

NEW MEXICO LAW ENFORCEMENT ACADEMY
REGULAR BOARD MEETING

October 21, 2015

8:30 a.m.

Blue Hole Convention Center
1085 Blue Hole Road
Santa Rosa, New Mexico 88435

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD MEMBERS

New Mexico Attorney General Hector Balderas, Chairman
Chief Pete Kassetas, Vice Chairman
Sergeant Jaime Quezada
Chief Chris McCall
Sheriff Wesley Waller
Chief Darren Soland
Elisabeth Miller
Kelly Burnham

ALSO PRESENT

Jack F. Jones, II, Director
Richard B. Word, Esq.
Monique Parks
Monica Medrano

AGENDA ITEM INDEX		
1	ITEM	PAGE
2	1	5
3	2	5
4	3	6
5	4	6
6	5	7
7	6	17
8	7	26
9	8	33
10	9	34
11	10	39
12	11	42
13	12	53
14	13	66
15	14	85
16	15	92
17	16	123
18	17	123
19	18	124
20	19	124
21	20	125
22		
23		
24		
25		

1	AGENDA ITEM INDEX (Cont'd)		
2	ITEM		PAGE
3	21	Victor Grossetete	126
4	22	Leonard Stufflebean	126
5	23	Solomon Romero	126
6	24	Justine Schraeder	127
7	25	Anthony Rozema	127
8	25A	James Pengelly	128
9	26	Pablo Padilla	128
10	27	Jason Trujillo	129
11	28	Shane Utley	132
12	29	Donald Duran	94
13	30	Abelardo Ponce	99
14	31	Robert Ortega	105
15	32	Adjournment	133
16	Attached:		
17	Exhibits 1 through 4 - Certifications of Law		
18	Enforcement Officers		
19			
20			
21			
22			
23			
24			
25			

1 ITEM NO. 1: CALL TO ORDER

2 CHIEF KASSETAS: Let's go ahead and start the
3 meeting. So I hereby call the meeting to order. As
4 the Vice Chair, I will oversee it until the Chairman
5 gets here who is running late.

6 ITEM NO. 2: ROLL CALL

7 CHIEF KASSETAS: So let's go to the roll
8 call, the first item of business is roll call.
9 Monique, would you please call the roll for us.

10 MS. PARKS: Chief Pete Kassetas.

11 CHIEF KASSETAS: I would be here.

12 MS. PARKS: Sheriff Wesley Waller.

13 SHERIFF WALLER: Here.

14 MS. PARKS: Chief Darren Soland.

15 CHIEF SOLAND: Here.

16 MS. PARKS: Chief Chris McCall.

17 CHIEF McCALL: Here.

18 MS. PARKS: Sergeant Jaime Quezada.

19 SERGEANT QUEZADA: Here.

20 MS. PARKS: Ms. Kelly Burnham.

21 MS. BURNHAM: Here.

22 MS. PARKS: Ms. Elisabeth Miller.

23 MS. MILLER: Here.

24 CHIEF KASSETAS: We have a quorum. I would
25 like to introduce two brand-new Members to the Board,

1 Elisabeth Miller and Kelly Burnham. We're glad that
2 you're here serving on the Board. It's exciting to
3 have new Members share in this experience so to speak.
4 And welcome to the both of you. And thank you for
5 serving, we appreciate that.

6 ITEM NO. 3: APPROVAL OF AGENDA

7 CHIEF KASSETAS: Next on the agenda is the
8 approval of the agenda. You all got this ahead of
9 time. At this time I'll take a motion to approve the
10 agenda for today's meeting.

11 CHIEF McCALL: Motion to approve.

12 SHERIFF WALLER: Second.

13 CHIEF KASSETAS: So it's approved and
14 seconded. All in favor say aye.

15 (Those in favor so indicate.)

16 CHIEF KASSETAS: Any opposed? The agenda is
17 approved.

18 ITEM NO. 4: APPROVAL OF MEETING MINUTES

19 CHIEF KASSETAS: On to item No. 4, approval
20 of the meeting minutes. This is from August 11th and
21 12th, 2015. Copies of those minutes were distributed
22 to Board Members and made available on the LEA
23 website.

24 Are there any corrections to the meeting
25 minutes by Members of the Board who were present at

1 the meeting? No corrections noted. I'll take a
2 motion to approve the minutes.

3 SERGEANT QUEZADA: I'll make that motion.

4 CHIEF KASSETAS: Second by anybody?

5 CHIEF SOLAND: Second.

6 CHIEF KASSETAS: All in favor say aye.

7 (Those in favor so indicate.)

8 CHIEF KASSETAS: Any opposed? The minutes
9 are approved.

10 ITEM NO. 5: DIRECTOR'S REPORT

11 CHIEF KASSETAS: Next we'll move to item
12 No. 5, the Director's report. Actually the next four
13 items are to be presented by Director Jones. I
14 suspect they will all be covered within the Director's
15 report.

16 So I'll recognize you, Director Jones, and
17 ask that you go through these next few topics. Please
18 make it clear to us when you're moving on from one
19 topic to another on the agenda items, Director Jones.

20 MR. JONES: Yes, sir.

21 CHIEF KASSETAS: Go right ahead with your
22 report.

23 MR. JONES: Mr. Vice Chair, Honorable Board
24 Members, newest Board Members, Ms. Elisabeth Miller
25 and Ms. Kelly Burnham, welcome to Santa Rosa, New

1 Mexico. It's an honor and a privilege to be here.

2 The Director's report is just a sample of the
3 many activities that took place at the New Mexico Law
4 Enforcement Academy and the eight satellite academies
5 since the Board's last meeting.

6 The New Mexico Law Enforcement Academy and
7 the eight satellite academies have endured many
8 challenges on many fronts. This is a time of doing
9 more with fewer resources.

10 Inspections of Public Records Act, IPRA's, are
11 consuming more and more of our time and our staffs'
12 time. Yet, at each of the Law Enforcement Academies,
13 quality training is taking place and they're providing
14 law enforcement professionals to any one of the 233
15 recognized law enforcement agencies within the State
16 of New Mexico.

17 Even with all the challenges to manage a law
18 enforcement academy, all nine law enforcement
19 academies have embraced the 16-week curriculum. The
20 quality of training is better than ever.

21 I'm very proud of the hard work and diligent
22 efforts from the New Mexico Law Enforcement Academy
23 staff and the staffs and trainers from the other eight
24 academies who conduct quality and meaningful training
25 that is the best training I have witnessed anywhere in

1 a long time.

2 I appreciate the fact that we are able to
3 accomplish as much as we did so far this year with our
4 dwindling resources. In large measure I give credit
5 to the staffs that are committed to the academies and
6 to the agencies for working so hard to ensure
7 certified instructors are made available to teach.
8 However, with all the professionalism and assistance
9 that is available, law enforcement training is complex
10 and at times very difficult.

11 All of the academies realize that what we do
12 involves a partnership with the citizens of New
13 Mexico, the agencies these young men and women
14 represent, and the New Mexico Law Enforcement Academy
15 Board. This is a strong relationship that has a lot
16 to do with the professionalism and caring attitude of
17 the New Mexico Law Enforcement Academy Board itself.

18 I would like to talk a little bit about
19 misconducts. With regards to misconducts and informal
20 hearings as related to the NMAC, 10.29.1.12(B),
21 Procedures for Denial, Suspension or Revocation of
22 Police Officer or Telecommunicator Certification, the
23 New Mexico Law Enforcement Academy will return to the
24 informal process as stated in the NMAC.

25 The informals will be heard at the New Mexico

1 Law Enforcement Academy Director's office. And the
2 majority of the informals will be conducted by the
3 Deputy Director, Brian Coss.

4 The New Mexico Law Enforcement Academy would
5 like to recognize several agencies that have assisted
6 with the training at the New Mexico Law Enforcement
7 Academy.

8 It must be acknowledged and documented that
9 the New Mexico Law Enforcement Academy could not
10 produce the dynamic, reality-based training that is
11 being provided without the assistance of these
12 agencies and other academies: The New Mexico State
13 Police and New Mexico State Police Academy, the New
14 Mexico Special Investigations Division, the New Mexico
15 Transportation Division, the New Mexico Department of
16 Public Safety, the Santa Fe Police Department, Santa
17 Fe County Sheriff's Department, Belen Police
18 Department, Espanola Police Department, Bosque Farms
19 Police Department, McKinley County Sheriff's
20 Department, New Mexico Department of Game and Fish,
21 Albuquerque Public Schools Police Department, and the
22 New Mexico Department of Corrections.

23 In recognition and appreciation of their
24 personnels' exceptional leadership, knowledge of
25 tactics, techniques, firearms, communications,

1 devotion to the profession, and supporting New Mexico
2 Law Enforcement Academy training programs, the staff
3 of the New Mexico Law Enforcement Academy would like
4 to express their most sincere thanks to these
5 agencies, their administrations, and their
6 instructors.

7 They have earned our utmost confidence and
8 respect. And the New Mexico Law Enforcement Academy
9 thanks them all for what they have done to support our
10 mission and our requirements.

