINO: Absolutely. I'm glad you asked  
8 that question. The training that goes on here, I'm in  
9 the advanced training unit, I am not in the basic  
10 training unit. It was brought to my attention, when  
11 training was going on here, someone said, hey, does a  
12 particular instructor have a valid certificate.

13 I talk to Santa Fe all the time. I talk to  
14 Jack Jones and Jack Jones' people. Mark Shea, Manny  
15 Overby, I would call them all the time about training,  
16 about everything.

17 I called one day and said, hey -- without  
18 mentioning the officer's name, I called, hey, does he  
19 have a certain certificate. They called me back. He  
20 does not. I informed my chain of command. I never  
21 held anything back. This is an everyday issue.

22 As a trainer no one ever told me do not  
23 contact DPS ever. A few days or maybe a couple of  
24 weeks went by. More training was here. It was  
25 brought to my attention that the people in the gym did

1 essence of what this is about?

2 MR. CORVINO: Maybe you can clarify that for  
3 me. Are you saying that I contacted DPS to embarrass  
4 the department?

5 MR. KORN: No, no. I'm saying that, in this  
6 era of difficulty with the department, do you think  
7 that your contacting them would have been something  
8 that they perceived as inappropriate?

9 MR. CORVINO: Oh. Well, let me tell you, in  
10 my contacting them, I was saving the department from  
11 embarrassment. Can you imagine you put up training  
12 and your people are not certified?

13 I'm in the advanced training unit. That's my  
14 job. It's common practice to call up to Santa Fe and  
15 ask about other instructors' certificates, if they're  
16 valid or not. Common practice.

17 If these instructors were valid, there would  
18 be no issue. I wouldn't be standing here in front of  
19 you today about a phone call to Santa Fe. And I want  
20 to reiterate that no one told me not to. This is  
21 everyday duties.

22 And just to bring up the point a little bit,  
23 during this time, during the time that this was going  
24 on, when I didn't even know it was going on, I got a  
25 call from my sergeant who was actually -- it was

1 not have a valid certificate.

2 I took it upon myself, I made a phone call.  
3 Does this person have a certificate, a valid  
4 certificate. And the reply was no. I advised my  
5 chain of command. Don't shoot the messenger. That's  
6 the issue. And that's where this whole thing came  
7 back. Nobody ever told me not to contact Santa Fe.

8 After I told them that particular instructor  
9 did not -- that was the second time. After I told  
10 them that, they told me do not contact Santa Fe any  
11 more about defensive tactics. And I did not. I  
12 absolutely did not.

13 After that conversation is when Mr. Jack  
14 Jones and I had a conversation about that letter. I  
15 wanted to make him aware that I did not sign this. My  
16 name is on it. It was a letter drafted to Mr. Jack  
17 Jones from me. That was the extent of our  
18 conversation. So no one told me. It was part of my  
19 daily duties.

20 MR. KORN: I guess, just by reading the  
21 narrative, though, is that not kind of the issue;  
22 that, in this kind of tension-filled circumstance,  
23 that you were contacting LEA when it would have been  
24 embarrassing for the department or explosive for the  
25 department for you to do that? Isn't that kind of the

1 Sergeant Dave Sullivan who was actually the guy who  
2 was not officially certified.

3 He called me because he's a good guy, he's a  
4 friend of mine, and said, hey, can you check on my  
5 certifications up in Santa Fe. How about that? A  
6 little ironic. And I said, Dave, really. And then he  
7 said yeah, what's the problem. Because he didn't know  
8 anything was going on. No one knew. So that's kind  
9 of where that's at.

10 MR. KORN: Thank you.

11 MR. CORVINO: I know I went on a little bit.  
12 And again I really would like a no action in this to  
13 keep my record clean, 100 percent. A cautionary  
14 letter, that's going to hurt me. It really will.  
15 It's going to hurt.

16 So I hope you can see that. And in the  
17 findings on the summary, when I had the informal with  
18 Mr. Linthicum, he says in it I cannot prove Officer  
19 Corvino -- it says I cannot prove and it also says the  
20 word definitely, if you're looking at the same paper  
21 I'm looking at. So how can I get a cautionary letter  
22 I ask you. And if there are any other questions.

23 MR. COON: Anybody else have any other  
24 questions? Thank you.

25 MR. CORVINO: Thank you.

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1 ITEM NO. 4: JOSE MARTINEZ  
 2 MR. COON: Going on to No. 4, Jose Martinez.  
 3 Would you like to address the Board, Mr. Martinez.  
 4 MR. MARTINEZ: Good morning. I wasn't  
 5 prepared to address the Board, but I'll make it brief.  
 6 I want to take this opportunity to apologize for  
 7 having the circumstances and coming before you guys  
 8 today.  
 9 I do take full responsibility for my actions.  
 10 And I would like not only the opportunity to apologize  
 11 to Members of the Board but the entire law enforcement  
 12 community, which I feel I did let down.  
 13 MR. COON: Anybody have any questions for  
 14 Mr. Martinez? Sergeant Quezada.  
 15 MR. QUEZADA: I have a question. Did you  
 16 complete the alcohol counseling?  
 17 MR. MARTINEZ: It's still ongoing, sir. I go  
 18 once a week.  
 19 MR. QUEZADA: So you're still going?  
 20 MR. MARTINEZ: Yes.  
 21 MR. COON: Anybody else? Thank you, sir.  
 22 MR. MARTINEZ: Thank you.  
 23 ITEM NO. 5: MICHAEL PARRISH  
 24 MR. COON: Number 5, Michael Parrish. Is  
 25 Mr. Parrish here?

