NEW MEXICO LAW ENFORCEMENT ACADEMY
BOARD MEETING

June 10, 2015
9:20 a.m.
Northern New Mexico College
921 N. Paseo de Onate
Espanola, New Mexico 87532

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

BOARD MEMBERS
New Mexico Attorney General Hector Balderas, Chairman
Chief Pete Kassetas, Vice Chairman
Mr. Nate Korn
Mr. Pat Barncastle
Sergeant Jaime Quezada
Chief Chris McCall
Sheriff Wesley Waller
Chief Darren Soland

ALSO PRESENT
Jack F. Jones, II, Director
Rick Word, Esq.
Monique Lopez
Monica Medrano

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ITEM NO. 1: CALL TO ORDER

A.G. BALDERAS: Good morning. I'm calling this meeting to order.

ITEM NO. 2: ROLL CALL

A.G. BALDERAS: The first order of business on our agenda is to call a formal roll call. Monique, would you please lead us in that roll call.

MS. LOPEZ: Attorney General Hector Balderas.

A.G. BALDERAS: Present.

MS. LOPEZ: Pat Barncastle.

MR. BARNCASTLE: Here.

MS. LOPEZ: Chief Pete Kassetas.

CHIEF KASSETAS: Here.

MS. LOPEZ: Sheriff Wesley Waller.

SHERIFF WALLER: Here.

MS. LOPEZ: Chief Darren Soland.

CHIEF SOLAND: Here.

MS. LOPEZ: Chief Chris McCall.

CHIEF McCALL: Here.

MS. LOPEZ: Jaime Quezada.

SERGEANT QUEZADA: Here.

MS. LOPEZ: Nate Korn.

MR. KORN: Here.

A.G. BALDERAS: Let the record reflect that all Board Members are present this morning.

ITEM NO. 3: DISCUSSION OF PENDING LITIGATION

A.G. BALDERAS: I'd like to move us along to item No. 3, discussion of pending litigation. This agenda item will be covered in closed session upon appropriate motion pursuant to law. So we will skip over item No. 3 and come back to a joint motion.

ITEM NO. 4: LARRY BURNS

A.G. BALDERAS: We are on to item 4. We are going to address disciplinary matters starting with stipulated orders of suspension which is covered on items 4 through 10A in your booklet.

I would like to see if Mr. Larry Burns is present this morning to address the Board. Let the record reflect that Larry Burns is not present.

ITEM NO. 5: GREGORY CARRASCO

A.G. BALDERAS: Gregory Carrasco. Gregory Carrasco is not present.

ITEM NO. 6: SEAN McGARRY

A.G. BALDERAS: Sean McGarry. Sean McGarry is not present.

ITEM NO. 7: JOSE MARTINEZ

A.G. BALDERAS: Jose Martinez. Jose Martinez is not present.

ITEM NO. 8: RANDON ROMERO

A.G. BALDERAS: Randon Romero.

MR. ROMERO: Yes.

A.G. BALDERAS: You can address the Board, sir. Thank you for being here. Good morning.

MR. ROMERO: Good morning.

A.G. BALDERAS: You have the floor, sir.

MR. ROMERO: I would like to thank you all for letting me attend this Board meeting. Concerning my circumstances, I feel like my 30-day suspension would be fair.

I know I let my department down, let my family down, let my friends down, let myself down. And I just hope this will be the last hurdle and I can just progress with my career.

A.G. BALDERAS: Thank you, Mr. Romero. Are there any questions from the Board for Mr. Romero?

CHIEF KASSETAS: Mr. Chair, I have one question.

A.G. BALDERAS: Chief Kassetas.

CHIEF KASSETAS: During the course of your arrest for DWI, did you identify yourself at any time as being affiliated with any particular police department?

MR. ROMERO: Not at the time of the arrest, only during booking.

CHIEF KASSETAS: Only during the booking

process?

MR. ROMERO: Yes.

CHIEF KASSETAS: After the handcuffs were put on?

MR. ROMERO: Yes, sir.

CHIEF KASSETAS: Thank you.

A.G. BALDERAS: Are there any further questions of the Board? Thank you, Mr. Romero, for presenting. We appreciate it.

ITEM NO. 9: TIM TAVIZON

A.G. BALDERAS: Mr. Tim Tavizon, is Tim Tavizon present? Tim Tavizon appears to not be present.

ITEM NO. 10: JOSHUA VANDEVER

A.G. BALDERAS: Joshua Vandever. Joshua Vandever is not present.

ITEM NO. 10A: JACOB SWENK

A.G. BALDERAS: Jacob Swenk.

MR. SWENK: Yes, sir.

A.G. BALDERAS: You can address the Board, sir.

MR. SWENK: I just want to appreciate you guys' time and letting me speak to you. The incident that brings me before you guys today happened in December of 2013.

I was able to meet with the Director in June of 2014, at which time he recommended a letter of caution. It came before the Board in July. And I was unable to be here. I was unable to get coverage on my shift for work.

I was working for Aztec Police Department. And I was unable to get coverage so I was unable to be here, at which time I guess the Board recommended a four-month suspension.

I signed the stipulated order out of respect to the Board. And the case again came in front of the Board in December I believe it was. Again I was unable to be here.

The department I worked for was a small department and I was unable to get shift coverage, again as much as I would have liked to have been here. And at that time the Board recommended a one-year suspension, which brings us to why we're here today.

I've been a police officer for about eight years. Prior to that I was in the service, six years in the military. I've never been a part of any kind of disciplinary action. I think this whole incident is not consistent with my character. I feel like anybody I worked with could vouch for that.

And I'm just here to ask for leniency from

the Board, if they may consider the Director's original recommendation. If they don't feel like that is fair, if they would possibly revert back to the four-month suspension.

I'm a good police officer. I enjoy it. I believe wholeheartedly in the nobility of this position. And I just want to get back to serving my community the same way I served this country.

A.G. BALDERAS: Are there any questions for Mr. Swenk? Thank you for coming to the Board and presenting.

MR. SWENK: Yes, sir. Thank you.

ITEM NO. 11: JOSE ABEITA

A.G. BALDERAS: We are going to continue with item 11, which is Mr. Abeita. Is Mr. Jose Abeita present? Mr. Abeita is not present.

ITEM NO. 12: TIMOTHY ROGERS

A.G. BALDERAS: Mr. Timothy Rogers, is Timothy Rogers present?

ITEM NO. 13: BLAKE BYFORD

A.G. BALDERAS: Mr. Blake Byford, is Blake Byford here? Good morning.

MR. BYFORD: Good morning. Members of the Board, first and foremost I just want to thank you all for the opportunity to stand before you today. I

stand before you for an incident that occurred on March 15th, 2015.

It's my understanding that the recommendation is a letter of caution, which I'm willing to go for. I have no problems with that. I'm here today to answer any questions anybody may have on my matter.

A.G. BALDERAS: Are there any questions from the Board for Mr. Byford? Thank you for presenting this morning. We'll take it under advisement.

MR. BYFORD: Thank you.

ITEM NO. 14: JEREMY DEAR

A.G. BALDERAS: Mr. Jeremy Dear, is Jeremy Dear present?

MR. GROVER: Mr. Chairman and Members of the Board, my name is Thomas Grover and I'm Jeremy Dear's attorney in this matter. I wanted to make a quick preliminary statement, if I could.

MR. KORN: Mr. Chairman, if I can interrupt, at prior board meetings, the Board has voted unanimously, with the prior Attorney General agreeing, that the only people that could appear before the Board and speak on behalf of the Respondent is the Respondent himself.

And this has been a matter of some great discussion by the Board. And I just want to inform

you of what is precedent.

A.G. BALDERAS: Board Member, you raise an important topic. Are you citing a particular area of the rule in giving guidance to the Board?

MR. KORN: Mr. Chairman, I'm citing prior conduct of the Board. Attorney General King had called for a vote. And the Board voted on whether people can appear on behalf of the Respondent.

And unanimously the Board, including the Attorney General at the time, voted that the only people that can appear before the Board as a policy would be Respondent speaking on behalf of the Respondent. And if you'd like, I can give you the citation and the actual vote.

A.G. BALDERAS: I've only asked a Board Member, and I think we're in discussion. And I apologize for the delay.

There seems to be a potential conflict that individual officers are allowed through the process to be represented by counsel; is that correct? So please cite to me the rule that we're relying upon to limit representation at this stage in the process, and I'll gladly entertain it.

MR. KORN: Mr. Chairman, we're not citing an NMAC rule. We're citing a policy of the Board. And

there's a difference. And when the Board voted unanimously, we established a new policy. And we're allowed to do that under the rules.

A.G. BALDERAS: It's a complete old Board vote. I'm simply raising a potential conflict that there seems to be a citation that members of the public that come before this process are allowed to have representation; is that correct?

MR. KORN: Not before the Board when -- the representation before the Board would happen at the informal hearing. And as far as I know, Mr. Grover either appeared or had the opportunity to appear at the informal hearing.

The Board doesn't restrict a Respondent's opportunity for counsel. However, when he comes before the Board after the informal hearing, the Board has already spoken as a policy.

A.G. BALDERAS: It's well noted. I think, considering the new tenure of new Board Members, at a minimum we should then take another vote on this particular decision. I'm extremely uncomfortable, if there are citations in the rule that provide for certain services and representation, that we also be able to cite for restricting that or distinguishing that process.

And so I gladly would take a public vote on it again. But I've weighed my concern as the Chair in limiting his representation at this time or at least limiting the way he presents before the Board.

So I'm open to a motion for redetermining what the policy should be involving an appropriate process.

MR. KORN: Sir, I would make that motion. But before I do that, I would caution the Board that, if we don't establish precedent that we at least agree with, where we agree with the prior decisions of the Board, then everything is fluid and there's no continuity from the Board. And I don't think that's good for the public either.

A.G. BALDERAS: I'm more than willing to entertain a motion. It's like the Open Meetings Act. I think it's better to plan four meetings publicly to the general public right away than one by one. And those are distinctions. But again I'm more than willing to entertain a motion.