11 What I would like to do is I would like to
12 talk a little bit about the review of the 16-week
13 curriculum.

14 CHIEF KASSETAS: Director Jones, so you're
15 going to go from one item to the next, correct?

16 MR. JONES: If that's okay with the Board,
17 sir.

18 CHIEF KASSETAS: I want to back up to your
19 Director's report. You had mentioned there that the
20 Law Enforcement Academy was going to go back to where
21 the Director would oversee the informal misconduct
22 cases, correct?

23 MR. JONES: Yes, sir.

24 CHIEF KASSETAS: You're telling the Board
25 that or you're asking the Board?

1 MR. JONES: I am telling the Board that we're
2 going to go back to the way the NMAC, the New Mexico
3 Administrative Code, states informals will be run.

4 CHIEF KASSETAS: I appreciate that, Director
5 Jones, and you telling us that. But as a Board we
6 have oversight over that. And the way I see it is
7 that the Board enacted this process to use an adjutant
8 judge for a reason.

9 So I believe this Board should have the
10 opportunity to discuss going back to somewhat of the
11 way it was. I'm not opposed to that as a Board
12 Member. I think it ultimately always should be in the
13 LEA wheelhouse so to speak under the Director. But we
14 did that for a reason, right, Board?

15 CHIEF McCALL: Yes.

16 CHIEF KASSETAS: Almost a year and a half
17 ago. And we've seen a significant improvement in how
18 cases were moved through the process.

19 I don't mind looking at it again, especially
20 if you have a Deputy Director that can help with that.
21 But I want to make sure that there are certain things
22 in place to ensure that cases continue to move forward
23 and we don't have a backlog and everything is tracked.

24 So I'm probably not the only one that has
25 questions about how that is going to work. Are you

1 prepared to describe how that scenario is going to
2 play out for the Board?

3 MR. JONES: Yes, sir.

4 CHIEF KASSETAS: Is it the will of the Board
5 to hear this process? And for the edification of the
6 new Members, under the NMAC rule, when there is an
7 LEA-90 brought forward to the Academy Director,
8 normally the Director would have an informal hearing
9 with the officer in question, the other side is
10 invited, and then a decision is made. And ultimately
11 that decision is ratified or approved by the Board.

12 Sometime back the Board chose to engage in
13 the services of an adjutant judge to keep up with the
14 case load and the flow, which is a significant cost to
15 the Department of Public Safety, which I understand
16 impacts the budget.

17 And now Director Jones is wanting to go back
18 to the system where we utilize him and/or his office
19 for the initial disposition of these cases and get
20 away from the adjutant judge system. So that's where
21 we stand now.

22 So tell us how it's going to work.

23 MR. JONES: Sir, it will basically work the
24 same way. A law enforcement agency will initiate an
25 LEA-90, which is a form for a misconduct, and they

1 will send that to the Law Enforcement Academy Board or
2 the Law Enforcement Academy Director.

3 The Director will then look at that to see
4 whether or not it's a policy issue. And if it's a
5 policy issue and clearly not within the scope of
6 disciplinary action that would be required by the
7 Board, we will send that back to the agency to have
8 them look at it through a different set of eyes to see
9 if there is a misconduct that has truly taken place
10 here or they will use it as a policy issue.

11 Once the Director's office realizes that this
12 is an issue and it's a disciplinary action, then what
13 we will do is we will send the individual a letter
14 telling them that we received the LEA-90. That LEA-90
15 will be sent to that individual by certified mail.

16 The individual must return receipt of that
17 certified mail stating that he received it. And he
18 must make arrangements to come in and see the New
19 Mexico Law Enforcement Academy Director to have an
20 informal hearing over the issues within ten days.

21 Once that has happened, we will schedule that
22 individual to come in and talk to the Director on an
23 informal hearing. We will discuss what the LEA-90 is,
24 if there's merit.

25 When we talk about what goes on with an

1 LEA-90 and it's not a criminal proceeding, we only
2 have to have a preponderance of the evidence. We
3 don't have to look at is it a criminal proceeding. So
4 we look and see whether there's enough evidence in
5 there for us to move forward and initiate a
6 disciplinary finding against the individual.

7 At that point in time, what we will do is we
8 will issue the individual a stipulated order that says
9 this is the agreement that we have between us and
10 them. And then we will send it to the Board for the
11 next Board meeting.

12 And then the Board will decide whether that
13 action that the Director took was appropriate,
14 inappropriate, or they send it back for further review
15 or maybe investigation. Once that happens and the
16 Board votes on it, then it will be final.

17 If the individual does not like the
18 stipulated order, then they can appeal that and go to
19 a formal hearing at that point in time. So with the
20 stipulated order and the individual taking it, now we
21 have instant identification of whether he wants to
22 take that to appeal or he's going to accept what the
23 Director's recommendation is to the Board, and then we
24 can move on with it from there and not have a lot of,
25 you know, lack of time that lapses between us, the

1 Director receiving the LEA-90, and the Board acting on
2 the LEA-90.

3 It's fair and it's impartial. And it's
4 mostly fair for the individuals that are coming before
5 the Director so we can clear up any matters in a
6 timely fashion.

7 CHIEF KASSETAS: Thank you, Director. As
8 this is not an agenda item, I can't press the Board to
9 make any decision right now. But I appreciate the
10 explanation as to the change. And we'll in between
11 meetings get with I suppose the committee that does
12 the formal hearings and the discipline committee and
13 maybe vet this out.

14 MR. JONES: Sir, we could make it an agenda
15 item for the committee. I apologize.

16 MS. BURNHAM: Mr. Vice Chairman, I would like
17 to ask a question if I may, if that's appropriate.

18 CHIEF KASSETAS: Yes, sure.

19 MS. BURNHAM: Are you talking about getting
20 rid of the administrative judge position?

21 MR. JONES: The administrative judge position
22 will still be there. The Board has the opportunity at
23 any time to send cases to the administrative judge or
24 to any one of the Hearing Officers that we have. And
25 that is stated in the NMAC.

1 MS. BURNHAM: Thank you.

2 MR. JONES: Yes, ma'am.

3 CHIEF KASSETAS: So I think what we will do
4 as a Board is continue forward with the next agenda
5 item. And we will have this issue discussed with the
6 committee that's formed. Who is on the committee?

7 CHIEF McCALL: I believe it's you and I and
8 Sheriff Waller.

9 CHIEF KASSETAS: The three of us will discuss
10 it with the Director prior to the next meeting and
11 possibly put it on the agenda.

12 ITEM NO. 6: REVIEW OF 16-WEEK CURRICULUM

13 CHIEF KASSETAS: Let's move on to item No. 6
14 then. Director Jones, if you're ready, you're going
15 to talk about the review of the 16-week curriculum.

16 MR. JONES: What I wanted to do was have the
17 Board look at and review the 16-week curriculum that
18 we have that is currently being utilized by all nine
19 law enforcement academies within the State of New
20 Mexico.

21 The 16-week curriculum was moved from the
22 22-week curriculum about a year ago December and we
23 were authorized to use it. There have been currently
24 about 15 classes that have gone through with the
25 16-week basic core curriculum that has been taught.

1 There are three academies that teach the
2 16-week curriculum as you have it in your hand. And
3 that is the Criminal Justice Authority out of
4 Farmington, New Mexico, San Juan; Hobbs, New Mexico,
5 Southeastern New Mexico Law Enforcement Academy with
6 Director Angie Byrd; and the New Mexico Law
7 Enforcement Academy out of Santa Fe, New Mexico,
8 utilize the 16-week core curriculum.

9 All of the other academies are what we would
10 call agency-specific academies. They have the basic
11 core curriculum that they utilize. And then they
12 build on the basic core curriculum for whatever they
13 need to have for their agencies.

14 Bernalillo County, Albuquerque Police
15 Department, Dona Ana County, Las Cruces, they have an
16 agency-specific. If they want to add and make this a
17 26-week academy, they can do whatever they want to do
18 as long as they teach the core curriculum for the
19 16 weeks.

20 Everything that we have seen and everything
21 that has been brought back to us has said that the
22 agencies, the sheriffs, the chiefs of police, the 233
23 agencies that we have that are recognized law
24 enforcement agencies in the State of New Mexico, enjoy
25 the 16-week curriculum.

1 There's very little downtime. They're being
2 instructed in the things they need to have as a basic
3 Law Enforcement Academy. And there's no redundancy
4 that's taught in this academy. And it's something
5 that everybody has embraced and we're utilizing to the
6 fullest extent for what we have.

7 At the end of the day, when we talk about
8 what the 16-week curriculum looks like, it's 657 hours
9 at the bottom line. Some of that has administrative
10 hours in it, physical assessment, administrative
11 review, the LEOCE test, graduation rehearsal, and the
12 graduation itself.

13 What I would like you to do is look at the
14 16-week academy. If you have any questions, please
15 come to the academy, see what we're teaching, see how
16 we teach it, have an opportunity to see what's going
17 on, and ask questions.

18 We're here for you. This is your academy.
19 The agencies have again embraced this. And we have
20 received many letters from the agency heads and the
21 sheriffs that like the 16-week core curriculum.

22 CHIEF KASSETAS: So, Director Jones, you are
23 simply providing the Board another overview of the
24 16-week block of training that we've seen before that
25 we know that the LEA is teaching, correct?