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1 Kassetas.  
 2 MR. KASSETAS: I do. So you received  
 3 40 hours of suspension unpaid?  
 4 MR. CADROY: That is correct, sir.  
 5 MR. KASSETAS: Thanks for coming before the  
 6 Board and taking full responsibility. To this Board  
 7 Member that means a lot. Thank you.  
 8 MR. CADROY: Thank you.  
 9 MR. COON: Anybody else? Thank you, sir.  
 10 ITEM NO. 7: FRANK ANGEL  
 11 MR. COON: Now we're going to letters of  
 12 caution. Item No. 7 is Frank Angel. Is he here?  
 13 Frank Angel? Okay.  
 14 ITEM NO. 8: JEANNIE MADSEN  
 15 MR. COON: Number 8, Jeannie Madsen. Jeannie  
 16 Madsen, are you here?  
 17 ITEM NO. 9: DAVID MOON  
 18 MR. COON: And No. 9 is David Moon. Are you  
 19 here, Mr. Moon?  
 20 ITEM NO. 10: JONATHAN DAVIS  
 21 MR. COON: Now we're going to stipulated  
 22 orders. Number 10 is Jonathan Davis. Mr. Davis,  
 23 would you like to address this Board?  
 24 MR. DAVIS: Yes, I would. Good morning.  
 25 I'll address the Board regarding my situation that on

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1 MR. D'AMATO: Good morning Mr. Chairman,  
 2 Members of the Board. I would like to request a  
 3 formal hearing.  
 4 MR. COON: A formal hearing. Thank you, sir.  
 5 MR. D'AMATO: You're welcome.  
 6 ITEM NO. 6: NATHAN CADROY  
 7 MR. COON: Item No. 6 is Nathan Cadroy.  
 8 MR. CADROY: Good morning, ladies and  
 9 gentlemen. I would just like to address the Board. I  
 10 don't have any complaints. Like I said in my informal  
 11 hearing, all my investigation, I take full  
 12 responsibility.  
 13 I only understood yesterday that I had gotten  
 14 a letter for a possible cautionary. I think that's  
 15 appropriate in this case. It's one of those things.  
 16 Again I take full responsibility, I'm not going to sit  
 17 up here and waste anybody's time.  
 18 All my training has been completed. I was  
 19 assigned 80 hours. I actually was -- 48 of it I  
 20 actually had to do. The other was held in abeyance.  
 21 So everything is on my half and everything has been  
 22 completed. The four hours of use-of-force training  
 23 has been completed, that was completed last week.  
 24 Again that's all.  
 25 MR. COON: Anybody have any questions? Chief

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1 December 21st, 2013, I was arrested for battery  
 2 against a household member. During the evening me and  
 3 my girlfriend did go out drinking to several  
 4 restaurants.  
 5 And we got into an argument in reference to  
 6 an altercation that occurred at the local bar there in  
 7 Las Cruces, at Graham Central Station, regarding a  
 8 male coming up to her. And argument ensued inside of  
 9 her vehicle.  
 10 We continued driving the vehicle. We went to  
 11 pick up my daughter. And then when we picked her up,  
 12 the argument continued to ensue. I did get in her  
 13 face and was yelling at her. Then we went to my  
 14 residence and the argument was continuing.  
 15 I was struck. I never told the police  
 16 department that I was. I got out of the vehicle,  
 17 knowing that it was getting physical. I told her to  
 18 leave. She got out of the vehicle.  
 19 I did push her away from the garage and I did  
 20 close the garage door on her. And I told her to  
 21 leave, because she does have family in Las Cruces and  
 22 I do not. And that's when the police department came  
 23 and I was arrested.  
 24 The investigating, including the sergeant, he  
 25 investigated the initial. The accusation was made

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1 that I had choked out my girlfriend. So the  
2 detectives were called out for the strangulation. It  
3 was determined during their investigation that I did  
4 not strangle my girlfriend, but I was charged with the  
5 battery on a household member.

6 I then was put on administrative leave for a  
7 period of time. They then conducted an Internal  
8 Affairs investigation on it due to the inconsistency  
9 of our stories, that there was no disciplinary for my  
10 department.

11 As far as the criminal case, the criminal  
12 case was dismissed by the District Attorney's Office.  
13 And I received no criminal punishment nor any  
14 punishment through my department.

15 I did meet with Mr. Jones. And per the  
16 stipulation order, I got two months -- or three months  
17 being suspended to 30 days. And I'm accepting of  
18 that.

19 I have taken the ethics class that was per  
20 the stipulated order. I have taken a class in  
21 reference to the -- for emotional survival for police  
22 officers called running through the fog regarding the  
23 anger management and alcohol abuse. I have been  
24 attending counseling in reference to the addiction in  
25 reference to the alcohol.

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1 MR. KORN: She withdrew her --

2 MR. DAVIS: Her statement, her initial  
3 statement? Yes, sir.

4 MR. COON: Is this a live-in girlfriend?

5 MR. DAVIS: What's that, sir?

6 MR. COON: Is this a live-in girlfriend?

7 MR. DAVIS: It is my current girlfriend. We  
8 do share a child together.

9 MR. KORN: So you're back together?

10 MR. DAVIS: Yes.

11 MR. KASSETAS: I have a comment. It's got to  
12 be difficult to come before the Board and the people  
13 behind you and whatever cameras present. The reality  
14 is many people come before this Board, and the Board  
15 has to tell them what treatment or what they need to  
16 do to address any issues.

17 It sounds like you have come before the Board  
18 and you have already done that. You mentioned  
19 counseling and you have taken some courses and done  
20 some of those steps, correct?

21 MR. DAVIS: Yes, sir.

22 MR. KASSETAS: I commend you for that.  
23 Although the case may have been dismissed and the  
24 department didn't take any action, you realize you  
25 have some issues to deal with. And it sounds like

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1 I don't have copies. But I have the  
2 originals if anyone wants to see any of these  
3 certifications of the reference to the training and  
4 any other matters.

5 MR. COON: Anybody have any questions of  
6 Mr. Davis? Mr. Korn.

7 MR. KORN: Mr. Davis, if I understand, your  
8 department gave you no penalty?

9 MR. DAVIS: No. I have the clearance form.

10 MR. KORN: What about the courts, did you say  
11 that?

12 MR. DAVIS: Yes. I have both of the -- the  
13 criminal charge was dismissed by the District  
14 Attorney's Office. And I received a letter from the  
15 chief of police regarding the no disciplinary action  
16 on it not being sustained.

17 MR. KORN: And the criminal charge was  
18 dismissed at trial? I mean why was the criminal  
19 charge dismissed?

20 MR. DAVIS: The criminal charges were  
21 dismissed I believe due to the changing of my  
22 girlfriend's story.

23 MR. KORN: So she didn't testify?

24 MR. DAVIS: No. It was dismissed during a  
25 pretrial hearing.

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1 you're dealing with those, correct?