My concern is that, if at any point in that process we allow these officers to be represented by counsel, in addition to a vote, we better be able to cite where we can distinguish this process from other parts of the process.

MR. KORN: Sir, this isn't a process. This is a policy of the Board. But if you would entertain a motion, if I could have just a moment.

A.G. BALDERAS: I've asked for a motion. I believe we have people waiting on the agenda.

MR. KORN: Okay. I'll make the motion.

SERGEANT QUEZADA: Second.

MR. KORN: If I can define the motion. I'll define the motion the way Attorney General King defined it. He said it will be the policy of the Board to allow Respondents to address the Board after informal hearing and to restrict that to only comments from the Respondent, no surrogates.

And in terms of surrogates, he had defined that as anybody that would speak on the Respondent's behalf. That would be attorneys, spouses, friends, coworkers.

A.G. BALDERAS: Can you restate your motion for the record.

MR. KORN: Yes, sir. That it would be the policy of the Board to allow Respondents to address the Board after the informal hearing and to restrict that to only comments from the Respondent, no surrogates. And surrogates was defined as people speaking on behalf of the Respondent such as

attorneys, family members, friends, et cetera.

A.G. BALDERAS: And how did General King lay out the rule or the policy?

MR. KORN: Just the way I read it.

A.G. BALDERAS: No. But orally or through a citation?

MR. KORN: No. Orally. Just what I'm reading now. It's on page 58 from the Board meeting on December 9th, 2014. And there was a five or six-transcript page discussion by the Board and by Attorney General King who agreed with it wholeheartedly.

A.G. BALDERAS: Okay. There was a second on that motion. All in favor.

(Those in favor so indicate.)

A.G. BALDERAS: We'll have to do a roll call vote. I object.

MS. LOPEZ: Pat Barncastle.

MR. BARNCASTLE: Yes.

MS. LOPEZ: Chief Pete Kassetas.

CHIEF KASSETAS: Yes.

MS. LOPEZ: Sheriff Wesley Waller.

SHERIFF WALLER: Yes.

MS. LOPEZ: Chief Darren Soland.

CHIEF SOLAND: Yes.

MS. LOPEZ: Chief Chris McCall.

CHIEF McCALL: Yes.

MS. LOPEZ: Jaime Quezada.

SERGEANT QUEZADA: Yes.

MS. LOPEZ: Nate Korn.

MR. KORN: Yes.

A.G. BALDERAS: Hector Balderas objects.

The motion passes to limit counsel from speaking as a surrogate. And I'll defer to the officer for comments.

MR. GROVER: And just to clarify, I'm not here as a surrogate. Like I said I was going to make a preliminary statement. Officer Dear is present. And I also want to make it clear on the record that his counsel --

MR. KORN: Mr. Chairman, I would still object. We just voted, we just set a rule, and now he's still speaking.

A.G. BALDERAS: I control the floor, though. I think he's being respectful in explaining his role. You just had your vote. I'm not going to allow him to speak as counsel or as a surrogate. So we'll defer to the officer.

MR. GROVER: Thank you.

MR. DEAR: Thank you guys for letting me

speak. We did prepare a statement which I will read to you guys.

My last day on uniform patrol with the Albuquerque Police Department was on April 21st, 2014, after surviving a deadly force encounter. I was put on administrative reassignment at the APD DWI seizure unit at that time.

I was denied wearing a uniform, I was denied working overtime, I was denied training, and I was also denied -- or I was also separated from my friends and coworkers in patrol.

And then the department targeted me for violating an alleged order. They said I was given a specific, special order that required me to record each and every encounter back in June 2013.

They researched hundreds of my calls. And took from June 2013 into 2014 and found that some calls did not have Taser camera, video uploaded to evidence.com.

But they didn't check APD evidence unit, they didn't check other officers on the calls that I was on the calls with, uploaded, or tagged into evidence. They also did not check my laptop computer. And they didn't check my personnel file to see if even this order existed.

And the simple fact is that no such order requiring me to record each and every single encounter was given to me. There were some occasions where there were no recordings. Like every other officer who struggles with the new technology, yes, there were -- there was some occasions where I didn't have camera. The technology sometimes did fail.

There were occasions -- were there any occasions where I purposely turned off my camera? No. I've never done that.

For whatever reason APD decided to make me an example out of the camera compliance with all the other officers. They said that I was insubordinate and untruthful. They said that I tore at the very fabric of law enforcement.

I stand before you today saying no such order was ever given to me. And I did my best to record each and every single encounter as required by the department's general SOPs.

As the Hearing Officer in matter confirmed, my performance evaluations by my supervisors were fine. And I was not out of any performance improvement plans nor was I required to follow any order where I had to record each and every encounter.

While I respect the Hearing Officer

Linthicum's findings, I respectfully request that no action for me. The State Department of Workforce Solutions found that APD did not have good cause to fire me. And I ask that you leave my certification unblemished.

A.G. BALDERAS: Thank you. Are there any questions from the Board?

CHIEF KASSETAS: I have one question, Mr. Chair. Mr. Dear when you were issued the camera, had APD put out a policy that corresponded with the issuance of that camera?

MR. DEAR: When I was issued the Taser Axon camera, sir, the cameras were still in their test phase. There were certain squads throughout APD that did have test cameras. They picked squads in certain areas.

And at that time I was given the Taser camera. And I did ask if these were test cameras. And I was still issued the camera with very minimal training compared to the test squads.

CHIEF KASSETAS: Okay. Thank you.

MR. DEAR: Thank you.

A.G. BALDERAS: Any other questions from the Board?

SERGEANT QUEZADA: I have some questions.

A.G. BALDERAS: Sure.

SERGEANT QUEZADA: You said that you had the Axon, but you also had the Scorpion, correct?

MR. DEAR: Yes, sir, I did.

SERGEANT QUEZADA: When did you have the Scorpion?

MR. DEAR: The Scorpion I used before the Taser. While I was issued the Taser camera, I did go to an undercover unit, which the Taser camera you cannot wear in plainclothes due to the fact the way it clips onto your collar.

I did switch back to the Scorpion camera at that time for undercover operations. It was part of the Southeast Problem Response Team.

SERGEANT QUEZADA: And then you were put on a PIP?

MR. DEAR: It wasn't a PIP. I was removed from the field for 45 days after that incident because I had a high use of force. I was working the downtown tack plan which led to a lot of use of force. I also had a very high arrest record down there in the downtown area.

After I was removed from the field, I did do a 45 TDY to break up my use of force. And then I was reintegrated back into the field.

SERGEANT QUEZADA: So the PIP was generated because of the use of force?

MR. DEAR: Correct. I don't think it was considered a PIP; because I know on the employee work plan, if there's a PIP or an order, it's supposed to be documented on the orders or on the EWPs for the officer.

And there was no such thing on either of mine that was dated 2013 when I started the bid in the Southeast and also when I signed for it on the 14th of April 2014. Seven days before my shooting, sir.

SERGEANT QUEZADA: I guess what I'm trying to find out is why were you required to record every contact you had?

MR. DEAR: That's a good question. I've been asking why I was singled out. And I still have not received answers. I was the only one that was put on this so-called order that I have yet to see.

SERGEANT QUEZADA: And as far as now, you're using the Axon Taser one, correct?

MR. DEAR: I am no longer employed with Albuquerque. They fired me December 1st, sir.

SERGEANT QUEZADA: And they're saying that you're not downloading, you didn't tag them, they couldn't find them in the cloud or nothing?

MR DEAR: When they did an audit on me from June 2013 to 2014, they said that I was missing several videos. But they also didn't take into effect that, when you upload the Taser Axon, it goes onto evidence.com.

But when you're undercover, which I dealt a lot with CIs, I dealt a lot with that, we didn't record those ones. We're not supposed to because that will get them killed or get them hurt. It's a liability on the department's part.

But I did save all my other ones that were on the Scorpions, because we worked as a team and we tagged all our videos together, which they never did that.

And I also lost a lot of video when my computer developed that recycle virus that hit our prisoner transport center. I ended up getting it on my computer. And I lost everything from 2009 on, all my reports.

SERGEANT QUEZADA: That was confirmed by your IT people?

MR. DEAR: Yes, it was. It should be. They still have my computer, sir. I didn't have a chance to get my computer after November 6th.

SERGEANT QUEZADA: I don't have any more.

CHIEF McCALL: Just so that I'm clear, under the test that you were doing with the body camera, there were no general orders or SOPs or verbal orders as to how to use it?

MR. DEAR: No. When I was issued the Taser Axon camera, I wasn't part of the test squads. I was the only one on graveyard that had these test cameras. When I asked why and how do I go about and if I had any questions, I was told that I needed to ask someone in the field if I had problems.

The Southeast swing shift unit was one of the test squads. They tested Southeast, Valley, and I think one other, I think it was Northeast. And I was the only graveyard unit in the entire city to have this Taser Axon camera.

CHIEF McCALL: Okay.

MR. DEAR: And there was SOPs. But our SOPs with APD have changed so many different times with this camera because of this integration to it.

CHIEF McCALL: There were SOPs?

MR. DEAR: There is SOPs that require you to record certain things. Like I said they've changed so many different times. I don't know what the current one is.

But I remember, when we first started, it was

domestic violence, disorderly conducts, anything where a citizen complaint comes forward. And then I know recently it switched to everything.

CHIEF McCALL: But at that time it was not?

MR. DEAR: It was still in the process. I don't remember the exact date it switched, sir. I'm sorry.

CHIEF McCALL: Nothing else.

A.G. BALDERAS: Thank you. Any more questions from the Board? Thank you, Mr. Dear.

MR. DEAR: Thank you, you guys. I appreciate it.

ITEM NO. 15: SOLOMON ROMERO

A.G. BALDERAS: Mr. Solomon Romero. Solomon Romero. No.

ITEM NO. 16: PATRICK MOSLEY

A.G. BALDERAS: Mr. Patrick Mosley. Is Patrick Mosley here?