1 MR. JONES: Yes, sir.

2 CHIEF McCALL: Mr. Vice Chair, can I make a
3 comment.

4 CHIEF KASSETAS: Go right ahead.

5 CHIEF McCALL: I know, from the standpoint of
6 agencies that utilize the Southeastern New Mexico Law
7 Enforcement Academy, that everyone is in support of
8 that 16 weeks. We're getting very quality folks
9 coming out of that academy, we've seen no issues
10 there.

11 I know there were ten to 12 agencies
12 represented at our last advisory board meeting there
13 that Ms. Byrd and Dr. Fonz hosted. This very topic
14 came up for discussion. Everybody was very impressed
15 with the quality of the cadets that were coming out of
16 that academy.

17 And I appreciate all the work that not only
18 your staff, but the other staffs from the satellite
19 academies did to create that curriculum. And it looks
20 like it's fulfilling its mission very well.

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

22 MS. BURNHAM: I have a question,
23 Mr. Chairman.

24 How is this curriculum different from what
25 the New Mexico State Police curriculum is?

1 MR. JONES: Ma'am, this is a 16-week core
2 curriculum. Every academy that is an agency-specific
3 academy, like the New Mexico State Police, must
4 utilize this 16-week core curriculum within their
5 academy. And then they can add to the things they
6 want to do.

7 An example is many of the agencies, to
8 include New Mexico State Police, they teach their
9 recruits rifle, pistol, and shotgun. So they have to
10 add another two weeks to their core curriculum to get
11 that done for certification out of their academies.

12 At the New Mexico Law Enforcement Academy, we
13 teach one weapon system. We teach pistol. So there's
14 only one week that's devoted to that. There are 69.5
15 hours devoted to firearms. So we can do that within
16 40 hours. And we take that other 16 hours and we do
17 other drills with that so that we can do that. But
18 every academy must utilize the 16-week core
19 curriculum.

20 MS. BURNHAM: I guess my question is what's
21 missing from the 16-week core curriculum, what are the
22 kinds of things -- I know you've tried to tell me
23 about the firearms. But what other kinds of things
24 are not part of the core curriculum I guess?

25 MR. JONES: Well, for example, if you have an

1 agency-specific --

2 MS. BURNHAM: Is that a change?

3 MR. JONES: No, ma'am. This is not a change.

4 If you have an agency-specific academy, what you'll
5 have is -- we're required to teach four hours of HR
6 requirements. Human resources. And that is just
7 things that are generalities for human resources. But
8 an agency-specific may come to teach the 24-hour block
9 of instruction.

10 CHIEF KASSETAS: So let me add to this, if
11 you would, Director, from my position as the Chief of
12 the State Police.

13 I have a 22-week academy. And there's a
14 difference obviously between 16 and 22. As the chief
15 I always teach the basics, what's required. But I may
16 choose to expand on some of those blocks of
17 instruction that I feel are more important or relevant
18 to my agency to include things that are
19 agency-specific like policy, like State Police
20 history, for instance.

21 It probably wouldn't go over well teaching
22 State Police history to a bunch of other agencies,
23 although I think it's intriguing and you probably
24 should. So that's really what adds to the other
25 academies.

1 And Albuquerque Police Department is a little
2 different. They may add some other blocks that are
3 important to them. But we all teach this basic
4 16-week curriculum.

5 And I don't believe there's any changes to
6 it. It's just the Director re-presenting to the Board
7 so we are aware of the blocks of instruction.

8 MR. JONES: Yes, sir. And I do have Director
9 Angie Byrd here. She was instrumental in helping
10 rewrite the initial 16-week curriculum. And I would
11 love for the Board to hear from her, if she would like
12 to speak on the 16-week core curriculum.

13 When we did this, we did not do this in a
14 vacuum. It was with all 33 sheriffs and it was with
15 the municipal league for the chiefs. And so there are
16 a lot of people that are involved in rewriting the
17 16-week core curriculum.

18 MS. BYRD: Chairman, Vice Chairman, thank you
19 for having me. My name is Director Angela Byrd. I
20 have been at the academy for eight years now and it's
21 been evolving for sure.

22 We have done four 16-week academies. And I
23 can tell you that it's been a great success for us.
24 Like Director Jones says, we haven't had any downtime,
25 they are constantly moving, they are constantly

1 learning, they are having to perform.

2 If you look at adult methodology and
3 learning, they talk about how it is important for
4 students to become more involved in practical
5 application. So in the 16-week core curriculum, we
6 have implemented a lot more hands-on requirements. So
7 it allows them that foundation in the classroom and
8 then to be able to go out and do a practical
9 application.

10 We have found much more success with this.
11 And I have asked all the agencies in the Southeastern
12 Region many times over in the last four classes if
13 they've seen any deficiencies. And they're coming
14 back with none. Actually they're coming out more
15 gung-ho, ready to go, and are doing better in the FTO
16 program. And so we have found it to be a success.

17 I haven't seen any deficiencies. What we cut
18 out was a lot of redundancy from the 22-week academy.
19 I was trying to fill in the blanks and kind of fill in
20 time because we already had the information in there.

21 And so we increased where it was important
22 and we decreased where we felt like they could get
23 advanced training or they should already have that
24 foundation from their agencies before entering the
25 academy.

1 We have very few that don't go through some
2 type of mini-academy or orientation with their
3 agencies prior to coming to the academy. So they have
4 a little bit of foundation before they get there.

5 And then also what we forget is, after they
6 graduate, they then go to an agency-specific FTO
7 program, which many of them are 22 weeks long, you
8 know, at least six months, where they are trained
9 agency-specific.

10 And being another regional academy, we have
11 agencies from all over the state that attend our
12 academy. And so we're seeing a vast number. We had
13 the livestock board come to us as well. And we're
14 having success.

15 CHIEF KASSETAS: I appreciate that
16 description of the academy especially for the new
17 Members.

18 At this point I'm going to, one, note for the
19 record that Attorney General Hector Balderas has
20 joined the meeting. And he will now be taking over
21 the responsibility of chairing from me, which is
22 exciting for me, sir. So welcome.

23 A.G. BALDERAS: Thank you.

24 CHIEF KASSETAS: Thank you for that
25 breakdown.

1 MR. JONES: If there are no questions
2 reference the 16-week curriculum, what we would like
3 to do is move on to the certification by waiver
4 schedule. Good morning, Mr. Attorney General.

5 Mr. Chair, Chief Pete Kassetas asked if I
6 would just go down the list as we went through each
7 one of these things. And we've talked about the
8 Director's report, we just went through a review of
9 the 16-week core curriculum for the new Members on the
10 Board, and now we're going to talk about the
11 certification by waiver schedule.

12 Is that appropriate, sir?

13 A.G. BALDERAS: You can proceed.

14 ITEM NO. 7: CERTIFICATION BY WAIVER SCHEDULE

15 MR. JONES: The certification by waiver
16 currently is a one-week course that is basically
17 biennium training. And it talks about domestic
18 violence, hate crimes, ensuring child safety, driving,
19 child abuse, and it has a legal block in it.

20 But with the people that are coming from
21 outside the State of New Mexico and if they come from
22 Michigan, if they come from Kansas, if they're coming
23 from someplace else, they don't have the same law
24 block of instruction that we give in the State of New
25 Mexico. And some of our laws are different than what

1 they have back East.

2 And what we want to do is we want to ask the
3 Board to consider -- and we will write this up for the
4 next Board meeting -- a change in the NMAC rule to
5 move the basic cert by waiver class to an 80-hour
6 course of instruction, which adds another 40 hours of
7 law block for the individuals that are certified
8 officers coming from other agencies outside the State
9 of New Mexico to the State of New Mexico.

10 That way they can have additional legal block
11 of instruction for what we do in the State of New
12 Mexico that are specific to us. We will still cover
13 those constitutional laws that our core curriculum is
14 based on.

15 But we want to ensure that they understand
16 and they have a working knowledge of what New Mexico
17 case law is and how we implement that law within the
18 State of New Mexico. What I handed out was the basic
19 cert by waiver 40-hour class of instruction.

20 Now, what we've done with this is we've tried
21 to make this as palatable for all the agencies as we
22 could, because most of this is what we would call the
23 biennium training, where every two years every
24 certified police officer in the State of New Mexico
25 must go through this training that's listed on here

1 except for taking the LEOCE or having the LEOCE review
2 at the end.

3 They have 19 hours of requirements that
4 they're supposed to take. And then they have another
5 21 hours of requirements that they're supposed to do
6 within that two-year period by the agency.

7 So what we want to do is still keep this in
8 here so that, if an agency has somebody that is not
9 maintaining their biennium training, they can still go
10 to this class and take the core out of this class and
11 get their biennium training complete.

12 So the other thing we handed out, if I can
13 have Director Byrd come back to discuss this, is what
14 she and I and several other members of other law
15 enforcement academies and agencies have looked at to
16 come up with a certification by waiver proposed
17 curriculum.

18 This is an 80-hour curriculum versus the
19 40 hours that we currently have. And we would like
20 the Board to look at this. If you have any questions,
21 please email us and let us know, if there's something
22 we need to talk about or if you want to discuss this
23 further, so that we can go forward and try to get the
24 rule changed either at the next Board meeting or as
25 soon as we can in January. This is not a priority for

1 us, but it's something that we would like to see
2 changed.