2 MR. DAVIS: Yes, sir.

3 MR. KASSETAS: And you're still employed by  
4 the agency?

5 MR. DAVIS: I am still employed.

6 MR. KASSETAS: How many years have you been a  
7 police officer?

8 MR. DAVIS: Three years.

9 MR. KASSETAS: Thank you.

10 MR. COON: Anybody else have any questions?  
11 Thank you, sir.

12 MR. DAVIS: Thank you.

13 ITEM NO. 11: COLBY MORGAN

14 MR. COON: Number 11 on the agenda is Colby  
15 Morgan. Is Mr. Morgan here? I'm sorry.

16 ITEM 12: JEREMIAH PHILLIPS

17 MR. COON: Okay. Number 12, Jeremiah  
18 Phillips. Jeremiah Phillips.

19 MR. D'AMATO: Good morning, Mr. Chair,  
20 Members of the Board. We ask that you adopt the  
21 recommendation.

22 MR. KORN: Mr. D'Amato, just so you know, and  
23 I think you might be aware, yesterday we as a board  
24 decided that attorneys couldn't speak on behalf of  
25 respondents, especially when they're not here.

1 MR. D'AMATO: Very good.  
 2 MR. KORN: Thank you. And I did want to  
 3 mention another thing. When you came up before and  
 4 asked for a formal hearing, you understand that's not  
 5 a substitute for the requirement that you put it in  
 6 writing after getting the Notice of Final  
 7 Determination. You're aware of that?  
 8 MR. D'AMATO: Yes. Respectfully, Mr. Chair,  
 9 Members of the Board, the respondent requests a formal  
 10 hearing in that case.  
 11 MR. KORN: Well, a Notice of Final  
 12 Determination has to issue and then you make the  
 13 request. So just so we have the formality, I mean  
 14 your coming up to ask doesn't really satisfy what the  
 15 NMAC requires. So we acknowledge that you did that.  
 16 But that doesn't represent a formal request on your  
 17 part.  
 18 MR. D'AMATO: All right. And if I may be so  
 19 bold, I guess the informal process has changed.  
 20 MR. KORN: And I don't want to engage with  
 21 you because that would be counter to what the Board  
 22 decided yesterday. I just didn't want your request  
 23 for a formal hearing to be in your mind a request that  
 24 you didn't have to make according to the NMAC.  
 25 MR. D'AMATO: The request was made in writing

1 Sanchez.  
 2 ITEM NO. 18: AUDELIZ NIEVES  
 3 MR. COON: Formal hearings, No. 18, we will  
 4 discuss that in executive session.  
 5 ITEM NO. 19: RONALD GARCIA  
 6 MR. COON: Next we'll go to letters to  
 7 address the Board, No. 19, Ronald Garcia. Mr. Garcia.  
 8 MR. GARCIA: Good morning, gentlemen. And,  
 9 Ms. Medrano, thank you for your help. Did you have  
 10 the opportunity to read my letter? Do you have any  
 11 questions from the letter?  
 12 MR. COON: Anybody have any questions?  
 13 MR. KORN: Did you wish to address the Board  
 14 or did you just want us to read the letter?  
 15 MR. GARCIA: Well, I just wanted to make  
 16 certain that you had read the letter and wanted to  
 17 know if you had any questions. If you would like me  
 18 to, I could give you a history behind the charges that  
 19 were filed.  
 20 MR. COON: Sure.  
 21 MR. GARCIA: In '91, after a short period of  
 22 time in the late eighties having worked for a police  
 23 department in California, I moved to Los Alamos County  
 24 and worked for Los Alamos between '91 and '95.  
 25 And my second wife was also working for the

1 previous.  
 2 MR. KORN: There hasn't been a Notice of  
 3 Final Determination so you can't make it yet.  
 4 MR. D'AMATO: All right. Thank you.  
 5 MR. KORN: Thank you.  
 6 MR. COON: Thank you, sir.  
 7 ITEM NO. 13: JACOB SWENK  
 8 MR. COON: Number 13, Jacob Swenk.  
 9 MS. BARKLEY: Mr. Chair, Members of the  
 10 Board, having just heard the prior exchange, I just  
 11 wanted to state for the record I am Jamison Barkley  
 12 and I am here on behalf of Mr. Swenk.  
 13 MR. COON: Okay. Thank you.  
 14 ITEM NO. 14: MICHAEL CLIFTON  
 15 MR. COON: Agenda item No. 14, Michael  
 16 Clifton. Michael Clifton, are you here? Mr. Clifton?  
 17 No Michael Clifton.  
 18 ITEM NO. 15: BRADLEY FARRINGTON  
 19 MR. COON: Number 15 is Bradley Farrington.  
 20 Bradley Farrington. No Bradley Farrington.  
 21 ITEM NO. 16: ANDREW GOODMAN  
 22 MR. COON: Number 16, Andrew Goodman. Andrew  
 23 Goodman.  
 24 ITEM NO. 17: MANUEL SANCHEZ  
 25 MR. COON: Number 17, Manuel Sanchez. Manuel

1 police department. She had worked between '93 and I  
 2 believe '98, when she finally was forced to leave due  
 3 to health issues.  
 4 During that time, around about '98, many  
 5 issues came to play, stress-related issues. I finally  
 6 finished a protracted two-year lengthy, very costly  
 7 divorce. I was finally able to marry my second wife.  
 8 We had just gotten married in April when she  
 9 was injured on the job in June, early June, where she  
 10 was exposed to some caustic materials and still  
 11 suffers to this day from that particular exposure.  
 12 I guess I was in my early thirties at the  
 13 time. The anger from that and the stress from all the  
 14 other situations that had occurred or that were  
 15 occurring at the time -- we had just gotten married.  
 16 And we are still together. It will be 20 years this  
 17 month, at the end of the month.  
 18 Those issues are long-standing for us as far  
 19 as her health issues are constant reminders of our  
 20 interaction with Los Alamos in '98 in these particular  
 21 charges that came about.  
 22 The very first time that my wife had a  
 23 seizure, one of her seizures, we didn't know what it  
 24 was. And she had called me and I was at work. I was  
 25 working for Picuris Pueblo at the time at their police



1 department.  
2 And I rushed home in my unit. I was on duty  
3 at the time. And I was stopped by Los Alamos Police  
4 Department. It was the only jurisdiction that  
5 actually stopped me in my rush to get to my wife, to  
6 get her to the ER. Hence, the first situation that  
7 occurred.