ITEM NO. 17: KEVIN SUMMERS

A.G. BALDERAS: Kevin Summers. Is Kevin Summers here?

ITEM NO. 18: MARTIN SALAZAR

A.G. BALDERAS: Martin Salazar. Is Martin Salazar here?

ITEM NO. 19: VERNON FORD

A.G. BALDERAS: Vernon Ford.

MR. FORD: Yes.

A.G. BALDERAS: Good morning. You have the floor, sir.

MR. FORD: Okay. I've never done one of these before. So this is in reference to the issue at hand here. I just wanted the Board to know that, as far as actions that were taken, nothing was intentional.

I do believe that the research that I did for the supplements that I took and also speaking with the individual in the department, I do feel that I did the necessary research for the supplements. Once again this was not an intentional act to try to defy or deceive the SOPs of the department.

A.G. BALDERAS: Thank you. Are there any questions for Mr. Ford? Mr. Korn.

MR. KORN: Yes. Thank you, Mr. Chairman. Mr. Ford, it's my understanding that you notified the department before you took the supplement?

MR. FORD: Yes, sir. I was on the supplement for approximately six to eight months off and on during cycles. There was a recent SOP change. The department was not briefed on what we could or could not take.

1 So I actually went to the sergeant over
2 Internal Affairs investigation and confirmed it with
3 him on two different occasions. I was told to keep
4 the receipt, keep the bottle. If anything came up, to
5 provide that for them as long as it was legal and
6 over-the-counter, which it was at that time.
7 I took two different urinalyses. One was
8 requested of me. And the first one I passed while I
9 was on the substance. And then the second time was
10 when it actually turned up in the urinalysis.
11 And I was questioned by the Medical Examiner.
12 The Medical Examiner called me and asked me what I was
13 taking. I provided the supplement's name at that
14 time. And he told me it was fine, it was
15 over-the-counter, and there was nothing left to be
16 done. And I still notified my chain of command and
17 they were okay with it.
18 MR. KORN: So you were proactive, you
19 notified them beforehand, you cooperated with them
20 during?
21 MR. FORD: On numerous occasions.
22 MR. KORN: And they, in effect, approved it
23 and told you to keep the receipt?
24 MR. FORD: Yes, sir.
25 MR. KORN: Thank you.

A.G. BALDERAS: Any further questions from the Board? Thank you.

ITEM NO. 20: KURT GRIEGO

A.G. BALDERAS: Mr. Kurt Griego. Kurt Griego is not in attendance.

ITEM NO. 21: ANGUS MARTINEZ

A.G. BALDERAS: Angus Martinez. Angus Martinez is not in attendance.

ITEM NO. 22: MIKAL DURAN

A.G. BALDERAS: Mikal Duran.

MR. DURAN: Present, sir.

A.G. BALDERAS: Thank you. You have the floor.

MR. DURAN: Thank you, sir. First, I want to start off by saying good morning. And I thank you for allowing me to speak to you.

I can make any excuse in the world as to what happened and why it happened and all that. But the bottom line is that I made a mistake. I do realize that and I've accepted it. And I'm willing to accept responsibility and what's to come with that.

I lost my father in May of 2013. He was a deputy sheriff in Washington state as well. It was in a motorcycle accident. It was two weeks after I graduated the academy.

I was having a rough time dealing with that, which led to me drinking. And I stopped going to church. I was not living correctly.

Having what happened to me has changed my life in more ways for the positive than what it did in the negative. I'm a completely different person now. I'm no longer going to bars, I'm not drinking anymore at restaurants or anywhere else like that. I'm going back to church and I've found my faith again.

I do have one request or question. If the Board is willing to allow my time that I've been gone from the sheriff's office to retro for my suspension, if the Board accepts it.

I did note it also there was a typo on the paperwork for the agenda. It said that I received a DWI in December 5th I believe is what it says. And it was actually July 11th of 2014.

So if the Board is willing to accept what the Administrative Judge has recommended, then I ask that, if it is possible, if my time since I've been gone from Bernalillo County Sheriff's Office can count toward my suspension. Because I do want to get back to law enforcement. And I respectfully request that.

A.G. BALDERAS: Thank you. Your request is under advisement. Are there any questions from the

Board specifically?

CHIEF KASSETAS: Mr. Chair, I have a question of Mr. Duran. It says here that your charges were dismissed by I'm assuming the Second Judicial District Court on September 3rd, 2014. Why were the criminal charges dismissed?

MR. DURAN: They were dismissed due to lack of discovery, sir.

CHIEF KASSETAS: So irregardless of the criminal charges being dismissed, you're standing before this Board taking responsibility for it and blowing a 0.16?

MR. DURAN: Yes, sir.

CHIEF KASSETAS: Thank you.

MR. DURAN: Thank you.

A.G. BALDERAS: Any further questions from the Board? Thank you, Mr. Duran. We'll take that under advisement.

ITEM NO. 23: CHRISTOPHER PINO

A.G. BALDERAS: Mr. Christopher Pino. Christopher Pino is not present.

ITEM NO. 24: LUIS LOPEZ

A.G. BALDERAS: I will move this Board to letters of caution, item No. 24, Luis Lopez. Is Mr. Luis Lopez present?

MR. LOPEZ: Present, sir.

A.G. BALDERAS: You can come and address the Board.

MR. LOPEZ: Good morning, Mr. Chairman, Members of the Board. Thank you for allowing me to be here today.

My understanding from listening awhile ago is that surrogates are not allowed. I did bring my girlfriend to speak. If she needs to be spoken to later, she's willing to.

I just wanted to let the Board know that I was in compliance with what I spoke to the Director Jack Jones about. I have been attending counseling with my girlfriend and things are going well.

I would also like to state that the incident that occurred on the day in question at no point was abusive, at no point did I try to harm my girlfriend.

This was an incident where she had tried to hurt herself. And I reacted in an attempt to keep her from doing so. In the process I was injured. I left.

And I would agree with the letter of caution. I do take responsibility in the sense that during this time a lot of my focus was on work, was on things other than home. And I was focusing too much on that.

I should have realized that there were

warning signs with my girlfriend in respect to mental illnesses -- not mental illnesses. But suicide, anxiety, depression, and other disorders. I should have taken that into account, I should have thought about it. I didn't realize that that was something that was going on. And this was the result.

So I do agree with the letter of caution. I hope that's taken into account. And I appreciate your time today. Thank you very much.

A.G. BALDERAS: Thank you, Mr. Lopez. Are there any questions for Mr. Lopez?

MR. KORN: I do, Mr. Chairman.

A.G. BALDERAS: You have the floor, Board Member Korn.

MR. KORN: Thank you, sir. Mr. Lopez, I understand your girlfriend had some issues. But did you tell the Board that you did not cause any physical damage, you weren't involved physically to hurt her?

MR. LOPEZ: No. I did not intend to hurt her. There was a struggle when I attempted to take the firearm away. Once I did that -- I disarmed the firearm. I had gotten injured in the process. And I left.

MR. KORN: I see. So the struggle was over your disarming her from the firearm?

MR. LOPEZ: Yes. She was actively trying to hurt herself with the firearm.

MR. KORN: Thank you.

MR. LOPEZ: Thank you.

A.G. BALDERAS: Thank you. Any further questions for Mr. Lopez? Thank you for presenting, we appreciate it.

ITEM NO. 25: NICK RAMOS

A.G. BALDERAS: Mr. Nick Ramos?

MR. RAMOS: Good morning, sir.

A.G. BALDERAS: Good morning.

MR. RAMOS: Gentlemen of the Board, in reference to my situation, I believe you have documentation. I don't know what you have and what you don't. But I was able to locate something else after the meeting that I think also may shed some light on this.

The bottom line is, in regards to my case, I think one of the biggest questions is, you know, did you lie, did I lie. The answer is absolutely no. Okay. I did not lie to her then, I'm not lying to you now.

I did take comp time. And this is supported by my time sheet. Everything I will tell you today can be validated and supported by documentation.

One problem I do have is that Sergeant Flores did state -- she stated that, on or about July 6th, that she came to know that I was at Albuquerque Police Department conducting a training. And that I at that time was being paid by the agency as well as being paid by the Pueblo of Laguna.

This is incorrect. The time that I was actually there is listed. It is comp time. It's entered into as comp time. And I'll show you that here in a second.

However, her statement -- she was the one who actually provided a false statement to the Board. She did know about this, she knew exactly where I was. This is actually shown on one document I don't believe you have.

There was an email that was submitted by the acting chief or captain at the time, Brian Carr. He sent an email to Sergeant Fran Flores. Sergeant Flores sent an email to me and said, "Nick, let's 87 tomorrow. So let's meet tomorrow a.m. so I have an excuse to sleep in."

I responded back to her via Android phone at nine -- it's nine o'clock the day before I believe it was. "Ten-4, I'll be at the APD training academy in the morning. Want to meet there."

So I'm inviting her to actually come and meet with me at the training academy. There wasn't any need to say anything else simply because she already knew where I was going to be. She knew why I was going to be there.

I then come back on December 4th in the morning. I hadn't heard from her. At 7:34 I sent an email to her and I asked her, "Sergeant, are we going to meet this morning?" This is via email. I received no response.

So later that day, at approximately nine o'clock, I replied to her via text and said, "Hey, Sarge, I'm at the APD training building on Second Street if you need me." I don't know what her plans are, I hadn't heard back.

She advised she had been working all night. And on the 5th, December 5th, 2013, she asks me, "Where are you or where you be. She says are you able to meet or no. We can meet tomorrow."

I explained to her, "I'm at APD briefing. I'm gonna be out on the road in a bit." She asked me, "Tomorrow, you want to meet tomorrow?" I said, "I'm working now. Where are you, we can meet up."

At approximately 1846 I sent her a text, identifying what I was doing, working multiple cases,

we seized money from a train, seized a phone, other cases we were working in conjunction with the project that we were doing with Albuquerque Police Department.