3 A.G. BALDERAS: Director, are you referencing
4 this document?

5 MR. JONES: Yes, sir, I am. The cert by
6 waiver that was handed out.

7 A.G. BALDERAS: You said the curriculum
8 that's in these documents is a total of 80. What is
9 the 40 versus the 80?

10 MR. JONES: The 40 hours is what we currently
11 have for the cert by waiver program. It's currently
12 40 hours. And when we look at this, defense tactics
13 refresher, use of force, introductions, legal update,
14 interactions with persons with mental impairment,
15 missing persons, AMBER Alert, child abuse, hate
16 crimes, it doesn't cover a lot of the things that we
17 do in the State of New Mexico with current case law of
18 New Mexico or what law is in New Mexico.

19 So what we want to do is we want to add this
20 other cert by waiver proposed curriculum that has more
21 New Mexico case law. And quite frankly one of the
22 things we're running into with a lot of LEA-90s are
23 ethical issues.

24 And that's one of the things that we want to
25 put in there. That's the first thing you see on

1 there, is eight hours of ethics and sexual harassment.
2 There are 16 hours of search and seizure, because we
3 have certified officers from other states that come
4 here that do not understand what our laws are as it
5 pertains to search and seizure.

6 Sixteen hours of New Mexico legal block. The
7 second week is eight hours of dealing with mentally
8 ill and how we de-escalate those issues. Litigation
9 injuries. And then part of that is 16 hours of force,
10 what we call response to resistance, the old use of
11 force, which is what we're teaching.

12 And then a virtual reality training
13 simulator, domestic violence, human trafficking,
14 reality-based training scenarios, one hour of
15 administration, and then the LEOCE exam, which is the
16 law enforcement officer certification exam.

17 A.G. BALDERAS: I guess what I'm asking,
18 Director, if we take this under advisement and it's on
19 the agenda for review for action at the next meeting,
20 this curriculum reflects 80 hours?

21 MR. JONES: Yes, sir.

22 A.G. BALDERAS: So would it be expanded to
23 80?

24 MR. JONES: It would be expanded to 80. I
25 apologize for the confusion.

1 CHIEF KASSETAS: Director, so I'm clear,
2 right now the system we have is, when you come into
3 this state from another state, you take a 40-hour
4 class, which then you are allowed to bypass the
5 16-week traditional basic academy. And you get a
6 certification upon taking the 40-hour class and
7 passing the LEOCE test, correct?

8 MR. JONES: As long as where they receive
9 their certification from meets or exceeds our 657
10 hours, yes, sir.

11 CHIEF KASSETAS: Understood. What you're
12 wanting to do is take that 40 hours to 80, add
13 additional courses of instruction that are specific to
14 New Mexico, and then allow them to take the LEOCE
15 after the 80-hour course?

16 MR. JONES: Yes, sir.

17 CHIEF KASSETAS: And how many people go
18 through cert by waiver on average a year?

19 MR. JONES: Sir, there are only two places
20 that teach cert by waiver. That is Southeastern New
21 Mexico Law Enforcement Academy and the New Mexico Law
22 Enforcement Academy. And right now we're having about
23 150 to 200 people go through cert by waiver a year or
24 attempt to go through it.

25 About 25 percent fail. And I think the

1 reason 25 percent fail, when they come in and they
2 take the LEOCE, they don't pass it because they're
3 looking at their history of how they've done law
4 enforcement and what their law block is in their
5 states.

6 CHIEF KASSETAS: Okay. And this would take
7 an NMAC change, correct?

8 MR. JONES: Yes, sir, it does. And we would
9 write that change for the NMAC up for the next Board
10 meeting so we can then take it to public comment.

11 CHIEF KASSETAS: Okay.

12 MR. JONES: And then wait the 90 days and
13 come back and have anybody that would like to speak on
14 it talk for or against it. Then the Board could vote
15 on it. So if we could get this done by July 2016, we
16 would be extremely happy.

17 A.G. BALDERAS: Any more questions on this
18 topic? I as the chair am open to that. I don't see
19 that as a problem. I would say, if some of the
20 Members have questions, if you wouldn't mind making
21 yourself available after the meeting.

22 But I would propose it as an agenda item for
23 consideration at the next meeting. We don't need to
24 take a formal action, we can just take it under
25 advisement. But we're open to it.

1 MR. JONES: Thank you very much.

2 ITEM NO. 8: ACADEMY REENTRY

3 A.G. BALDERAS: Item No. 8, Director Jones.

4 MR. JONES: Mr. Chair, Members of the Board,
5 I wanted to have all the academy directors have a
6 meeting prior to this so we could discuss the reentry
7 into the academy.

8 If somebody was to drop out of one of the law
9 enforcement academies, what we would like to do is we
10 want to see what their issues are, if they feel that
11 we can bring them back in the middle of an academy or
12 not.

13 And we would like to draw it down to a
14 specific reason, like if you hurt yourself. After
15 you've taken all of the requirements, you've passed
16 all the block tests, you've passed everything, and you
17 hurt yourself in the last week because you twist your
18 ankle, you tear an ACL, you could come back within two
19 academies to finalize that, to take it.

20 But we would like to have all the directors
21 together so we could come up with a reasonable
22 procedure to present to the Board. I was not able to
23 have a meeting with all the directors at this time.
24 And we prematurely put it on the agenda and I
25 apologize.

1 certifications for police officers that have gone
2 through and met the requirements, either the cert by
3 waiver or the New Mexico Law Enforcement Academy or
4 the eight satellite academies in New Mexico.

5 If you turn to section 9, Exhibit 1, what we
6 have in Exhibit 1 is we have a cert by waiver class
7 No. 86. And the cert by waiver class starts with
8 Josie Bowman, Certification No. 08-0256-P on this
9 page, down to --

10 A.G. BALDERAS: I'm sorry, Director. I don't
11 want to interrupt you and delay you too long. Would
12 you mind just in ten seconds briefly explain kind of
13 what we're about to do since we will procedurally be
14 taking a motion on these.

15 MR. JONES: Yes, sir. The New Mexico Law
16 Enforcement Academy Board has a responsibility to
17 ratify and certify all Law Enforcement Academy
18 graduates and those who graduate from a public service
19 telecommunicator class and those who graduate through
20 a cert by waiver course.

21 What we're very fortunate to do is we're able
22 to bring their names before the Law Enforcement
23 Academy Board, those who went through a cert by waiver
24 class or through one of the nine academies here in the
25 State of New Mexico, and present those names to the

1 Board for you to look at and for you to ask me any
2 questions about their training.

3 They all went through a basic core curriculum
4 except for the cert by waiver. They went through the
5 40-week cert by waiver that is required by state
6 statute. Everybody else has gone through an academy.

7 And what we want to do is we want to bring
8 these names before you and have you approve them for
9 certification so that they may go forward and perform
10 law enforcement duties within the State of New Mexico.

11 A.G. BALDERAS: Thank you, Director, for that
12 explanation. At this time I would like to entertain a
13 motion for Exhibit 1, beginning with 15-0199-P and
14 ending in 15-0214-P, and to include 08-0256-P,
15 95-0155-P, 93-0012-P, 10-0162-P, and 75-0126-P. I'll
16 entertain a motion to approve.

17 CHIEF McCALL: Motion to approve Exhibit 1.

18 A.G. BALDERAS: Is there a second?

19 CHIEF KASSETAS: Second.

20 A.G. BALDERAS: All in favor to approve
21 Exhibit 1 as stated say aye.

22 (Those in favor so indicate.)

23 A.G. BALDERAS: Any opposed? The record will
24 reflect that Exhibit 1 is approved.

25 Director, we'll go to Exhibit 2.

1 MR. JONES: Sir, Exhibit 2 is San Juan
2 Academy Class No. 36. They graduated on August 21st,
3 2015. And I would like to humbly ask that the Board
4 approve and ratify their certifications.

5 A.G. BALDERAS: I'll entertain a motion for
6 Exhibit 2, 15-0215-P ending in 15-0227-P. I'll
7 entertain a motion to approve.

8 SHERIFF WALLER: Mr. Chairman, I move that we
9 ratify all those listed in Exhibit 2.

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

12 SERGEANT QUEZADA: I'll second.

13 A.G. BALDERAS: All in favor say aye to
14 approve Exhibit 2.

15 (Those in favor so indicate.)

16 A.G. BALDERAS: Any nays? No opposition.

17 The motion passes to approve Exhibit 2.

18 Exhibit 3, Director Jones.

19 MR. JONES: Yes, sir. Exhibit 3 is Western
20 New Mexico University Police Academy. They graduated
21 on June 18th, 2015. And some of these individuals
22 have just now gone to work with an agency.

23 And after they graduate from the academy,
24 they have one year from the time they graduate from
25 the academy to get their certification. They have all

1 received jobs and they're all working.

2 And I would humbly ask that the Board approve
3 and ratify these young men's and women's
4 certification. They have met all the requirements of
5 the 16-week core curriculum and passed the LEOCE.