8 The second situation that occurred several  
9 months later was -- I honestly don't know why I was  
10 stopped. It was late at night, I was coming home from  
11 work. I was allowed to have a take-home unit from  
12 Picuris to Los Alamos, where I still resided with my  
13 wife.

14 And I didn't stop the unit because of the  
15 physical violence that occurred at the first stop. I  
16 was afraid that it would happen again in a dark area.  
17 I waited to pull over until I got to my apartment  
18 complex and then engaged the officer as far as  
19 speaking to him. And, thus, came the charges from  
20 that particular situation.

21 If I could back up just a couple weeks from  
22 that, the case itself came before the Santa Fe  
23 magistrate judge because the Los Alamos County judge  
24 had recused herself, the magistrate judge, because she  
25 knew us, she married us, et cetera.

1 MR. KASSETAS: I never heard of that for a  
2 speeding ticket. But what happened, tell us?

3 MR. GARCIA: Well, the situation which was --  
4 apparently you didn't see it on TV, how unfortunate it  
5 was.

6 MR. KASSETAS: In '98?

7 MR. GARCIA: In '98.

8 MR. KASSETAS: I don't know what I saw last  
9 week. Help us understand what you're talking about.

10 MR. GARCIA: I understand. I was stopped.  
11 And I tried to explain to the officer who had stopped  
12 me, somebody who I had worked with, somebody who I  
13 knew, someone who had eaten at our home, who was  
14 friends with us, me and my wife. I was trying to  
15 explain to him where I was heading, what I needed to  
16 do.

17 And he said -- his anger at the situation  
18 didn't help. He was, you know, why didn't she call  
19 us. Well, why would she call somebody related to a  
20 department that -- it was an officer who actually  
21 initially exposed her to those materials. So she was  
22 kind of angry with the entire department. Whether  
23 that's justified or not I don't know, that's just  
24 human nature.

25 So because she was angry with them, I was

1 So the magistrate judge, I believe his name  
2 was Montoya -- in Pojoaque was where the hearing was  
3 held. He found no basis for the charges and he  
4 dismissed the case, the initial case.

5 Shortly after that I found myself getting  
6 followed to and from -- as I was leaving to and from.  
7 And I chose not to engage the officers. Shortly after  
8 the judge's decision -- she dismissed the first case.

9 And so at one point, again as I say, the  
10 second situation I was stopped. I was furious, I was  
11 mad. I had no understanding as to why this was  
12 occurring.

13 Again as I said, me in my early thirties,  
14 having all this stress of the different situations,  
15 and unfortunately at that point also looking towards  
16 an unfortunate protracted hearing with child services  
17 as to child support and all that that entailed and  
18 visitation --

19 MR. KASSETAS: Can I just ask you, for the  
20 sake of clarity, what did you do? Because you list  
21 here in your letter that it was two counts of  
22 speeding, two counts of obstruction, and then you had  
23 an ankle bracelet; and you did a month of in-home  
24 incarceration?

25 MR. GARCIA: Yes.

1 angry with them. And so I said look, Joe, I've got to  
2 go. She's waiting for me, I've got to take her to the  
3 ER. Again I repeated then what was going on, she was  
4 having a seizure.

5 So he reached into the vehicle to keep me  
6 from leaving and he was going to -- he says he went to  
7 go for the keys. He actually hit me in the side of  
8 the head with his radio. So after that I knew I  
9 couldn't go anywhere and I had to stay there. So, you  
10 know, I threw it back in park.

11 And he drew down on me. And he started  
12 telling me to, you know, take out my weapon and put it  
13 on the seat next to me. I already know that's not  
14 going to happen. So I waited for him to have backup,  
15 because he started calling for backup. And the backup  
16 showed up.

17 Unfortunately, because my wife still had her  
18 materials at home, she was listening on the radio  
19 because she just listens to her radio at home at the  
20 time. And another animal control officer -- she was  
21 with animal control.

22 Another officer called her at home and said,  
23 oh, my God, they've got Ron at a car stop, you've got  
24 to get over there. She actually, with the help of a  
25 neighbor, rushed over there.

1 And so because they saw that she was sitting  
2 there in a car ahead of us at the car stop, they  
3 assumed that I was lying about her injury and that she  
4 needed to get to the ER. That was that situation.  
5 MR. COON: Let me ask you, where did you come  
6 from to pick her up if you would have taken her to the  
7 ER?  
8 MR. GARCIA: From Picuris to my home is  
9 approximately 55 miles.  
10 MR. COON: Fifty-five?  
11 MR. GARCIA: Something like that one way.  
12 And then I would have gone from -- from her house to  
13 the ER would have been three, four miles.  
14 MR. COON: They don't have an ambulance  
15 service you can call?  
16 MR. GARCIA: They do. They do. But I was --  
17 once I got the call from her, as I said I just jumped  
18 in my unit and came home. I told my chief I've got to  
19 go. He said okay, go ahead, be careful. And I took  
20 off.  
21 I tried to convince her to call the PD, call  
22 011. She said I'm not going to call those people.  
23 She was the one -- as I said she was the one that was  
24 injured by her supervising officer who was a corporal  
25 with the department. And she just had this fear.