She says, "Great. Be safe. If you can't meet tomorrow, just let me know." I tell her, "No. I'm good for 8:15 in the morning." She says, "Okay. See you then."

In regards to she makes -- she makes a statement in her report that says that she knows that I didn't take comp time, that this was pay time, because there should be a statement listed in there that should show authorized by Sergeant Flores.

However, when you go through, I believe I have given you the ones that were marked, there are over 70 different -- during an eight-month period, 70 different times where I identified -- I was gone for leave, for training, some purpose like that.

For all of those times, there are only ten. I believe there are only ten that are identified and showed authority by Sergeant Flores. Out of each one, 100 percent, those ten were all entered by her. Not by me, by her. There are also 23 times that Sergeant Flores approved comp time for training in the same manner.

I would ask that you compare the times of the

text that I sent as I indicated earlier. That 18:46 -- I started at seven o'clock in the morning. The 18:46 would identify that I was actually working overtime. I worked past my shift and worked into the overtime.

You won't see any overtime there. Everything that's listed is a straight up eight hours, because it is a straight eight hours of comp times that she used. So there is no overtime that was paid.

I would also ask you to look at the week following that, that APD training, from December 3rd, 4th, and 5th I believe the dates were. If you look at the dates from December 9th through the 13th, during that time I was also gone again conducting training out of state this time.

And I was also gone with another officer who worked for the APD at the time. The officer -- again we were both gone. This is after that incident. And during that incident as well, you will see regular duty hours, the same input, the same -- and it's consistent throughout.

So her suggestion, strong suggestion, is that because it doesn't show authorized by Sergeant Flores, it is incorrect. In fact, if you look at all of it, it actually shows the pattern is regular hours worked.

It is listed in all of them. In fact, Chief Brian Carr actually approved my paperwork or my leave with the same input, regular duty hours input.

I was asked -- it was insinuated that I had committed fraud as claimed by Sergeant Flores. No. I submitted the hours. I took the comp time as leave to complete personal business.

When I first went to work for the Laguna Police Department, it was identified and known that I do training. I do a lot of training for a lot of law enforcement, not only within New Mexico, but across the country, East Coast, West Coast.

I went into this saying that I still want to work. I didn't retire from New Mexico State Police because I was tired of working. I simply saw an opportunity that I can actually be -- help more people through the training. And it was known to the Laguna Police Department when I started. It wasn't a problem until this particular incident.

Did I commit an act which would indicate a lack of good moral character or which constitutes dishonesty? Absolutely not. I followed all their policies, both written and implied. I did everything that they asked of me.

I think one question that again is still

outstanding is, okay, Nick, well, if that's the case, then why did you leave. Truthfully, the answer is again I was put in a situation where I worked for them because I wanted to, not because I had to.

And if they didn't want me to work there, then that was okay. That was okay with me. But I will not give in and I will not give them my honesty, my word. That I won't give them. They can't have that.

I do a lot of training, ladies and gentlemen. I know that this has been brought to you as a cautionary letter. But I feel very strongly that, if I receive a cautionary letter, I still have to answer to the cautionary letter when I go to federal court, when I do the training, when I present the training as an instructor, whether it be for the Law Enforcement Academy here or external in other states.

I believe I have provided you enough written documentation to show Sergeant Flores' claims are incorrect at best and are completely unfounded. I'm willing to answer any questions the Board may have regarding this matter.

MR. BARNCASTLE: Mr. Chairman, I have a question.

A.G. BALDERAS: Sure. You have the floor.

MR. BARNCASTLE: Mr. Ramos, do you prepare your own time sheets?

MR. RAMOS: Most of the time, yes, sir. If for some reason that I'm unable to get to it, they will prepare it for me.

MR. BARNCASTLE: Who is they?

MR. RAMOS: A supervisor, somebody with access.

MR. BARNCASTLE: Would that have been Ms. Flores?

MR. RAMOS: Ms. Flores, Chief Brian Carr, the Director, Jesse Orozco. So somebody up above me who would have access to it. If I wasn't available to do it, they will do the input.

MR. BARNCASTLE: And on other occasions when you took comp time, was that listed on your time sheet?

MR. RAMOS: Yes.

MR. BARNCASTLE: Do you approve your own time sheet and sign your own time sheet?

MR. RAMOS: It's -- we don't approve it. So they have to approve it. It's approved at a higher level. So even though I do the input, somebody else has to do the approval of it.

MR. BARNCASTLE: Do you see your time sheet

prior to signing your time sheet?

MR. RAMOS: It's simply a digital input, sir. So we enter into the system. There's not really a signature to it.

MR. BARNCASTLE: On this date did you see where comp time had been -- or had you entered the comp time hours in that time frame?

MR. RAMOS: Yes, sir.

MR. BARNCASTLE: Thank you.

MR. RAMOS: Sir. I'm sorry. If I may add one more piece to make -- maybe to clarify. One of the issues that you see here is, if you look through the entire list of all the time, you will not see anything that says comp time at all. There's no entries.

And the reason is the agency -- the police agency does not tell the Pueblo of Laguna that they are actually utilizing comp time. So we are not allowed to enter anything that would -- because the HR personnel is the ones who check it.

So there cannot be anything listed in our reports that say anything about comp time specifically. So there has to be something else. And again it's simply regular duty hours we make them.

Before you've worked those hours, they now

become regular duty hours. You are simply getting paid at a later date. And that's why you see duty hours throughout.

MR. BARNCASTLE: Thank you.

A.G. BALDERAS: Any more questions from the Board? Thank you.

MR. RAMOS: Thank you.

MR. KORN: Mr. Chairman, just to make you aware, it's my understanding that there was a representative of the department wanted to address the Board as well, Mr. Herman Silva, in regard to this matter, if he's still in the room.

A.G. BALDERAS: Mr. Silva, please come up. Just so I'm clear on the previous vote, in what capacity are you making your representations?

CHIEF SILVA: I am the current Chief of Police for Laguna Pueblo, sir.

A.G. BALDERAS: You're not a surrogate or counsel for Mr. Ramos; am I correct?

CHIEF SILVA: No. Thank you, Mr. Chairman, Members of the Board.

On behalf and reviewing what Mr. Ramos stated, some of that is accurate. It is done electronically. They enter their stuff via computer for their hours and their time.

But you'll notice also on the payroll records, I think you have those, that there is entries that are leave without pay. There's leave for -- Sergeant Fran authorized the regular hours. That means that that was -- she was comping him off.

We do not have a comp policy per se, no. That's correct. But I think also, in even looking at the time period that we're talking about, December 2nd, 3rd, and 4th, you know, this system locks out biweekly. So it's in there for two weeks.

So, you know, for him to be able to review that, they're accountable for entering and making sure it's accurate. And then the supervisor approves it from there. So on that behalf that would be correct.

I think also, in the reports, sir, in the documentation that you have, Sergeant Flores asked Ramos, Agent Ramos at the time if he had entered it correctly authorized by her. And he said yes to her.

So he was acknowledging that it was entered correctly. So I mean somewhere in there there's some disagreement obviously. But we don't feel that just a letter of caution is appropriate under the circumstances, that the entries are incorrect.

And it's his responsibility as well as the supervisor's to assure that it was accurate at the

time that they were entered for payroll purposes.

I think you see also entries in here where he worked overtime at the task force for DEA. And there's notations all along there where it's overtime that was paid by the task force.

So I mean he was obviously aware of what the circumstances were and the process for entering the appropriate time or the comp time, overtime, to reflect the accurate billing cycle. That's all I have, Mr. Chair.

A.G. BALDERAS: Thank you. Do you have any questions? Any further questions? Thank you for your time.

We are now at the part of the agenda for the formal hearings process, Neil Binderman, Daniel Gonzalez, Jose Gutierrez, David Moon, Dawne Roberto, and Matthew Vigil.

I will be formally recusing myself in matters of executive session. And there will be a return to open session at a later point to take final action on those matters that were just stated for the record.

ITEM NO. 32: JONATHAN CAMP

A.G. BALDERAS: Is Mr. Jonathan Camp present? Mr. Jonathan Camp is not present.

ITEM NO. 33: WILLIAM CUNNINGHAM

A.G. BALDERAS: Is Mr. William Cunningham present?

MR. CUNNINGHAM: Yes, sir.

A.G. BALDERAS: You can come up and please address the Board. Thank you.

MR. CUNNINGHAM: Good morning. First I would like to thank you for allowing me to address the Board.

Actually in May I had a district hearing regarding an order signed down from the Board. This is an incident that happened in 2010 when I was with New Mexico State Police.

At that time I had my attorney, Sam Bregman. I didn't agree with what the Board handed down to me. So from what I understood and what he was told to do and asked to do was file a motion in district court to appeal that decision.

In May of this year, I had a hearing at district court. And I found out at that time that that motion wasn't done correctly. And there was a concern on me working through my suspension that was handed down through the Board.

I did submit a letter that Sam Bregman sent the chief at that time saying that my commission was valid. So I was under the impression that my

commission was valid at that time, but I believe there's a question now if it was or not.

I did bring my current chief with me to address anything that needs to be addressed. When I went back -- I was actually off law enforcement for two years. I left March of 2012. I just returned January this year back to Cuba Police Department.

And I believe that's when all this became apparent. I just felt that I didn't do anything to jeopardize that. And I definitely went to work through my suspension date. I was under the impression that it had been filed in district court to appeal that decision. And that's all I have.

A.G. BALDERAS: Thank you. Are there any questions for Mr. Cunningham? Any questions?

MR. KORN: If I may.

A.G. BALDERAS: Sure.

MR. KORN: Mr. Cunningham, I'm not sure -- and forgive me. I'm not sure why you're here. Did you say you stopped working at Cuba during a period of time?

MR. CUNNINGHAM: I stopped working I believe it was during the suspension. Technically I was supposed to be on suspension while I was working at Cuba Police Department. Like I said I thought it was

filed in district court or a motion to stay so I can continue to work my commission.