6 A.G. BALDERAS: I'll now take a motion to
7 approve Exhibit 3, 15-0228-P and ending in 15-0239-P,
8 Exhibit 3.

9 CHIEF KASSETAS: I make a motion that we
10 accept Exhibit 3.

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

13 CHIEF SOLAND: Second.

14 A.G. BALDERAS: All in favor say aye.

15 (Those in favor so indicate.)

16 A.G. BALDERAS: Any opposed? The motion for
17 approve Exhibit 3 passes.

18 Director Jones, Exhibit 4.

19 MR. JONES: Exhibit No. 4 is Mr. Skinner.
20 Mr. Skinner was a certified law enforcement officer in
21 the State of New Mexico, left his agency under
22 honorable conditions, had no issues, and decided to
23 come back to law enforcement after two years, which
24 required him to take the LEOCE.

25 An individual such as this can do what we

1 call challenge the LEOCE. He challenged the LEOCE and
2 passed the LEOCE and met all the requirements when he
3 was a police officer through the academy that he
4 attended in the State of New Mexico within the last
5 two and a half years. And I humbly ask that you
6 approve his certification on a cert by waiver
7 challenge.

8 A.G. BALDERAS: I'll take a motion to approve
9 Exhibit 4, 00-0154-P, Brandon Skinner.

10 CHIEF McCALL: Motion to approve Exhibit 4.

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

13 SERGEANT QUEZADA: I'd second.

14 A.G. BALDERAS: All in favor to approve
15 Exhibit 4 say aye.

16 (Those in favor so indicate.)

17 A.G. BALDERAS: Any opposed to this motion?
18 The motion passes to approve and ratify Exhibit 4.

19 ITEM NO. 10: RATIFICATIONS OF CERTIFICATIONS FOR
20 TELECOMMUNICATORS

21 A.G. BALDERAS: Item No. 10 on the agenda.

22 MR. JONES: Mr. Attorney General, there are
23 no telecommunicator certifications to ratify at this
24 time. Are there any questions, sir, of the Board?

25 A.G. BALDERAS: Just a quick 30-second

1 explanation of the difference between
2 telecommunicators and the others.

3 MR. JONES: New Mexico public safety
4 telecommunicators are the dispatchers within the State
5 of New Mexico. They're the first line of defense that
6 we all have. And every officer must answer a radio
7 call from them. They will be called by the dispatcher
8 to be sent to whatever, a cat call or, you know,
9 somebody in distress.

10 And they are the ones that keep everybody
11 calm and collected from the other end. It's a
12 three-week certification course that they go through.
13 They receive a national certification after they
14 graduate from this three-week course.

15 There are 38 states that have looked at this
16 national certification that we use. And it is
17 reciprocal, where if somebody leaves the State of New
18 Mexico, they can go to one of these 38 states and they
19 can possibly get a job as a telecommunicator or a
20 dispatcher within that state.

21 So it's a certification process that they
22 must go through that is listed in the NMAC. And the
23 New Mexico Law Enforcement Academy Board must ratify
24 their certifications upon graduation.

25 Currently there are only three places that

1 teach public safety telecommunicators. One is the San
2 Juan Communication Authority out of Farmington, New
3 Mexico, and the other is the Southeastern New Mexico
4 Law Enforcement Academy.

5 And both of those individuals have picked up
6 the gauntlet to do this. We're constantly about 150
7 dispatchers shy within the State of New Mexico. So we
8 always having a turnover and always having to do this.

9 It's a three-week course that San Juan and
10 Southeastern New Mexico Law Enforcement Academy would
11 not have to pick up, but they do because they
12 understand the need for dispatchers.

13 And then the other school is the New Mexico
14 Law Enforcement Academy. We teach public safety
15 telecommunicators with their three-week course of
16 instruction. It's a great course. There's lots of
17 simulation training that goes on with it.

18 And they are like I said the first person
19 that receives the call and sends the officer out there
20 and they are the first person the officer calls to get
21 help. They're very important to what we do within law
22 enforcement itself.

23 A.G. BALDERAS: Thank you, Director Jones,
24 for that explanation.

25 Are there any further questions of Director

1 Jones? Thank you, Director, for your reports.

2 MR. JONES: Thank you very much, sir. Board,
3 thank you.

4 ITEM NO. 11: REQUEST TO ADDRESS

5 BOARD-PETE CAMACHO

6 A.G. BALDERAS: I would like to address item
7 11 on the agenda, a request to address the Board. Is
8 Mr. Pete Camacho present?

9 MR. CAMACHO: Yes, sir.

10 A.G. BALDERAS: Good morning, how are you.

11 MR. CAMACHO: Good morning, Mr. Chairman.

12 A.G. BALDERAS: Mr. Camacho, I generally am
13 not a fan of time limits. We allow generally five
14 minutes for public comment for individuals who have
15 taken the time to get on the agenda. I am fairly
16 courteous and don't set those limits. But you do have
17 the floor to address the Board.

18 MR. CAMACHO: And I don't intend on taking
19 too much of your time, sir.

20 Mr. Chairman, Vice Chairman, Board Members,
21 thank you so much for allowing me an opportunity to
22 address you today.

23 For those of you that I don't know, I do
24 contract work for the State in regards to police
25 misconduct hearings as a Hearing Officer. I'm a

1 retired Rio Rancho police lieutenant and I was Chief
2 of Police at the Jemez Pueblo for a period of about
3 18 months.

4 I would like to be very clear, I'm not here
5 today for any form of vindication or redemption. In
6 fact, I requested to address you today so that I could
7 do nothing more than to offer clarification in regards
8 to two recent misleading reports by an Albuquerque
9 Journal reporter, which attacked my credibility. I do
10 not intend on taking too much of your time as I had
11 mentioned.

12 But I believe my correspondence to the
13 Chairman and to the Board dated September 1st and
14 September 24th clearly explains that absolutely no
15 unethical acts on my part as the Chief of Police at
16 Jemez Pueblo ever occurred.

17 Mr. Chairman, Board Members, yes, I signed
18 for a grant submittal of which many law enforcement
19 agencies apply for on an annual basis throughout New
20 Mexico. This grant request was in the amount of
21 \$6,000. And at the time I did not realize that we did
22 not, in fact, qualify for the grant award.

23 However, approximately nine to 11 months or
24 so prior to that signature, we did, in fact, qualify
25 for that exact same grant, the law enforcement

1 protection fund money.

2 You see, we changed the way we enforce
3 traffic violations during that time. And, therefore,
4 that operational change did not allow for us to
5 continue to receive that money.

6 I must also add that there was absolutely no
7 personal gain by my submittal of this grant award.
8 And considering the success of the civil traffic
9 enforcement program, it's absurd to believe that I
10 would have done anything unethical to secure a mere
11 \$6,000 equipment grant for the pueblo.

12 Now, there is no question I inadvertently
13 signed for that grant submittal. And yes, it was a
14 mistake. I should have read the document more
15 carefully and I did not. But to assume and infer that
16 the oversight on my part was in any way unethical is
17 insulting and offensive.

18 Furthermore, to attempt to establish parity
19 between my inadvertent signature and those egregious
20 police misconduct violations that I hear in the
21 hearings once again is truly offensive.

22 I appreciate the fact that this reporter
23 identified the error and then allowed for it to be
24 corrected. However, once again her attempt to equate
25 this mistake as an unethical act is profoundly unjust

1 and unfair.

2 Respected Members of the Board, please know
3 that I truly enjoy performing this meaningful contract
4 work for you as a Hearing Officer. I believe I have
5 provided you quality service that leaves no stone
6 unturned when considering the revocation of an
7 officer's or dispatcher's certification.

8 Additionally, I believe my fair and
9 consistent recommendations coupled with my experience
10 as a police executive benefits both the Respondent as
11 well as this Board. In fact, during the three years
12 or so that I've been doing work for you, you have not
13 disagreed with any of the recommendations I have sent
14 forward to you. In fact, you have concurred with
15 every one of them.

16 Board Members, allowing a Respondent who does
17 not agree with a Hearing Officer's recommendation to
18 essentially sic the media on a Hearing Officer and
19 concoct an unjust allegation of unethical behavior is
20 absurd and concerning.

21 Now, I realize we cannot stop the
22 aforementioned acts by these outside influences. That
23 said, we cannot allow for such influences to distort
24 or damage the formal hearing process. By not allowing
25 such entities to penetrate these hearings is in the

1 best interests of the respondents, the Board, and the
2 citizens of New Mexico.

3 Please know that, if I continue to act in the
4 capacity as a Hearing Officer, that I will execute and
5 facilitate them in the only way that I know how, in a
6 fair and consistent manner and also without any
7 outside influences.

8 Board Members, I apologize if I have come
9 across today as a bit overly passionate and somewhat
10 irritated. But I believe that a vast majority of you
11 sitting on this Board today, posed with the same or
12 similar situation in which someone was attacking your
13 credibility, your reputation, your good name, that you
14 would act in a similar fashion.

15 I trust that you understand, after my
16 presentation in front of you today, that I did nothing
17 unethical. I will now stand for any questions that
18 you may have.