1 saw that they were somehow tangentially related. And  
2 he asked both parties, defense and prosecution, do you  
3 want to just put these things together. And so  
4 everybody just agreed it would be more expeditious to  
5 do that.  
6 MR. QUEZADA: Okay. And you made a comment  
7 that kind of concerned me. You said that, when the  
8 officer pulled his weapon on you, if you were okay and  
9 trying to get to your wife, you were not going to take  
10 your weapon out?  
11 MR. GARCIA: Well, I didn't -- no. He had --  
12 what he was yelling at me to do was put my hand on my  
13 gun, take it out of my holster, and put it on the seat  
14 next to me. And I also had in the unit with me my  
15 shotgun which was there. And I didn't want to put my  
16 hands anywhere near a weapon while he was --  
17 MR. QUEZADA: I understand. I just wanted to  
18 get clarification on what your thought process was at  
19 the time.  
20 MR. COON: Anybody else have any questions?  
21 I've got one real quick one. I noticed it says here  
22 you earned an intercompany doctorate degree. Is that  
23 a Ph.D. or is that something else?  
24 MR. GARCIA: No. Starwood University is part  
25 of Starwood Hotels Worldwide. And what they decided a

1 And then, when I finally got home, she had  
2 such a fear of what had just occurred to me that she  
3 made me take her down to Espanola instead of to Los  
4 Alamos Medical Center. And then the second --  
5 MR. COON: Mr. Garcia, I'm going to stop you.  
6 MR. GARCIA: Certainly.  
7 MR. QUEZADA: Can ask a question.  
8 MR. COON: Mr. Quezada.  
9 MR. QUEZADA: How many years did you have at  
10 the time as an officer?  
11 MR. GARCIA: With Los Alamos?  
12 MR. QUEZADA: At the time that --  
13 MR. GARCIA: I had four with Los Alamos. I  
14 had already -- I had worked for a year for Rio Arriba.  
15 And then I worked -- and then with Picuris I had just  
16 actually hired on with them in February. And this  
17 incident occurred in June.  
18 MR. QUEZADA: So about seven years at the  
19 time experience?  
20 MR. GARCIA: Correct.  
21 MR. QUEZADA: As far as the conviction that  
22 you had, was that in a trial or a pretrial agreement  
23 or what?  
24 MR. GARCIA: We actually went to trial. They  
25 consolidated the cases because they saw -- the judge

1 couple of years back to do was to begin a management  
2 and leadership training program for mid to upper  
3 management individuals and candidates.  
4 MR. COON: Okay. Anybody else have any  
5 questions? Thank you, sir.  
6 ITEM NO. 20: ADAM CASAUS  
7 MR. COON: Next is No. 20, Adam Casaus.  
8 Mr. D'Amato, we agree with your letter and this will  
9 be sent back to the LEA.  
10 MR. D'AMATO: Thank you.  
11 ITEM NO. 21: BILLY MERRIFIELD  
12 MR. COON: Number 21, Billy Merrifield.  
13 Mr. Merrifield, would you like to address this Board?  
14 MR. MERRIFIELD: Mr. Chair, Members of the  
15 Board, yes, sir, I would. Mr. Chair, Members of the  
16 Board, I come to you today in hopes to get my  
17 certification from the Board. I did complete the  
18 academy.  
19 The night of the graduation of my academy I  
20 learned that the agency I was working with was letting  
21 me go, wasn't going to employ me no more. Since that  
22 time I had not been employed with law enforcement  
23 until recently. And I joined Sheriff Lujan's  
24 department.  
25 So I'm here in front of you folks in hopes to

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1 receive -- to obtain my certification working with an  
2 agency. What had happened with this situation was  
3 there was -- I was alleged to have been dishonest on  
4 an application with the agency.

5 At the time that that occurred, I did not  
6 believe that I was doing anything wrong at the time.  
7 I was following a directive from my bureau chief, the  
8 superior of the agency. There was changes within that  
9 agency.

10 And since that scenario has occurred, I have  
11 realized that my decision was probably a poor  
12 decision. I know it was a poor decision. I'm hoping  
13 to put that behind me.

14 I take full responsibility for it. And I  
15 would like to be able to put that behind me and move  
16 forward and serve my citizens of the community that  
17 I'm working with.

18 MR. COON: Refresh our memory. What was the  
19 charge? The night of your graduation you did not get  
20 a job?

21 MR. MERRIFIELD: Mr. Chair, Members of the  
22 Board, when I -- I was an investigator with a  
23 department within the agency. I was a transportation  
24 investigator three and a half years. I lateraled over  
25 to the Insurance Fraud Bureau.

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1 with the sheriff's department, but you're not a  
2 certified sworn officer, right?

3 MR. MERRIFIELD: Mr. Chair, Members of the  
4 Board, currently, no, sir. I'm with them. But yes,  
5 sir, I'm not currently with a certification.

6 MS. BARKLEY: If I may interject, Mr. Chair,  
7 Members of the Board.

8 MR. KORN: No, no.

9 MS. BARKLEY: It's a legal question. I think  
10 I can state why we're here.

11 MR. KORN: No. Wait a minute. No, no, no.  
12 This is a letter to the Board.

13 MS. BARKLEY: But your question has a legal  
14 answer. We're here because he never received the  
15 certification because he didn't have a job.

16 MR. KORN: He answered the question. I don't  
17 want to engage with you really. And I don't want to  
18 be rude either. But I asked a question, he replied,  
19 we're satisfied, I'm satisfied.

20 And, sir, you're the sheriff.

21 MR. LUJAN: Yes, sir.

22 MR. KORN: And I mean no disrespect to you.  
23 But the Board just decided yesterday that the only  
24 people that can speak and address the Board on matters  
25 before the Board is going to be the respondent alone.

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1 And when I applied, I was -- I applied I was  
2 eligible for the position. I was asked by the bureau  
3 chief a week later to reapply. I guess there was two  
4 questions on that application that he asked me to  
5 change to score me higher on it to hire me.

6 And that was the basis of it. I learned  
7 later on, after being hired, within those months prior  
8 to going to the academy -- I completed the academy.

9 On the evening of graduation at the academy,  
10 the academy director, Sergeant Bode, asked me if I had  
11 any representation, which I did not. I learned that  
12 evening after the fact that the agency was not going  
13 to keep me on, they weren't going to sponsor me.

14 MR. COON: What agency was that?

15 MR. MERRIFIELD: The Insurance Fraud Bureau,  
16 sir.

17 MR. COON: And you are currently working now?

18 MR. MERRIFIELD: Mr. Chair, Members of the  
19 Board, yes, sir.

20 MR. COON: Where is that?

21 MR. MERRIFIELD: With the Rio Arriba  
22 Sheriff's Office, sir.

23 MR. COON: Okay. Anybody have any questions?  
24 Mr. Korn.

25 MR. KORN: So, Mr. Merrifield, you're working

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1 MR. LUJAN: Okay. And I believe the letter  
2 was my letter that I sent to the Board.

3 MR. KORN: We don't have a letter in our  
4 packet. All we have is a notice that Mr. Merrifield  
5 will address the Board. But it would be the same  
6 answer I'm afraid.