I left for family reasons and worked out of law enforcement for two years or 22 months and then just recently went back to get my last eight months so I can retire. And that's when all this came up.

MR. KORN: So your suspension was for a period of 18 months?

MR. CUNNINGHAM: Yes. Sixteen or 18 months, yes, sir.

MR. KORN: So it sounds like you didn't work during those 18 months?

MR. CUNNINGHAM: During the months assigned by the Board, yes, sir. I was actually a sergeant with the Cuba Police Department at that time.

MR. KORN: During the exact period of time you were working?

MR. CUNNINGHAM: Most of it -- I left March of 2012 -- or 2013. March of 2013. So some of that, yes. I was not in law enforcement during some of that suspension.

MR. KORN: And some of it you worked?

MR. CUNNINGHAM: Yes, sir.

MR. KORN: And then what happened in January that caused you to come back here now? You said there

was something in January?

MR. CUNNINGHAM: I went back to Cuba Police Department. So I'm actually a police officer now with Cuba Police Department. We had a hearing set up in district court. It went in front of the district judge.

At that time the Attorney General Deputy advised me that I worked through my suspension date and that that was an issue with the Board. So I wanted to -- I wanted to come in front of the Board to make sure there was no issues with that.

MR. KORN: So how many months of the suspension period did you work, if you know?

MR. CUNNINGHAM: I would have to look. I'm not exactly sure. I believe it was January of 2012 to July of 2013. And I left in July -- or March of 2013.

MR. KORN: So but for about four months, you were working when you should have been suspended?

MR. CUNNINGHAM: Correct.

MR. KORN: Okay. Thank you. Thank you, Mr. Chair.

A.G. BALDERAS: Thank you.

ITEM NO. 34: MOISES PENA

A.G. BALDERAS: Mr. Moises Pena.

MR. PENA: Mr. Chairman, distinguished

1 Members of the Board, first and foremost thank you
2 very much for allowing me to come before you today.
3 I'm here to request my reinstatement of my
4 certification. I surrendered my certification in
5 April of 2013. It's been two years and four months
6 since I've been out of law enforcement.
7 I came before the Board last July and
8 requested a hearing. It was denied. I accepted
9 responsibility for that. As I explained to the Board
10 in February of 2013, I did commit a foolish act. It
11 was a selfish act. And I found myself in a little bit
12 of trouble.
13 It's been two years and four months since
14 that incident. Since then I've been out of law
15 enforcement. I've taken the necessary steps to
16 improve myself and for this day to come before you to
17 ask for your reconsideration and allow me to continue
18 my career.
19 I did ask for several letters of
20 recommendation from former employers, former
21 supervisors. They did submit those letters for me,
22 which they should be attached to my packet. That will
23 give you a brief synopsis of the type of officer I am.
24 And I just hope that you reconsider. And I'm
25 willing to accept any kind of -- you know, any type of

probationary status. I'm positive that I am able and capable of continuing my law enforcement career without any further delays or without messing up.

A.G. BALDERAS: Thank you. Are there any questions from the Board?

CHIEF KASSETAS: Yes. Mr. Chair, I have a question. You'll have to speak up, Mr. Pena. I can hardly hear you.

In your packet I have a letter from you to Director Jones asking to address the Board and that's all. I hear hundreds of cases a year. I'd like you to recap exactly what happened and why you're before us again. I have an assumption that this Board revoked your certification or you voluntarily walked away from it?

MR. PENA: I voluntarily relinquished it in April of 2013.

CHIEF KASSETAS: Okay. So tell me again what happened and why you did that.

MR. PENA: On the night of February 19th, 2013, I was at a bar. I was intoxicated. I was at Buffalo Thunder Casino. I spit on a security guard. I went before the Director at that time.

And at that time I had sustained an injury prior to that in February of 2012. I wasn't supposed

to be able to come back to law enforcement due to my injury. However, through rehab I was able to get my body back into form.

And that's why I came before you last July. When I relinquished my certification, I did not think I was going to be able to be in law enforcement at all again.

CHIEF KASSETAS: So the basis of you voluntarily essentially giving up your certification was an incident where you were intoxicated at a casino, you spit on a security guard, and then you had no real intention of coming back because you felt there was some type of physical limitation at the time; and now that has been overcome and you want to be a police officer again?

MR. PENA: That's exactly correct.

CHIEF KASSETAS: Okay. That's all I have. Thank you.

A.G. BALDERAS: Any other questions? You have the floor.

CHIEF SOLAND: Sir, were you charged with a crime?

MR. PENA: Yes. I was charged with battery.

CHIEF SOLAND: Were you convicted in court?

MR. PENA: Yes. I served six months of

1 supervised probation.
2 CHIEF SOLAND: You stated a moment ago that
3 you met with the Director in 2013.
4 MR. PENA: Yes.
5 CHIEF SOLAND: Would you describe what that
6 meeting entailed.
7 MR. PENA: Yes. During that meeting -- the
8 department sent out the LEA-90 I believe is what it's
9 called. And I went before the Director. I explained
10 to him my injury.
11 At that time he actually advised me to
12 surrender my certification and told me that, if I was
13 physically able to come back someday, to come before
14 the Board and request a hearing.
15 CHIEF SOLAND: Thank you.
16 A.G. BALDERAS: Questions?
17 SERGEANT QUEZADA: I have a question, sir.
18 A.G. BALDERAS: You have the floor.
19 SERGEANT QUEZADA: Would you be interested,
20 if allowed, to go through an academy?
21 MR. PENA: Yes.
22 CHIEF KASSETAS: Mr. Chair, if I may, just
23 one clarifying question. The battery, the conviction
24 so to speak, was due to the action of spitting on the
25 security guard or was there other physical contact

with that security guard?

MR. PENA: It was spitting on the security guard. No. It was not physical.

CHIEF KASSETAS: And you said earlier that you met with the Director and he asked that you --

MR. PENA: He recommended it.

CHIEF KASSETAS: He recommended.

MR. PENA: Yes. He recommended it so there would be nothing on my file, a blemish on my certification.

CHIEF KASSETAS: Which director?

MR. PENA: The one prior to Mr. Jones. I don't remember his name. If you say his name, I will remember it.

CHIEF KASSETAS: Medina?

MR. PENA: Yes. Louis?

CHIEF KASSETAS: Louis Medina.

MR. PENA: Yes.

CHIEF KASSETAS: Okay. Thank you.

A.G. BALDERAS: Any further questions from the Board?

MR. BARNCASTLE: Mr. Chairman.

A.G. BALDERAS: Board Member Barncastle.

MR. BARNCASTLE: Were there any other conditions other than just unsupervised probation?

Were there anger management classes, anything else?

MR. PENA: There was no disposition on that. I explained to the judge in Santa Fe County that I -- immediately after this incident I did enroll in counseling. And I attended counseling for six months, just over six months. I provided the proof to the judge. But it was not court ordered.

MR. BARNCASTLE: How did you plead to those charges?

MR. PENA: Guilty.

MR. BARNCASTLE: Thank you.

SHERIFF WALLER: Mr. Chairman. You had said that there was a medical condition that existed at the same time?

MR. PENA: Yes.

SHERIFF WALLER: And that was the reason that you relinquished your certification?

MR. PENA: Yes, sir. The medical condition was I shattered my right hand. And I wasn't supposed to have use of my thumb anymore.

SHERIFF WALLER: So was that, in conjunction with the battery charge, the reason for your relinquishment?

MR. PENA: No. I surrendered my certification just because I didn't believe that I was

going to be able to come back. My doctor and my physical therapist told me that I wasn't ever going to be in law enforcement again because I wouldn't have use of my right thumb.

SHERIFF WALLER: And since that time you have received a medical release?

MR. PENA: Yes. My hand is nearly 100 percent now.

SHERIFF WALLER: Okay. At the agency that you worked for, as a result of this incident at the casino, was there an Internal Affairs investigation?

MR. PENA: Yes.

SHERIFF WALLER: Was there administrative action taken?

MR. PENA: I resigned. I resigned my position.

SHERIFF WALLER: I'm sorry?

MR. PENA: I resigned my position after that incident.

SHERIFF WALLER: You resigned before the investigation?

MR. PENA: No. After completing the investigation. They completed their investigation. And then I resigned. They didn't take any action against me, I walked away.

SHERIFF WALLER: Okay.

A.G. BALDERAS: Any further questions? Thank you, Mr. Pena.

MR. PENA: Thank you.

ITEM NO. 35: JOVANNAH SANDOVAL

A.G. BALDERAS: Jovannah Sandoval?

MS. SANDOVAL: Yes, sir. Good morning. Thank you for allowing me to address the Board. I'm here to present you the details of my pending case.

On February 19th I was arrested for contraband charges. And right now the DA has offered me a conditional discharge. But that probably won't take place until the end of this month. And I also have a letter, if I may present that as well.

I'm writing to express my sincere remorse for the irresponsible conduct I engaged in through this incident. I know that there was no excuse or satisfactory explanation for my conduct. And I accept full responsibility for what I have done.

Over the last 20 years, I have been a hardworking police EMD dispatcher. During the course of my career, I have had many rewarding experiences to include obtaining various awards and dispatcher of the year in 2014.

I have always taken pride in the fact that I

have the ability to help those in need and to ensure my officers always went home to their families every night. Even after 20 years I still have the desire to do so.

I have never had any adverse contact with the police let alone being arrested and charged with any serious crime. I still cannot understand or explain my foolish decision to allow myself to be coerced into doing what I did.

The experience of being placed on the other side of the law has been extremely humbling and humiliating. I deeply regret causing my family, supervisor, and coworkers embarrassment, especially knowing that they've always been my biggest supporters and have always put their faith and trust in me.

While I can't go back in time and reverse what I did, you can rest assured that this will never happen again. This is not the type of person I am. And I am ashamed first of myself for even considering what I did, let alone doing it.

I have had a lot of time to reflect on the impact of what my criminal act has had upon my job and my future. And it has severely been impacted.