19 And please note that I no longer work for the
20 Jemez Pueblo. Therefore, I don't feel it's
21 appropriate for me to address any operational matters
22 or speak on behalf of the pueblo as a whole. I'll
23 stand for any questions.

24 A.G. BALDERAS: Thank you, Mr. Camacho. Are
25 there any questions from the Board?

1 CHIEF KASSETAS: I just have a few comments
2 before we move forward, if I could, Chairman.

3 I am joined at the hip with you on this
4 situation in that I'm the Chief of the State Police
5 and I'm solely responsible for issuing 29-1-11 cross
6 commissions or commissions to tribal entities.

7 And although I was part of the story, I take
8 ownership of the fact that DPS, State Police, my
9 position should have been better engaged in the
10 oversight of issuing these commissions.

11 And speaking to the follow-up editorial in
12 the Journal, where the editorial board states that
13 essentially State Police and DFA should get their act
14 together, they're very right. We should.

15 I should have never let that happen under my
16 watch. And I own it and I fixed it and it won't
17 happen again. Because when I start commissioning
18 tribal entities and they're able to propose to DFA
19 that they have a certain amount of officers that are
20 29-1-11 commissioned, they hit the Law Enforcement
21 Protection Fund.

22 And if they're not writing citations like all
23 the other municipalities and county sheriffs and
24 everybody else going into the magistrate court system
25 and the metro court system and a portion of those

1 funds go into that account so to speak and are drawn
2 on by law enforcement, it puts a lot of funding at
3 risk. And I'm responsible for that.

4 The only issue I have -- and you've done
5 great work for the Board. And I've known you for a
6 number of years, Mr. Camacho.

7 MR. CAMACHO: Thank you.

8 CHIEF KASSETAS: I can understand an
9 oversight, although that one paragraph is in bold
10 where you signed. And it essentially says that, if
11 you're doing business other than in a state court and
12 you have your own civil process, 29-1-11 is null and
13 void.

14 And I think you knew that signing that piece
15 of paper, because you talked to tribal council about
16 it, isn't going to make the State Police happy.
17 Nobody called Chief Kassetas. Nobody called anybody
18 in my shop. And I was left to find out about that
19 process through the media and have since revoked those
20 commissions.

21 So again not speaking to the issue of this
22 being an issue of ethics, I don't believe that that's
23 the case. It's an issue of communication between two
24 entities. And I feel that Jemez Pueblo and you, sir,
25 when you knew signing that would put me in a bad

1 position, didn't contact me.

2 And that's the problem I have with it,
3 Mr. Camacho. But I do believe that this entire
4 situation has been rectified quite frankly through the
5 media highlighting it. And it's been fixed. So thank
6 you for that opportunity to voice my concern.

7 MR. CAMACHO: Mr. Vice Chair, if I could
8 respond to that. First and foremost, I did not know
9 that it was a violation. To be quite clear and to
10 demonstrate the process by which that form was signed,
11 you know, as the chief of police, as many of you are
12 chiefs of police up here, sometimes daily business can
13 get quite busy.

14 And I trusted in my staff at the time that
15 the summary of a document would be sufficient. And
16 that summary was provided to me. This is a document
17 that was signed annually. And due to its regularity,
18 it was presented to me that essentially this is the
19 Law Enforcement Protection Fund money.

20 And essentially I would look at that document
21 and see if we had the appropriate number of officers
22 that would match up with that document, and then I
23 would sign it. And that's merely what I did. I
24 signed a document that I did not read in its totality,
25 in its entirety.

1 And for that, yes, I am guilty. But I had no
2 intention to defraud or deceive not only the State,
3 but you, Chief Kassetas. The decision to not contact
4 the chief of police with the State Police, to not
5 contact the county sheriff was not mine. It was a
6 decision made collectively from the pueblo.

7 And once again I don't want to speak on
8 behalf of the pueblo, but they had their reasons.

9 CHIEF KASSETAS: Mr. Camacho, you have kicked
10 that can down the road then. We can just leave it at
11 that. I have the email where you told me it was
12 discussed with tribal leadership. And nothing was
13 then done after that to contact me.

14 Again I get it, I understand it. Actually I
15 don't understand it. But I think we should just leave
16 it at that. My impression is now even more solidified
17 in that again the can was kicked down the road and
18 left me hanging.

19 MR. CAMACHO: And I apologize if you feel
20 that way.

21 CHIEF KASSETAS: I accept that apology. I
22 get it, I own it, I fixed it. It's a better system
23 now because of what's happened. I'm happy about that.

24 MR. CAMACHO: Thank you. Mr. Chairman, do
25 you have any further questions for me?

1 A.G. BALDERAS: Just maybe more of a comment.
2 I appreciate you presenting and being forthright.

3 Initially, when I first chaired and took the
4 helm of this Board, there were several issues that
5 were still revolving from the previous Board's
6 experiences. And I appointed a subcommittee on
7 governance to better address and improve various
8 issues that this Board has struggled with, whether it
9 was IPRA, Open Meetings Act, public records.

10 I am going to ask staff to refresh the
11 Chair's memory and see who is active on that
12 subcommittee.

13 I'm going to ask that the subcommittee on
14 governance also look at whether there's additional
15 precautions or assurances that need to be taken on the
16 appointment of Hearing Officers that maybe might
17 bolster or prevent any of these type of unfortunate
18 controversies that occurred as well.

19 And I think this will be a good opportunity
20 for that subcommittee to also look at some of the due
21 diligence that we also do when we appoint and rely on
22 the Hearing Officer appointment process, especially
23 when this Board relies on recommendations such as
24 yours. And that it can be somewhat problematic if we
25 are mired in controversy of any form.

1 So just be aware of that, that there will be
2 a subcommittee looking at that as well. And hopefully
3 we can learn from this experience as well.

4 MR. CAMACHO: And please note, Mr. Chairman,
5 I intend to be no distraction to the Board or the
6 process. If the Board decides that they no longer
7 want to continue to do contract work with me, I would
8 respect that decision.

9 A.G. BALDERAS: And I don't think we're
10 addressing that at this point. But I did want to tell
11 you that I think that would be an appropriate approach
12 moving forward.

13 MR. CAMACHO: Thank you, sir. Thank you,
14 Board Members.

15 A.G. BALDERAS: Are there any questions from
16 our Board?

17 CHIEF KASSETAS: Mr. Chair, so are you saying
18 that we should expect to see an agenda item at the
19 next meeting regarding the hiring and vetting process
20 for formal Hearing Officers?

21 A.G. BALDERAS: I think that it's something
22 that this subcommittee -- as soon as I identify who
23 those Board Members are, I will ask that they look at
24 that issue just to see if there is any way we can
25 improve that to potentially prevent some of these

1 types of controversies.

2 CHIEF KASSETAS: I agree. Thank you.

3 A.G. BALDERAS: Thank you.

4 MR. CAMACHO: Thank you.

5 ITEM NO. 12: ADA REASONABLE ACCOMMODATIONS TO
6 FIREARMS QUALIFICATIONS

7 A.G. BALDERAS: I would like to take the
8 Board now to item 12, Officer Jeremy Romero.

9 MR. ZAMORA: Mr. Chairman, distinguished
10 Members of the panel, I would like to introduce you
11 all to Jeremy Romero, who is here to ask for
12 accommodation under the ADA to qualify with a firearm
13 to maintain his law enforcement certification.

14 A.G. BALDERAS: Counsel, I have good facial
15 recognition. But if you would state your name.

16 MR. ZAMORA: My name is Diego Zamora, I
17 represent Jeremy Romero. Distinguished Members of the
18 panel, Jeremy Romero has been --

19 A.G. BALDERAS: Counsel, I want to interrupt
20 you before you begin because I want you to be able to
21 present fluidly and straight through.

22 MR. ZAMORA: Okay.

23 A.G. BALDERAS: I do believe we might have a
24 minor legal issue I just want to make sure the Board
25 addresses before you begin your presentation.

1 CHIEF KASSETAS: Mr. Chair, Counselor,
2 Mr. Romero, I will listen intently. However, I will
3 recuse myself as the Chief of the New Mexico State
4 Police and a representative of the Department of
5 Public Safety, so I'm very clear, from any
6 decision-making and/or discussion of this agenda item.

7 Again I'll listen intently, it's of interest
8 to me. But there could be a perceived conflict of
9 interest as I serve two roles, one on this Board and
10 one as the State Police Chief, which I think you fully
11 understand.

12 MR. ZAMORA: Yes, sir, I do.

13 CHIEF KASSETAS: With all due respect. Thank
14 you for letting me interject that. Thank you.

15 MR. ZAMORA: And thank you, Chief, for being
16 forthright about that and we appreciate that.

17 Mr. Chairman, Members of the panel, Jeremy
18 Romero has been a law enforcement officer for many,
19 many years with Bernalillo. He was an agent with the
20 Special Investigation Division of the Department of
21 Public Safety.

22 He was a Corrales police officer. And it was
23 during his tenure with the Corrales Police Department
24 that he was involved in a rollover accident that
25 rendered him a paraplegic.

1 I think, as you see here, Mr. Romero and this
2 device, the robotic legs, is a testament to the
3 character of the man. He has taken all steps to
4 better himself and to work through the disability that
5 he sustained performing his duties as a law
6 enforcement officer.