7 MR. KASSETAS: Mr. Merrifield, your  
8 certification was revoked or suspended?

9 MR. JONES: Neither one, sir.

10 MR. KASSETAS: Neither one?

11 MR. JONES: If I may address the Board, sir.

12 MR. KASSETAS: Please.

13 MR. JONES: What happened was the Insurance  
14 Fraud Bureau called me the day before they were to  
15 take the LEOCE in Farmington, New Mexico, at the San  
16 Juan Academy. And they said that they were going to  
17 pull his employment. And at that time they wanted to  
18 fire him.

19 I said whoa, he's in an academy right now, I  
20 said what is the issue. They said that he had  
21 possibly lied on an application that they had for him.

22 So it was the day of the LEOCE. And I said  
23 we're going to allow him to take the LEOCE, because I  
24 had not received anything from the agency themselves.  
25 So we allowed him to take the LEOCE. He took the

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<p>1 LEOCE. 2 When he graduated, he did not have an agency. 3 If you don't have an agency when you graduate from the 4 Law Enforcement Academy, you get no certification. 5 So there was nothing that came before the 6 Board, there was nothing that came before the Law 7 Enforcement Academy on this young man other than the 8 fact that he didn't have an agency. Since he doesn't 9 have an agency, I cannot issue a certification for 10 that. 11 And if he doesn't have a certification, it's 12 not a Board issue. So nothing came about this until 13 the sheriff came up and said we would like to hire 14 this young man. It was a year ago August that he 15 graduated from the San Juan County Academy. 16 The NMAC specifically states that, if you do 17 not have an agency before one year is up, that you 18 have to go through a cert by waiver to get hired. 19 Since I did not know where that went, I did not know 20 what my authority was on that, I said you need to come 21 to address the Board because I don't think I can 22 issue -- I can do that. 23 So that's why he's before the Board, which is 24 what I wanted to talk about when we went into closed 25 session. That's where we are at this time.</p>	<p>1 MR. KORN: So isn't this really a discussion 2 between us and you? 3 MR. JONES: Absolutely, sir. 4 MR. KASSETAS: That was not clear to me when 5 we started this. I understand now. 6 MR. JONES: And I didn't know how else to 7 address it because they wanted to address the Board. 8 MR. KORN: So really it's an issue between 9 the Director and the Board. 10 MR. JONES: Absolutely, sir. 11 MR. KORN: And the underlying accusation of 12 falsehood on the application? 13 MR. JONES: Sir, can we go into closed 14 session to talk about this or do you want to talk 15 about it now? 16 MR. COON: Let's wait until closed session. 17 MR. KASSETAS: I understand why this 18 gentleman is here before the Board. I get it now. I 19 didn't know that before. 20 MR. KORN: We didn't understand that. So 21 thank you. 22 MS. BARKLEY: Thank you. 23 ITEM NO. 22: ISAAC VIGIL 24 MR. COON: Okay. Isaac Vigil. Is Mr. Vigil 25 here? Come on up.</p>
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<p>1 MR. VIGIL: Good morning, gentlemen. I just 2 want to start off by saying the felony charge of child 3 abuse has been dropped by the magistrate judge on 4 September 4th. And the charge of battering a 5 household member is still to go to court on 6 January 9th. 7 And since then I've been relieved of my 8 duties as a New Mexico State Police officer. If any 9 of you have any questions, I would be glad to answer 10 them. 11 MR. COON: Anybody have any questions? 12 MR. KORN: I have one. 13 MR. COON: Mr. Korn. 14 MR. KORN: I'm sorry. I was shuffling papers 15 and I didn't hear. Did you say the charge was 16 dismissed? 17 MR. VIGIL: Yes, sir. The felony charge of 18 child abuse has been dismissed. 19 MR. KORN: So the felony charge has been 20 dismissed? 21 MR. VIGIL: Yes, sir. 22 MR. KORN: And there are no other charges 23 pending against you? 24 MR. VIGIL: Yes, sir, there is. Battery on a 25 household member, sir.</p>	<p>1 MR. KORN: Which is a misdemeanor. 2 MR. VIGIL: Yes, sir. 3 MR. KORN: So this would be similar to 4 Mr. Casaus then. 5 MR. JONES: Yes, sir. 6 MR. KORN: So you will be withdrawing and 7 sending it through the regular LEA process I assume? 8 MR. JONES: Yes, sir. 9 MR. KORN: Is that what you wanted to 10 achieve? 11 MR. VIGIL: Yes. I wasn't sure if you wanted 12 to have the paperwork. 13 MR. KORN: The Director would need that, yes. 14 MR. VIGIL: Okay. 15 MR. KORN: But it would be just like with the 16 other case. Once the charge has been dismissed or 17 you're found not guilty, you will be back in the LEA 18 process. 19 MR. VIGIL: Yes, sir. 20 MR. COON: Okay. Thank you, sir. 21 That concludes our agenda as far as the 22 misconduct. What we're going to do is go into closed 23 session. I promise you it will be at least a couple 24 hours, but it's going to be awhile. You should be 25 back by 11. Maybe we can be done by 11.</p>