As you are well aware, my job requires me to be conviction free. As of this time, I have been

offered a conditional discharge, as I said before, by the prosecutor, which will prevent me from being convicted on any of the charges against me.

I humbly request that you will consider reinstating my dispatch certification and allow me to prove that I will never allow this to happen again and to show that I have every intention of redeeming myself.

A.G. BALDERAS: Do you have anything further, ma'am?

MS. SANDOVAL: Not at this time, no.

A.G. BALDERAS: Are there questions from the Board? Board Member Barncastle.

MR. BARNCASTLE: Ms. Sandoval, generally a conditional discharge comes with many conditions. Can you tell the Board what those conditions are.

MS. SANDOVAL: I don't know at this point. The last time I talked to my attorney, he had stated that I would probably have to serve probation anywhere from one to three years. But that, at the end of the probation period, I won't be convicted of any of the charges against me.

MR. BARNCASTLE: I understand that. But there are generally several more conditions that are applied as a part of a discharge.

MS. SANDOVAL: I understand. Those have not been presented to me as of yet and will not be until the 29th of June at my pretrial hearing.

MR. BARNCASTLE: So they have not explained those to you?

MS. SANDOVAL: No, sir.

MR. BARNCASTLE: And you were charged with two counts?

MS. SANDOVAL: No, sir. Five counts.

MR. BARNCASTLE: Five counts?

MS. SANDOVAL: Yes, sir.

MR. BARNCASTLE: There were counts of bringing marijuana to a prisoner into a correctional facility?

MS. SANDOVAL: Yes.

MR. BARNCASTLE: And counts of alcohol as well?

MS. SANDOVAL: No, not alcohol.

MR. BARNCASTLE: Not alcohol. Just marijuana?

MS. SANDOVAL: It was marijuana and Suboxone, which is a prescribed medication.

MR. BARNCASTLE: What's it for?

MS. SANDOVAL: It's for withdrawal symptoms. Like if somebody is on heroin, for instance, they

1 prescribe that for withdrawal symptoms.
2 MR. BARNCASTLE: I was just trying to figure
3 out what class of narcotic it is. I don't have any
4 further questions.
5 A.G. BALDERAS: Board Member Quezada.
6 SERGEANT QUEZADA: I actually have a group of
7 questions. Who were you taking the marijuana and
8 Suboxone to?
9 MS. SANDOVAL: At the time it was a friend of
10 mine.
11 SERGEANT QUEZADA: A friend as an associate?
12 MS. SANDOVAL: Just a friend.
13 SERGEANT QUEZADA: As far as the Suboxone,
14 how much Suboxone did you take in?
15 MS. SANDOVAL: It was 20 strips.
16 SERGEANT QUEZADA: And are you aware that
17 Suboxone is sold within the prison system for high
18 value?
19 MS. SANDOVAL: I do know now. I wasn't at
20 the time.
21 SERGEANT QUEZADA: As far as your conditional
22 discharge, are you aware that it is considered, if you
23 do not comply with the condition during the process,
24 that you actually end up having the conviction?
25 MS. SANDOVAL: That's correct. I do

understand that, yes, sir.

SERGEANT QUEZADA: You said you were charged with five counts?

MS. SANDOVAL: Yes, sir.

SERGEANT QUEZADA: Was it individual incidents or only one incident?

MS. SANDOVAL: It was all one incident.

SERGEANT QUEZADA: How were you caught?

MS. SANDOVAL: I actually happened to drop it as I was in the visitation room.

SERGEANT QUEZADA: I don't have any further questions.

MR. BARNCASTLE: I have one follow-up question, Mr. Chairman.

A.G. BALDERAS: Sure. You have the floor.

MR. BARNCASTLE: The original LEA-90, Ms. Sandoval, indicates that there were also two counts of conspiracy charged? Were those charged as well or just the five counts?

MS. SANDOVAL: I wasn't aware of the conspiracy charges, no. As far as I know, it was just the five counts but not conspiracy.

MR. BARNCASTLE: Okay. Thank you.

CHIEF KASSETAS: Mr. Chair, as you know I have absolutely no experience as an attorney nor do I

want to be one. However, I have to wonder, although this is a very intriguing case, if we need to draw the line in the sand at some point in our questioning because the case hasn't been dispositioned through the criminal justice system.

I believe she had stated that it was on the way to a possible -- you said a deferred sentence?

MS. SANDOVAL: A conditional discharge.

CHIEF KASSETAS: Conditional discharge. But that has not been finalized as yet, correct?

MS. SANDOVAL: No, sir.

CHIEF KASSETAS: I have a lawyer question. Is it problematic that we continue to ask questions related to her criminal case if we go further?

A.G. BALDERAS: Board Member Kassetas, I'll defer to our counsel on that question.

MR. WORD: Mr. Chair, Members of the Board, the fairly new rule that the Board adopted, 10.29.1.11(B) in the NMAC, provides for summary suspension of certification of a person who has been arrested or indicted on a felony offense.

And it further provides that, if they are so summarily suspended pursuant to that rule, they may request the opportunity to address the Board and argue why the suspension should be lifted.

And that's the procedure we're in. And then the Board can deliberate on the presentation and make a determination. And they're required to make a determination as to whether or not the suspension should stand.

So the Board will be allowed to deliberate on this matter and then, when it goes back into public session, announce its decision. So that's the procedure. This is the first case I believe we've seen under the new rule.

CHIEF KASSETAS: That explains it. Thank you.

A.G. BALDERAS: Are there any other questions from the Board?

CHIEF SOLAND: I have a question. Ma'am, are you still employed?

MS. SANDOVAL: No, I am not.

CHIEF SOLAND: Have they terminated your employment?

MS. SANDOVAL: They gave me the option to resign. So I resigned.

A.G. BALDERAS: Thank you, Chief. Any other further questions?

CHIEF SOLAND: That's it.

A.G. BALDERAS: Any further questions? I'm

1 going to actually take a quick ten-minute break.
2 Following our return and reconvening from break, the
3 Board will be going into executive session and
4 handling matters. So thank you for your time, ma'am.
5 I appreciate it. Let's take a quick ten-minute break.
6 (Recess.)
7 A.G. BALDERAS: I'd like to reconvene the
8 meeting. Thank you all to members of the public.
9 I will now accept a motion to go into
10 executive session to discuss the earlier agenda items
11 outlined as the record will reflect.
12 MR. KORN: Mr. Chairman, can I ask a point of
13 order question prior to that motion.
14 A.G. BALDERAS: You may.
15 MR. KORN: Sir, was it the Chair's intention
16 to join the Board in the misconduct hearing portion of
17 this Board meeting?
18 A.G. BALDERAS: Board Member Korn, my
19 intention was going to be to absolutely recuse myself
20 from the matters that were referenced earlier with
21 ongoing matters. And then, with the matters remaining
22 to the other discipline issues, I was merely going to
23 observe and recuse myself simply to learn and to make
24 sure that I'm gaining a good understanding of the
25 process.

1 MR. KORN: And if I may speak to that, as the
2 senior member of the Board and the only attorney
3 that's on the board that isn't an Attorney General, I
4 wanted to point out some issues that I had just to
5 make the Board aware of it. And you can choose to act
6 as you would.
7 My concern is that, because your staff are
8 the prosecutors and your staff are the Board advisors,
9 it, therefore, becomes the appearance that you would
10 become someone involved in prosecution, judge, and
11 jury. And the problem with that is that 90 percent of
12 the cases that are misconduct cases are resolved in
13 the informal hearing stage.
14 And I'm concerned that, if you take part in
15 that even as an observer, it will be the appearance of
16 undo influence or the appearance of impropriety.
17 And even though I'm certainly not suggesting
18 that you would use undo influence, I think that it's
19 the Board's mission to appear fair and impartial. And
20 I would wonder whether that mission might be somewhat
21 eclipsed if you remain in the room during that time.
22 I would point out what the Chair already
23 knows, that previous Attorneys General, going back at
24 least two decades, have all recused themselves from
25 both the formal and the informal process.

And I would encourage you to at least consider that, if you partake even as an observer, that we would be opening the door to defense attorneys claiming undo influence, improper conduct, and that could tie us up in the appeals court unnecessarily for years.

A.G. BALDERAS: I appreciate your concerns, Board Member Korn. I can have counsel weigh in a little bit or I can give you my logic for the course of action that I have recommended.

MR. KORN: Of course. I would be interested in that.

A.G. BALDERAS: Sure. And I appreciate your concern. I think it's a balancing test. I've already confirmed what our agency is doing with actual cases and recused myself.

And I've also publicly stated that I would, in my capacity as chief law enforcement officer, not only just be observing, but I also have many statutory roles including enforcement of the Open Meetings Act and also enforcement of exceptions of Open Meetings Act.

So I think I've balanced that to not expose this Board, but more importantly to also continue my role as an oversight in all functions and aspects of

the Board.

But that was simply my reasoning as well, is to recuse myself and just be a mere observer and also weigh those actual conflicts and appearance issues as well. And if you want to hear counsel's recommendation, that would be fine too.

MR. KORN: No, no. This is just simply Board Member to Board Member, attorney to attorney.

A.G. BALDERAS: Your concerns are well-taken and I think I've made modifications. And also, as I observe the process moving forward today, I may have a change of heart in observing all of you in closed session too.

MR. KORN: Very well. I mean I respect your ability. And as any other Board Member could say they want to enter or recuse themselves, it's your prerogative as well. I just wanted to bring it up. And I appreciate your explanation.

A.G. BALDERAS: It's a good concern. I appreciate you doing that.

MR. KORN: Thank you, sir.

A.G. BALDERAS: Are there any other matters for discussion before I entertain a motion?

CHIEF KASSETAS: Mr. Chair, I would like to make a motion that the Board move into closed

executive session to discuss only those matters listed on the agenda under executive session pursuant to NMSA 1978 Section 10-15-1(H)(1), (3), and (7).

A.G. BALDERAS: Is there a second on that motion?

MR. KORN: I'll second.