7 Mr. Romero seeks accommodation to permit him
8 to qualify with a firearm in order to maintain his law
9 enforcement certification. He was recently sworn in
10 as a reserve deputy for the Bernalillo County
11 Sheriff's Department.

12 And losing his certification would not affect
13 his reserve status for right now. But we know that
14 there is some move in the legislature to add the
15 certification to the qualifications for a reserve
16 deputy.

17 Mr. Romero is not the first officer to seek
18 accommodation under ADA for qualification. In fact,
19 the most recent officer is Officer Paul Meyer in
20 Portland, Oregon, who was recently granted
21 accommodation to qualify in a wheelchair on the
22 firearms range.

23 Now, one of the qualifications for those
24 without a disability is the kneel and prone position.
25 And that would be rather difficult for him in his

1 condition. But if he is granted an accommodation to
2 test from his wheelchair, I think you would be
3 complying with the ADA.

4 And I think it is only right and just for a
5 man who has served his adulthood as a loyal and
6 trusted law enforcement officer. And I ask you to
7 listen to Jeremy and to do what I believe is right,
8 fair, and just and grant him the accommodation allowed
9 by law to qualify and maintain his law enforcement
10 certification.

11 Now, one other thing is Jeremy is homegrown
12 here in Santa Rosa. His father, Mike, was a law
13 enforcement officer here and also a magistrate judge.
14 Jeremy's dream is to come back here and be a chief of
15 police.

16 And as I started out, I told you that this is
17 the character of the man. He is hardworking and he
18 has fought to overcome and work with his disability.
19 And I'd like you to listen to Jeremy, please, if
20 that's okay, Mr. Chairman.

21 A.G. BALDERAS: We would be honored to hear
22 him out. If you could introduce the young lady behind
23 him.

24 MR. ZAMORA: This is the backbone of his
25 support, Esperanza, his wife. And heck, let her

1 qualify too. But she's been there for him every night
2 and day. And I've watched them interact for the past
3 three years during the time I have represented him and
4 interacted with the family. Thank you.

5 A.G. BALDERAS: Officer, you have the floor.

6 MR. ROMERO: Chairman, Members of the Board,
7 I want to thank each and all of you for allowing me to
8 be here today. January of 21st of 2014 changed my
9 life forever. I was actually pursuing a stolen
10 vehicle in the Village of Corrales.

11 I subsequently wrecked my patrol unit and
12 caused paralysis from the waist down. Initially I was
13 given a 5 percent chance of ever walking again. Since
14 that day I've been making tremendous strides to be
15 able to beat those odds.

16 And one of the things that has kept me going
17 besides my family is the law enforcement profession.
18 I've been a cop for many years. It's a long line of
19 tradition that I have.

20 And throughout this process, being allowed to
21 be able to serve as a reserve deputy with the
22 Bernalillo County Sheriff's Department and
23 potentially, down the road, run for office as the
24 Sheriff of Guadalupe County, I feel it would be very,
25 very crucial to allow me to keep and maintain my

1 certification.

2 I am not the first person in a wheelchair.
3 And I certainly won't be the last person in a
4 wheelchair. And there has been many officers
5 throughout the United States that have been allowed to
6 keep their law enforcement certification active.

7 Not only speaking for the officers throughout
8 the United States, but speaking on my behalf, we get
9 in this profession because we love the job. This
10 profession almost killed me. And it's something that,
11 you know what, I made it out of alive. And that's
12 something that I want to continue to prove that I can
13 still do.

14 My legs may not be working to my full
15 capacity. But my arms and my mind are still working
16 fully. And I humbly ask and respect that the Board
17 considers a firearms qualification and adapt a
18 firearms qualification course that will allow me to
19 keep my New Mexico law enforcement certification
20 active and keep something that means the world to me.
21 Thank you.

22 A.G. BALDERAS: Thank you, Officer.

23 MR. ZAMORA: Thank you for allowing us to
24 speak before the Board. I would ask you to take
25 consideration for the dedication this man has as given

1 to the law enforcement community and continues to
2 give. Thank you.

3 A.G. BALDERAS: I do have a few questions,
4 but I'll defer to the Board if they have any
5 questions. Any questions from the Board?

6 Mine are a little bit I guess factual. What
7 is the expiration of the officer's certification?

8 MR. ROMERO: For this biennial cycle, my
9 certification would expire December 31st of 2015. I
10 have been allowed to obtain some training hours
11 through the Bernalillo County Sheriff's Department to
12 meet my biennium requirements as far as the criteria
13 for domestic violence, pursuit, all those required and
14 mandated courses.

15 The only thing that is outstanding currently
16 is my firearms qualification course, which is also
17 mandated to keep my law enforcement certification
18 active. And I have full cooperation of the Bernalillo
19 County Sheriff's Department.

20 If the Board actually approves a firearms
21 course for me, my department will actually help
22 qualify me and assist to get me up to those
23 qualification standards which would be set forth by
24 the New Mexico Law Enforcement Academy Board.

25 A.G. BALDERAS: Have you received any

1 official correspondence from the Law Enforcement
2 Academy on this issue, on the adaptive firearms?

3 MR. ZAMORA: Yeah. There has been
4 correspondence from them. The indication we have had
5 is, and you correct me if I'm wrong, is that there's
6 trouble with the accommodation.

7 I am concerned with that now that you ask
8 that question, because one of the Members of the Law
9 Enforcement Academy is Fred Jasler. And Mr. Jasler
10 was the subject of the conflict that the chief brought
11 out. He was at one time a defendant in a lawsuit we
12 had with DPS and SID.

13 And so I'm not sure what the position really
14 is of the Law Enforcement Academy, but I have felt
15 that it was not positive. And I think they're wrong.

16 A.G. BALDERAS: Okay.

17 CHIEF KASSETAS: So I would just like to say
18 that I don't want anybody to kind of project why I did
19 that. Just to be clear, I based my decision to recuse
20 myself not on anything to do with Fred Jasler to be
21 honest with you. So please understand that.

22 And again those decisions lie on the
23 Director's shoulders, no one else in that organization
24 is responsible for that.

25 MR. ZAMORA: And, Chief, I understand that, I

1 recognize that, and I accept that your reasons for
2 staying out of this are honorable.

3 CHIEF KASSETAS: Thank you.

4 A.G. BALDERAS: Are there any other
5 questions?

6 SERGEANT QUEZADA: I have a question.
7 Officer, as far as you know, is it just the firearms
8 qualification that would have to be changed for you to
9 keep your certification?

10 MR. ROMERO: Yes. This is the only thing
11 that would need to be -- as far as for accommodations,
12 yes. As far as other training hours, I will have that
13 completed by the end of this biennium cycle with the
14 Bernalillo County Sheriff's Department.

15 CHIEF SOLAND: In past history with the New
16 Mexico Law Enforcement Academy, has there ever been a
17 firearms qualification accommodation?

18 MR. ROMERO: Sir, I actually just became
19 aware of a male individual yesterday. I don't have
20 his name offhand. But he was a detective for the
21 Grants Police Department for approximately 30 years.
22 Twenty-five of those years he spent as a full-time
23 detective, full-time commissioned law enforcement
24 officer for approximately 25 years with the Grants
25 Police Department.

1 And he would be willing to write anything to
2 cooperate and help me in any which way he can that
3 would help the Board Members make a better decision or
4 have a clearer understanding of this matter.

5 A.G. BALDERAS: Any more?

6 First of all, I appreciate you presenting
7 your perspective and actually your courage to come
8 before the Board and tell your story.

9 I have a few counsel suggestions. And the
10 reason I asked and that I'm focused on the date of
11 certification is that, if you're flexible, I do
12 believe that Officer Romero would be served well, as
13 well as this Board, if I could work with Director
14 Jones to answer some of these other questions in terms
15 of what would entail a modification for an adaptive
16 firearms modification, number one.

17 Number two, there is a time sensitivity to
18 this. I believe that there is potentially
19 consideration for an extension of your certification
20 so that we can do some fact-finding and so that our
21 Board is informed so that we can be transparent with
22 you as well as getting you the information.

23 And I think it's very important, in addition
24 to the necessity, for our Board to work with the
25 Academy and better understand that instruction and why

1 it's necessary.

2 Also, based on your own record of service
3 today, it's a little unclear even what the Law
4 Enforcement Academy Board's direct position is to you
5 formally. We can help facilitate that and I think
6 that would go a long way.

7 So I will direct the Director that we might
8 explore the possibility of an extension of
9 certification until this Board feels it's got enough
10 information to take an official position on your
11 certification. That way it doesn't unfairly punish
12 you by the December deadline. And we'll explore that.

13 And then secondarily there may be another
14 option. If we move forward and the Board feels
15 comfortable taking an official action on your request,
16 we can call a special meeting before the expiration of
17 December.

18 So my will as a chair is to get you a
19 position and answers and not let this license expire
20 unfairly. In your line of commitment and service that
21 you communicated to us and the fact that you have a
22 willingness to continue in public service, we at least
23 owe you that, which is to get you an answer before
24 your expiration date or consider other options, like
25 an extension of your certification until we take a

1 position.