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<p>1 We'll go into closed session.</p> <p>2 MR. WORD: Mr. Chair, I believe you need a</p> <p>3 motion to this effect. Someone needs to move that the</p> <p>4 Board go into closed executive session to discuss only</p> <p>5 those matters listed on the agenda under executive</p> <p>6 session pursuant to New Mexico Statutes Annotated 1978</p> <p>7 Section 10-15-1(H)(1), (3), and (7).</p> <p>8 MR. KORN: I would so move as our attorney</p> <p>9 has stated.</p> <p>10 MR. KASSETAS: Second.</p> <p>11 MR. WORD: You need a roll call vote.</p> <p>12 MR. COON: Roll call, please.</p> <p>13 MS. LOPEZ: Chief Pete Kassetas.</p> <p>14 MR. KASSETAS: Here.</p> <p>15 MS. LOPEZ: Sheriff James Coon.</p> <p>16 MR. COON: Yes.</p> <p>17 MS. LOPEZ: Chief Chris McCall.</p> <p>18 MR. McCALL: Yes.</p> <p>19 MS. LOPEZ: Sergeant Jaime Quezada.</p> <p>20 MR. QUEZADA: Yes.</p> <p>21 MS. LOPEZ: Nate Korn.</p> <p>22 MR. KORN: Yes.</p> <p>23 MR. COON: Okay. Thank you, all.</p> <p>24 MR. KORN: For the record, before we dismiss,</p> <p>25 we would invite Administrative Judge David Linthicum</p>	<p>1 to join our closed session.</p> <p>2 (Recess from 9:30 a.m. to 11:30 a.m.)</p> <p>3 MR. COON: Okay. Let's call this back into</p> <p>4 session. The Board is back in session. I affirm that</p> <p>5 while in closed session we discussed only those</p> <p>6 matters specified in the motions to close the meeting</p> <p>7 and listed in the agenda under the executive session</p> <p>8 and acknowledgement of NMSA 1978 Section 10-15-1(H).</p> <p>9 So we'll go back into disciplinary matters.</p> <p>10 Do we need a roll call?</p> <p>11 MR. WORD: It's not required.</p> <p>12 MR. COON: Number one is Colby Morgan. And</p> <p>13 we're going to combine one and 11 together, they're</p> <p>14 both his cases.</p> <p>15 MR. QUEZADA: Mr. Vice Chair, I would like to</p> <p>16 make a motion to reject the original LEA-90 on that</p> <p>17 one and just combine them both and refer it back to</p> <p>18 the Director.</p> <p>19 MR. COON: Okay.</p> <p>20 MR. McCALL: Second.</p> <p>21 MR. COON: I've got a second. All in favor</p> <p>22 say aye.</p> <p>23 (Those in favor so indicate.)</p> <p>24 MR. COON: All opposed. Okay.</p> <p>25 Number 2, Pablo Padilla.</p>
<p>Page 48</p> <p>1 MR. KASSETAS: I'd like to make a motion to</p> <p>2 accept the recommendation of revocation by the Hearing</p> <p>3 Officer.</p> <p>4 MR. QUEZADA: I'll second that.</p> <p>5 MR. COON: We have a motion and a second.</p> <p>6 All in favor say aye.</p> <p>7 (Those in favor so indicate.)</p> <p>8 MR. COON: All opposed.</p> <p>9 Number 3, John Corvino.</p> <p>10 MR. McCALL: Mr. Chair, I would like to make</p> <p>11 a motion to accept the recommendation of the Hearing</p> <p>12 Officer.</p> <p>13 MR. KASSETAS: Second.</p> <p>14 MR. COON: Okay. We have a second. All in</p> <p>15 favor say aye.</p> <p>16 (Those in favor so indicate.)</p> <p>17 MR. COON: All opposed.</p> <p>18 MR. KORN: And, Mr. Vice Chair, can the</p> <p>19 record reflect that I recused myself.</p> <p>20 MR. COON: Yes. Let the record reflect that</p> <p>21 Nate Korn recused himself on that case.</p> <p>22 Number 4, Jose Martinez.</p> <p>23 MR. McCALL: Mr. Chair, I would like to make</p> <p>24 a motion to accept the recommendation of the Hearing</p> <p>25 Officer.</p>	<p>Page 49</p> <p>1 MR. COON: I have a motion.</p> <p>2 MR. KORN: I'll second.</p> <p>3 MR. COON: Seconded by Mr. Korn. All in</p> <p>4 favor say aye.</p> <p>5 (Those in favor so indicate.)</p> <p>6 MR. COON: All opposed.</p> <p>7 Okay. Number 5, Michael Parrish.</p> <p>8 MR. QUEZADA: Mr. Vice Chair, I would like to</p> <p>9 make the motion to go ahead and reject the</p> <p>10 recommendation and return it back to the Director.</p> <p>11 MR. COON: Okay. I have a motion.</p> <p>12 MR. KORN: I'll second.</p> <p>13 MR. COON: Mr. Korn seconds. All in favor</p> <p>14 say aye.</p> <p>15 (Those in favor so indicate.)</p> <p>16 MR. COON: All opposed.</p> <p>17 Okay. Number 6, Nathan Cadroy.</p> <p>18 MR. KASSETAS: Mr. Vice Chair, I would like</p> <p>19 to make a recommendation to accept the Director's</p> <p>20 recommendation.</p> <p>21 MR. COON: Okay.</p> <p>22 MR. McCALL: Second.</p> <p>23 MR. COON: I have a second by Chief McCall.</p> <p>24 All in favor say aye.</p> <p>25 (Those in favor so indicate.)</p>