A.G. BALDERAS: There is a second. All in favor that we go into closed session say aye.

(Those in favor so indicate.)

MR. WORD: We need a roll call vote. I'm sorry.

A.G. BALDERAS: Oh. Let's have a roll call. Good catch.

MS. LOPEZ: Attorney General Hector Balderas.

A.G. BALDERAS: Favor.

MS. LOPEZ: Pat Barncastle.

MR. BARNCASTLE: Yes.

MS. LOPEZ: Chief Pete Kassetas.

CHIEF KASSETAS: Yes.

MS. LOPEZ: Sheriff Wesley Waller.

SHERIFF WALLER: Yes.

MS. LOPEZ: Chief Darren Soland.

CHIEF SOLAND: Yes.

MS. LOPEZ: Chief Chris McCall.

CHIEF McCALL: Yes.

MS. LOPEZ: Jaime Quezada.

SERGEANT QUEZADA: Yes.

MS. LOPEZ: Nate Korn.

MR. KORN: Yes.

A.G. BALDERAS: Thank you all, members of the public. We'll be going into closed session. Thank you.

(Recess from 11:05 a.m. to 3:50 p.m.)

A.G. BALDERAS: Good afternoon. I am calling the meeting back to order from executive closed.

I actually recused myself from the matters and just took the position that I was observing the disciplinary matters. And because I did, I'd like the public to be briefed. And I'll be turning the meeting over to Board Member Kassetas for an update.

CHIEF KASSETAS: Mr. Chair, Members of the Board, the Board is back in open session. And I affirm that while in closed session it discussed only those matters specified in the motion to close the meeting and listed on the agenda under executive session in accordance with NMSA 1978 Section 10-15-1(H). So ready to proceed? Apparently we need a roll call vote to go back into open session.

MR. WORD: I don't believe so. We're back in.

CHIEF KASSETAS: We're back in. Never mind. Good to go. So we can proceed with the disciplinary matters.

Do I have a motion for Larry Burns?

CHIEF McCALL: Mr. Vice Chair, I would like to make a motion to accept the recommendation of the Director.

CHIEF KASSETAS: Do I have a second?

CHIEF SOLAND: I second.

CHIEF KASSETAS: All in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: All opposed? Hearing no objection, the ayes are unanimous, the motion passes.

Do I have a motion for Gregory Carrasco?

CHIEF SOLAND: Mr. Vice Chairman, I would like to make a motion to reject the action recommended and refer it back to the Director.

CHIEF KASSETAS: Do I have a second to reject the Director's recommendation and refer it back to him?

SERGEANT QUEZADA: I'll second.

MR. BARNCASTLE: Mr. Vice Chair, I'd like to include in the minutes that I recused myself from that agenda item.

CHIEF KASSETAS: Solely noted that Pat

Barncastle has recused himself.

There's been a motion and a second. I'll call for a vote. Those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Those opposed? Hearing none opposed, the motion carries.

Do I have a motion for Sean McGarry?

MR. BARNCASTLE: Mr. Vice Chair, I'd like to move that we approve the Director's recommendation for agenda item No. 6, Mr. McGarry.

MR. KORN: I'll second.

CHIEF KASSETAS: We have a second. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: All those opposed? Hearing none opposed, the motion passes.

Do I have a motion for Jose Martinez?

SHERIFF WALLER: Mr. Vice Chairman, I would move to approve the Administrative Judge's recommendation.

CHIEF KASSETAS: Do I have a second?

CHIEF SOLAND: Second.

CHIEF KASSETAS: I will be recusing myself from this particular deliberation let the record show. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: All those opposed? Hearing nobody opposed, the motion carries.

Do we have a motion for Randon Romero?

SERGEANT QUEZADA: Mr. Vice Chair, I would like to make a motion to accept the Director's recommendation.

CHIEF KASSETAS: Do I have a second?

SHERIFF WALLER: Second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing no opposition, the motion carries.

Tim Tavizon, do I have a motion for Tim Tavizon?

MR. KORN: Mr. Vice Chair, I would make a motion to accept the recommendation of the Director for a 90-day suspension less mitigating terms of 60 days, leaving 30 days. And for those 30 days, the Board acknowledges that Mr. Tavizon has served his time without pay at his department; and we're applying that to the 30 days.

CHIEF KASSETAS: Do I have a second?

MR. BARNCASTLE: Second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed. Hearing none, the motion carries.

Do I have a motion to Joshua Vandever?

CHIEF McCALL: Mr. Vice Chair, I would like to make a motion to accept the recommendation of the Director.

CHIEF KASSETAS: Do I have a second?

MR. BARNCASTLE: Second.

CHIEF KASSETAS: We have a second by Pat Barncastle. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed. Hearing none, the motion carries.

Do I have a motion for Jacob Swenk?

SERGEANT QUEZADA: Mr. Vice Chair, I would like to make the motion to accept the Director's recommendation.

CHIEF KASSETAS: Do I have a second?

CHIEF SOLAND: I'll second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Do I have a motion for Jose Abeita?

CHIEF SOLAND: Mr. Vice Chair, I make a motion to approve the recommendation of the Administrative Judge.

CHIEF KASSETAS: Do I have a second?

SERGEANT QUEZADA: I'll second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Do I have a motion for Timothy Rogers?

MR. KORN: Mr. Vice Chair, I would make a motion that we reject the recommendation of the Administrative Judge and find no violation on the part of Mr. Rogers.

CHIEF KASSETAS: Do I have a second?

SHERIFF WALLER: Second.

CHIEF KASSETAS: A second by Wesley.

MR. BARNCASTLE: Mr. Vice Chair, I'd like for the record to reflect that I recused myself from that agenda item as well.

CHIEF KASSETAS: Thank you, Mr. Barncastle. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

The matter regarding Blake Byford, which for the record let it show that I recused myself.

CHIEF SOLAND: Mr. Vice Chair, I would like the record to reflect that I recused myself.

CHIEF KASSETAS: Also Chief Soland recused himself. Do we have a motion then regarding Blake Byford?

SERGEANT QUEZADA: Yes, Vice Chairman. I would like to make a motion to accept the Administrative Judge's recommendation.

CHIEF KASSETAS: Do I have a second?

CHIEF McCALL: Second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any in opposition? Hearing none, the motion carries.

Do I have a motion for Jeremy Dear?

MR. BARNCASTLE: Mr. Vice Chair, I would like to make a motion to accept the Hearing Officer's recommendation in the matter of Mr. Jeremy Dear.

CHIEF KASSETAS: Do I have a second?

SHERIFF WALLER: Second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed. Hearing none,

the motion carries.

Do I have a motion regarding Solomon Romero?

SHERIFF WALLER: Mr. Vice Chairman, I would make the motion to reject the Administrative Judge's decision and direct the Academy Director to revoke his certification.

CHIEF KASSETAS: Do I have a second?

MR. KORN: I'll second.

CHIEF KASSETAS: Seconded by Nate Korn. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Do I have a motion regarding Patrick Mosley?

CHIEF McCALL: Mr. Vice Chair, I'd like to make a motion to accept the Administrative Judge's recommendation and letter of caution.

CHIEF KASSETAS: Do I have a second?

SERGEANT QUEZADA: Second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Do I have a motion for Kevin Summers?

SHERIFF WALLER: Mr. Vice Chairman, I would

like to move that we accept the Administrative Judge's recommendation.

CHIEF KASSETAS: We have a motion. Do I have a second?

SERGEANT QUEZADA: Second.

CHIEF KASSETAS: I have a second. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Do I have a motion regarding Martin Salazar?

CHIEF SOLAND: Mr. Vice Chair, I make the motion to accept the Administrative Judge's recommendations.

CHIEF KASSETAS: Do we have a second?

MR. BARNCASTLE: I'll second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Do I have a motion regarding Vernon Ford?

SERGEANT QUEZADA: Mr. Vice Chair, I would like to make a motion for rejecting the recommendation of the Administrative Judge of no action to it being a policy issue for the department.

CHIEF KASSETAS: Do I have a second?

SHERIFF WALLER: Second.

CHIEF KASSETAS: We have a second. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Do I have a motion regarding Kurt Griego?

MR. BARNCASTLE: Mr. Vice Chair, I would like to make a motion to accept the Administrative Judge's recommendations.

CHIEF KASSETAS: Do we have a second?

CHIEF McCALL: Second.

CHIEF KASSETAS: We have a second. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Do I have a motion regarding Angus Martinez?

SHERIFF WALLER: Mr. Vice Chairman, I would move that we accept the Administrative Judge's recommendation.

CHIEF KASSETAS: Do we have a second?

SERGEANT QUEZADA: Second.

CHIEF KASSETAS: We do have a second. All

1 those in favor.
2 (Those in favor so indicate.)
3 CHIEF KASSETAS: Any opposed? Hearing none,
4 the motion carries.
5 Do I have a motion for Mikal Duran?
6 SERGEANT QUEZADA: Mr. Vice Chair, I would
7 make a motion to accept the Administrative Judge's
8 recommendation.
9 CHIEF KASSETAS? Do we have a second?
10 CHIEF SOLAND: Second.
11 CHIEF KASSETAS: All those in favor.
12 (Those in favor so indicate.)
13 CHIEF KASSETAS: All those opposed? Hearing
14 none, the motion carries.
15 Do we have a motion regarding Christopher
16 Pino?
17 CHIEF SOLAND: Mr. Vice Chair, I make a
18 motion to accept the Administrative Judge's
19 recommendation to revoke.
20 CHIEF KASSETAS: We have a motion by Chief
21 Soland. Do we have a second?
22 SHERIFF WALLER: Second.
23 CHIEF KASSETAS: We have a second by Wesley
24 Waller. All those in favor.
25 (Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Now on to letters of caution. Do we have a motion regarding Luis Lopez?

MR. KORN: Mr. Vice Chair, I would make a motion that we accept the recommendation of the Director.

CHIEF KASSETAS: Do I have a second?