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<p>1 MR. COON: All opposed.  2 Okay. Under letters of caution, Frank Angel.  3 MR. KORN: Mr. Vice Chair, I would make a  4 motion to accept the Director's recommendation.  5 MR. COON: Okay.  6 MR. QUEZADA: I'll second it.  7 MR. COON: Jaime seconds. All in favor say  8 aye.  9 (Those in favor so indicate.)  10 MR. COON: All opposed.  11 Number 8, Jeannie Madsen.  12 MR. KASSETAS: I would like to make a motion  13 to reject the Director's recommendation and refer it  14 back to the Director.  15 MR. COON: Could we have a second.  16 MR. KORN: Second.  17 MR. COON: Mr. Korn seconds. All in favor  18 say aye.  19 (Those in favor so indicate.)  20 MR. COON: All opposed.  21 Okay. Number 9, David Moon.  22 MR. QUEZADA: Mr. Chair, I would like to make  23 a motion on this one to reject the recommendation and  24 refer it back to the Director.  25 MR. COON: We have a motion.</p>	<p>1 MR. KORN: I'll second.  2 MR. COON: Mr. Korn seconds. All in favor  3 say aye.  4 (Those in favor so indicate.)  5 MR. COON: All opposed.  6 Okay. On stipulated orders, Jonathan Davis.  7 MR. McCALL: Mr. Chair, I would like to make  8 a motion to accept the stipulated order of Jonathan  9 Davis.  10 MR. COON: Okay.  11 MR. KASSETAS: Second.  12 MR. COON: We have a second from Chief  13 Kassetas. All in favor say aye.  14 (Those in favor so indicate.)  15 MR. COON: All opposed. We'll let the record  16 reflect that Jaime Quezada recused himself on this  17 case.  18 Number 12, Jeremiah Phillips.  19 MR. KORN: Mr. Vice Chair, I would like to  20 make a motion that we accept the recommendation of the  21 Director.  22 MR. COON: Okay. I have a motion.  23 MR. McCALL: Second.  24 MR. COON: Seconded by Chief McCall. All in  25 favor say aye.</p>
<p>Page 52</p> <p>1 (Those in favor so indicate.)  2 MR. COON: All opposed.  3 Number 13, Jacob Swenk.  4 MR. KASSETAS: Mr. Vice Chair, I would like  5 to make a motion to reject the recommendation and  6 refer it back to the Director.  7 MR. COON: Okay. I have a motion.  8 MR. KORN: I'll second.  9 MR. COON: A second by Mr. Korn. All in  10 favor say aye.  11 (Those in favor so indicate.)  12 MR. COON: All opposed.  13 Okay. We can put all these next cases  14 together. Michael Clifton, Bradley Farrington, Andrew  15 Goodman, and Manuel Sanchez.  16 MR. KORN: Mr. Vice Chair, I would make a  17 motion to accept the default orders of revocation as  18 suggested by the Director.  19 MR. COON: Okay. I have a motion.  20 MR. QUEZADA: I'll second.  21 MR. COON: Seconded by Jaime Quezada. All in  22 favor say aye.  23 (Those in favor so indicate.)  24 MR. COON: All opposed. I would like the  25 record to reflect that Sergeant Jaime Quezada recused</p>	<p>Page 53</p> <p>1 himself on Michael Clifton.  2 MR. WORD: Mr. Chair, you may want a  3 different second on the motion then in that case at  4 least.  5 MR. COON: Okay. I need another second on  6 these.  7 MR. McCALL: Second.  8 MR. COON: Chief McCall. Thank you, sir.  9 Number 18, Audeliz Nieves.  10 MR. KORN: Mr. Vice Chair, I would make a  11 motion that we accept the recommendation of the  12 Hearing Officer.  13 MR. COON: Okay.  14 MR. KASSETAS: Second.  15 MR. COON: A second from Chief Kassetas. All  16 in favor say aye.  17 (Those in favor so indicate.)  18 MR. COON: All opposed.  19 On letters to address the Board, Ronald  20 Garcia.  21 MR. KASSETAS: Is Ronald Garcia still here?  22 So, Mr. Vice Chair, the Board at this time is not in a  23 position to allow Mr. Garcia to reapply for  24 certification. He has the ability and opportunity to  25 submit any documentation he may have to the LEA</p>

1 Director in order for the Board to fully consider his  
2 request.

3 MR. COON: Okay.

4 Number 20, Mr. Casaus, Adam Casaus.

5 MR. KORN: Mr. Vice Chair, the Board would  
6 acknowledge that the Director had suspended  
7 Mr. Casaus' certification based on the accusation that  
8 he was being charged with a felony. Now that the  
9 felony accusation has been resolved and there is no  
10 longer a felony, that matter is not before us and his  
11 suspension is lifted.

12 However, it is now up to the department  
13 whether they want to bring an LEA-90 before this  
14 Board. And other than that there's nothing else  
15 before us.

16 MR. COON: Okay. Number 21, Billy  
17 Merrifield.

18 MR. McCALL: In the case of Mr. Merrifield,  
19 the Board has considered his letter. And we are  
20 referring him back to the Director for further action  
21 on the matter.

22 MR. COON: Okay. And No. 22, Isaac Vigil.

23 MR. QUEZADA: On Isaac Vigil, the Board is  
24 acknowledging that the felony has been dropped. And  
25 it will be referred back to the Director.

1 of people. And there are a lot of different people  
2 that sit on this Board with me. And again it's just  
3 an honor and a pleasure.

4 And my great friend here, Jack Jones, coming  
5 on board and getting this academy and this Board back  
6 together like it should be, it's just been a pleasure.  
7 So thank you all very much.

8 (Applause.)

9 MR. COON: Now we need a motion to adjourn.

10 MR. KORN: I would make a motion to adjourn.

11 MR. KASSETAS: Second.

12 MR. COON: All in favor say aye.

13 (Those in favor so indicate.)

14 (At 11:45 a.m. the meeting was adjourned.)  
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1 MR. COON: Okay. That concludes the  
2 misconduct portion of our meeting.

3 ITEM NO. 23: ADJOURNMENT

4 MR. COON: We're now to agenda item No. 23.  
5 Do I have a motion to adjourn?

6 MR. JONES: Mr. Vice Chair, if I may, before  
7 we adjourn, the Law Enforcement Academy and the  
8 community would like to honor Sheriff Robert Coon.  
9 Your individualism, keen leadership, and flawless  
10 execution of the New Mexico Law Enforcement Academy  
11 Board mission reflects highly upon your  
12 professionalism and devotion to law enforcement in the  
13 State of New Mexico, sir. Thank you very, very much.

14 (Applause.)

15 MR. COON: You know, I've had a lot of honors  
16 in my 41 years as a policeman in this state. Being on  
17 this Board is by far the highest honor I've ever had.  
18 I've done it for several years and am probably the  
19 longest term person to ever sit up here.

20 But it's been a pleasure to serve the people  
21 of New Mexico and especially the chiefs and the  
22 sheriffs and the officers and deputies that make up  
23 our law enforcement community. And I'm very humbled.

24 I'm going to miss this probably more than my  
25 job as sheriff. I enjoy this. I've got a great group

## 1 REPORTER'S CERTIFICATE

2  
3 I, JAN A. WILLIAMS, New Mexico CCR #14, DO  
4 HEREBY CERTIFY that on December 9, 2014, the  
5 proceedings in the above captioned matter were taken  
6 before me, that I did report in stenographic shorthand  
7 the proceedings set forth herein, and the foregoing  
8 pages are a true and correct transcription to the best  
9 of my ability.

10 I FURTHER CERTIFY that I am neither employed  
11 by nor related to nor contracted with (unless excepted  
12 by the rules) any of the parties or attorneys in this  
13 case, and that I have no interest whatsoever in the  
14 final disposition of these proceedings.  
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23 \_\_\_\_\_  
24 JAN A. WILLIAMS, RPR  
25 New Mexico CCR #14  
License Expires: 12/31/14

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