MR. BARNCASTLE: I'll second.

CHIEF KASSETAS: A second by Pat Barncastle. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, so moved.

Next can we have a motion regarding Nick Ramos.

CHIEF McCALL: Mr. Vice Chair, I would like to make a motion to accept the recommendation of the Director.

CHIEF KASSETAS: Do we have a second?

MR. BARNCASTLE: Second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Before moving on to the next one, I want the record to show that I

recused myself regarding Nick Ramos.

CHIEF SOLAND: Mr. Vice Chair, I would like the record to also reflect that I recused myself from voting on Nick Ramos.

CHIEF KASSETAS: Thank you. The motion carries.

ITEM NO. 26: NEIL BINDERMAN

CHIEF KASSETAS: On to formal hearings.

Do we have a motion regarding Neil Binderman?

CHIEF McCALL: Mr. Vice Chair, I would like to make a motion to accept the Hearing Officer's findings that no violation occurred.

CHIEF KASSETAS: Do we have a second?

CHIEF SOLAND: Second.

CHIEF KASSETAS: Second by Darren Soland. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing no opposition --

MR. BARNCASTLE: Mr. Vice Chair, I would like the record to reflect that I recused myself from agenda item No. 26, Neil Binderman.

CHIEF KASSETAS: Noted that Pat Barncastle recuses himself regarding Neil Binderman. The motion carries.

ITEM NO. 27: DANIEL GONZALEZ

CHIEF KASSETAS: Do I have a motion regarding Daniel Gonzalez? Actually I will make that motion to accept the Hearing Officer's findings of fact and revoke Mr. Gonzalez's certification. Do I have a second?

MR. KORN: I second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Regarding Mr. Daniel Gonzalez, the motion carries.

As Vice Chair and a Member of the Board, I will exercise my ability and I believe right to note that this case in particular should be paid close attention to by the various chiefs of the agencies out there regarding the history an officer has and how we hire police officers. It's a very disturbing case.

ITEM NO. 28: JOSE GUTIERREZ

CHIEF KASSETAS: I'll move on. Next is Jose Gutierrez. There are two cases with Mr. Gutierrez. The first case to be clear is a motion regarding a formal hearing by the Hearing Officer Feist.

MR. BARNCASTLE: Mr. Vice Chairman, regarding the first case, I'd like to move to accept the Hearing Officer's findings and facts and invoke six months

suspension of his certification.

CHIEF KASSETAS: Do I have a second?

MR. KORN: I'll second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

Do I now have a motion on the second case regarding Jose Gutierrez overseen by Hearing Officer Camacho?

MR. KORN: Mr. Vice Chair, I would make a motion in regard to that case, that we adopt the Hearing Officer's recommendations and findings and find that the Respondent has committed no violation of the LEA statutes and rules.

CHIEF KASSETAS: Do I have a second?

SHERIFF WALLER: Second the motion.

CHIEF KASSETAS: Seconded by Wesley Waller. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

ITEM NO. 29: DAVID MOON

CHIEF KASSETAS: Do I have a motion regarding David Moon?

MR. KORN: Mr. Vice Chair, I would make a motion regarding David Moon that we adopt the findings and recommendations of the Hearing Officer and that we take no action, finding that no violation of LEA rules has occurred.

CHIEF KASSETAS: Do I have a second?

CHIEF McCALL: Second.

CHIEF KASSETAS: We have a second. All in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

ITEM NO. 30: DAWNE ROBERTO

CHIEF KASSETAS: Do I have a motion regarding Dawne Roberto?

CHIEF McCALL: Mr. Vice Chair, I would like to make a motion to accept the Hearing Officer's findings and move to revoke Ms. Roberto's certification.

CHIEF KASSETAS: Do I have a second?

MR. BARNCASTLE: Second.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

ITEM NO. 31: MATTHEW VIGIL

CHIEF KASSETAS: Do I hear a motion regarding Matthew Vigil?

SHERIFF WALLER: Mr. Vice Chairman, I would move that we adopt the finding of facts but reject the recommendation and conclusions and order a six-month suspension of his certification.

MR. KORN: I would second that.

CHIEF KASSETAS: All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Before I move forward, let the record show I recused myself from the Matthew Vigil proceedings.

CHIEF SOLAND: Mr. Vice Chair, I would also like the record to reflect that I recused myself from the proceedings regarding Matthew Vigil.

CHIEF KASSETAS: The motion carries.

Regarding Jonathan Camp, do I have a motion regarding Jonathan Camp?

SERGEANT QUEZADA: Mr. Vice Chair, I would like to make the motion to decline the recommendations due to insufficient evidence in the allegation or LEA-90 -- I'm sorry. Or an LEA offense.

CHIEF KASSETAS: Stand by while we correct the record.

SERGEANT QUEZADA: Vice Chair, can I restate that motion.

CHIEF KASSETAS: Yes. Please restate the motion.

SERGEANT QUEZADA: I would like to affirm the findings of insufficient evidence of an allegation or an LEA offense.

CHIEF McCALL: I'll second.

CHIEF KASSETAS: All in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

On to requests to address the Board. Regarding William Cunningham, at the request of the Board, the Board chooses to take no action regarding William Cunningham. Let the record reflect that I recused myself from any deliberation or discussion regarding that.

Also, in addition to Moises Pena, at the request of the Board, the Board will take no action.

Do I have a motion regarding Jovannah Sandoval?

CHIEF McCALL: Mr. Vice Chair, I would like to make a motion to affirm the summary suspension of Ms. Sandoval's certification.

CHIEF KASSETAS: The motion has been made by Chris McCall. Do I have a second?

SERGEANT QUEZADA: I'll second.

CHIEF KASSETAS: Second by Jaime Quezada. All those in favor.

(Those in favor so indicate.)

CHIEF KASSETAS: Any opposed? Hearing none, the motion carries.

That is the end of the discipline portion, Mr. Chair.

MR. KORN: Mr. Chair, may I be heard before we close.

A.G. BALDERAS: Absolutely. Let me just update that there was no discussion of pending litigation in executive session. And I do believe that concludes all the discipline matters.

And before I entertain a motion to close, I'll defer to my colleague.

I actually want to thank you, Board Member Korn, before our presentation. I've actually gotten to know you quite well today and yesterday. So I'm going to miss you.

Thank you for your service. Especially now that I have two working days directly working with you, it really has been a pleasure. And know that

both personally and substantively this Board is going to miss you. I just wanted to convey that.

MR. KORN: Thank you. I appreciate your words.

What I was going to raise is that everybody on the Board received a text or an email from one of the people whose certification we revoked yesterday, saying that they didn't get it in a timely manner.

And I didn't know if the Board might want to entertain a reversal of that today so that she could come and appear. Historically it's always been the attitude of the Board that we would try to hear every case rather than revoke people summarily because they failed to appear.

So if that would be appropriate and if the Board wanted to entertain a motion to rescind yesterday's revocation, I just thought we might do it in an open meeting now.

A.G. BALDERAS: Board Member, it's a reasonable request. I'll entertain a motion or if there needs to be further discussion.

MR. KORN: There may be discussion. I didn't talk to any Members of the Board. So I don't know. Should I make the motion and then see if there's discussion, is that the way I should do it?

A.G. BALDERAS: Yes.

MR. KORN: I would make the motion that we vote to rescind the vote to revoke Carolyn Newman's certification yesterday so that she might appear before us in the normal process to provide her explanation of the charges against her.

A.G. BALDERAS: Is there second to that motion?

CHIEF McCALL: I'll second.

A.G. BALDERAS: There is a second. Any discussion? All in favor say aye.

(Those in favor so indicate.)

A.G. BALDERAS: Any objection to that motion? There is no objection. The motion passes.

MR. KORN: Thank you, Mr. Chair.

CHIEF KASSETAS: Mr. Chair, one point of clarification. This individual is going to come before the Board now, correct? So when would we go back into closed session to discuss that process?

MR. KORN: She would go before the AJ in the normal course.

CHIEF KASSETAS: Understood. Okay.

A.G. BALDERAS: Are there any other further issues or comments from the Board? I do want to thank the members of the public for being here.

Director Jones. You need to speak up, sir.

MR. JONES: I'm sorry, sir.

A.G. BALDERAS: It's a little late in the evening so I'm a little hard of hearing.

MR. JONES: Sir, the New Mexico Law Enforcement Academy would like to give Nate Korn a plaque for your service. As we talked about yesterday, he's the oldest serving member of the Board.

We've had a great relationship. It's been tumultuous at times, but it's been something that we've all learned from. We can't tell you how much we appreciate all the things you've done for us, Nate.

In recognition and appreciation of your exceptional leadership, knowledge, and unwaivering dedication to the State of New Mexico. Without your strong desire for excellence in training, the nine academies throughout the State would not have been as successful as they are. Thank you for your service and selfless dedication to the New Mexico Law Enforcement Academy. We can't tell you how much we appreciate all you've done for us.

MR. KORN: Thank you.

MR. JONES: Thank you very, very much, sir.

(Applause.)

MR. KORN: Thank you.

ITEM NO. 36: ADJOURNMENT

A.G. BALDERAS: It seems proper that you make the motion to adjourn, Board Member Korn.

MR. KORN: Thank you, Mr. Chairman. I would make a motion to adjourn. And I thank all of my colleagues on the Board for all these years.

A.G. BALDERAS: Thank you. All in favor of the motion to adjourn from the Honorable Board Member Korn say aye.

(Those in favor so indicate.)

A.G. BALDERAS: Any nays, any objections? I'm sure there's no discussion. The motion to adjourn passes unanimously. Thank you all. And we'll see you in Gallup. Thank you.

(At 4:15 p.m. the meeting was adjourned.)

REPORTER'S CERTIFICATE

I, JAN A. WILLIAMS, New Mexico CCR #14, DO HEREBY CERTIFY that on June 10, 2015, the proceedings in the above 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 in any court.

JAN A. WILLIAMS, RPR
New Mexico CCR #14
License Expires: 12/31/15

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