2 And I don't think we need to take official
3 action. If you're open to that, Counsel.

4 MR. ZAMORA: Oh, we are open.

5 A.G. BALDERAS: We can kind of move quickly
6 and work with our Director and get a little bit more
7 information on this issue.

8 MR. ZAMORA: Mr. Chairman, we are open to
9 that. And we appreciate the open-mindedness of the
10 Board.

11 A.G. BALDERAS: The other thing I will say
12 for the record is that -- and I've seen the reference
13 to the citation. And I just want to commend all the
14 officers who serve behind the badge including
15 yourself.

16 It might be a high expectation at this point
17 to balance ADA with law enforcement certification.
18 But at this point I think we should do everything we
19 can to try to balance those interests and that we're
20 not in any opposite interest at this point.

21 So if you'll just allow us a little time to
22 get some more information. And then we can be in
23 touch with you on whether or not an extension of
24 certification or a special meeting.

25 The other thing I'm unclear on and I'll have

1 my staff explore is is the expiration of the
2 certification date sensitive to December; in other
3 words, is there a specific expiration date that we're
4 dealing with? We have a meeting scheduled in December
5 in Las Cruces. I just want to make sure that the
6 clock doesn't run out.

7 MR. JONES: Sir, the expiration date that
8 he's talking about is the expiration date for his
9 biennium training. And that's so the agency that he
10 is certified by can receive the funds that we were
11 talking about earlier.

12 So it really doesn't have anything to do with
13 that. It would just mean that the agency that he's
14 certified with could not receive those funds because
15 he wouldn't have completed his biennium training
16 within that time period.

17 A.G. BALDERAS: Okay. Thank you, Director,
18 Jones.

19 MR. JONES: Yes, sir.

20 MR. ZAMORA: And I think this is an important
21 decision not only for Jeremy, but for other officers
22 who were injured in the line of duty in the future who
23 are otherwise qualified to serve the community of New
24 Mexico. Thank you.

25 A.G. BALDERAS: Thank you for your time.

1 SERGEANT QUEZADA: Mr. Chairman, can I ask
2 something real quick.

3 A.G. BALDERAS: Sure.

4 SERGEANT QUEZADA: Ma'am, I want to tell you,
5 a lot of times spouses don't get recognized for their
6 dedication and everything they do for their husbands
7 and wives when they dedicate themselves to this kind
8 of work. So my hat is off to you.

9 (Applause.)

10 A.G. BALDERAS: Thank you for those words.

11 ITEM NO. 13: LEA CURRICULUM DEVELOPMENT PROCESS:

12 PAST, PRESENT, AND FUTURE

13 A.G. BALDERAS: Item 13, LEA curriculum
14 development process.

15 Mr. Mechels, how are you?

16 MR. MECHELS: I'm fine. Thank you. I've got
17 some handouts for the Board.

18 A.G. BALDERAS: Mr. Mechels, you have the
19 floor.

20 MR. MECHELS: Mr. Chairman, Members of the
21 Board, the first thing I would like to bring up, which
22 isn't directly due to the curriculum but it has a lot
23 to do with the curriculum that you have before you,
24 are two different documents which the Board has seen
25 before, but you have a lot of new Members that have

1 probably never seen this before. So this is not new
2 to a couple of you.

3 The first time that Mr. Goad, my partner, and
4 I encountered the Board was about coming up on two
5 years ago. The issue we brought before the Board, as
6 you can tell here, was directly concerning the
7 curriculum, it concerned the way the curriculum was
8 made, and contends that there was an Open Meetings Act
9 violation.

10 This letter was to the Board at the time and
11 was never responded to and, in fact, never has been
12 responded to by the Board. But what instead happened
13 to it is it got deflected off to the Attorney General
14 through some process, which I do not understand.

15 And then it ended up getting no response from
16 the Attorney General until finally -- and only after
17 getting no response, finally a lawsuit was initiated
18 about this OMA violation. But we have never to this
19 date received a response from the Board concerning
20 this letter.

21 Perhaps at some point somebody will explain
22 why we didn't, but we didn't. That's related to the
23 lawsuit and that's all very unfortunate for everyone.

24 The second one we brought to the Board at the
25 same meeting was the death of Jeanette Anaya in Santa

1 Fe. This is what actually led to our involvement with
2 the police training. I'm not going to go through this
3 in detail.

4 But our conclusion which we explain here was
5 that, if you actually look at the death of Jeanette
6 Anaya, which is the shooting by Officer Wilson of the
7 State Police, that a good amount of the reason that
8 that happened was because of a failure of the Board.

9 The Board failure manifested in many ways in
10 the training of Officer Wilson, who was by his
11 testimony before a grand jury -- which by the way is
12 open because it was a special grand jury, not a
13 regular grand jury. Those records are public.

14 By his own testimony, he was not aware of the
15 policies which governed the pursuit. By his own
16 testimony, which means that the training failed him
17 and also that his policies failed him. That's why we
18 finally approached the Board.

19 We said who's responsible for these policies,
20 which appeared to be illegal, and who is responsible
21 for the training of the officer. And inevitably we
22 ended up before the Board.

23 Our concerns as laid out in this letter have
24 never been addressed. And I suggest because we've
25 never addressed them. The Board has never addressed

1 them. We still have a huge problem with inconsistent
2 pursuit policies across the State of New Mexico.

3 Jeanette Anaya was killed because of
4 inconsistent pursuit policies. Jeanette unfortunately
5 thought -- and this is from the grand jury testimony.
6 She unfortunately thought she was being pursued by the
7 Santa Fe Police. The Santa Fe Police policies, which
8 I have seen and I have a copy of them, directly follow
9 the New Mexico Safe Pursuit Act, which was passed in
10 2003.

11 The State Police policies -- and I've had
12 four different attorneys look at this. The State
13 Police policies are not compliant with the Safe
14 Pursuit Act. And this is not -- I know it's not a
15 legal court. I'm saying that's the conclusion of four
16 attorneys I've passed this policy by.

17 Jeanette knew the Santa Fe policies because
18 she knew the Santa Fe Police. The Santa Fe Police
19 would not have pursued her under that situation. She
20 was not aware that she was being pursued by the State
21 Police. They will pursue under that situation.

22 So you can say that Jeanette Anaya's death to
23 a large extent directly traced to the fact that she
24 knew what the law was. And she did. She just didn't
25 know that these two agencies have different

1 interpretations of what the law is.

2 That is not just a problem with the State
3 Police and the Santa Fe cops, it's a problem across
4 the State. It continues to be a problem across the
5 State.

6 This Board is a standards organization. I
7 mean, for God's sake, the least we can do is get
8 consistent pursuit policies. Pursuit policies and
9 use-of-force policies cause more death and tort suits
10 than anything else in this state and across the
11 nation.

12 Pursuit policies and use-of-force policies
13 cause death and lawsuits across our country. And this
14 continues. And this Board has taken no action, none.
15 That is your charter, is to address such issues. And
16 you have totally failed the State and you failed
17 Jeanette.

18 Now, when are we going to address this. If
19 this Board will not address that, I think the Board
20 should be dissolved. That's why I brought that to
21 you.

22 Now, moving to a less emotional front,
23 because it really makes me angry that this is going on
24 and this policy continues. We could have a pursuit
25 today that would result in a death in this state as a

1 result of inconsistent pursuit policies.

2 The other thing before I forget, a big one
3 that Jeanette did not know about and nobody knows
4 about is the fact that, with the advent of the Safe
5 Pursuit Act, fleeing an officer became a fourth-degree
6 felony. That was something the police wanted and they
7 got it in the Safe Pursuit Act.

8 If you flee a cop in this state on pursuit,
9 it's a fourth-degree felony immediately. If you're
10 found guilty, and they typically are, you will be a
11 felon. Nobody has ever bothered to tell the public
12 that. They don't know that.

13 It's always been a misdemeanor to flee the
14 police. The police got it changed with the Safe
15 Pursuit Act and now it's a fourth-degree felony. The
16 public has never been informed. The Board needs to
17 inform the public.

18 A lot less people, if they knew it would be a
19 felony, would be prone to flee. They need to know
20 what the laws are, and they don't. And part of that
21 is because this Board is not doing their job. If it's
22 not your job to tell people these things, whose is it?
23 The only conclusion I can come to is it's this Board's
24 job and you are not doing it.

25 A.G. BALDERAS: Mr. Mechels, I have a

1 question for you on that. So what is your
2 recommendation on how we inform the general public on
3 what a fourth-degree --

4 MR. MECHEL'S: Mr. Chair, I notice the
5 Attorney General has been doing outreach about
6 informing citizens about, let's say, the IPRA, the
7 Public Records Act. You've been doing outreach
8 programs. We clearly know how to do outreach
9 programs.

10 This is a central thing the public should
11 know. If it were me, I would put it on the news. I
12 would get a news story on it and tell everybody you
13 must know this, that if you flee the police, you will
14 be committing a fourth-degree felony.

15 CHIEF KASSETAS: Mr. Mechels, what does that
16 do?

17 MR. MECHEL'S: What does it do?

18 CHIEF KASSETAS: Do you think that stops
19 pursuits? Because it's pretty well-known that, for
20 instance, if you have a fourth DWI offense, it's a
21 felony. I don't see people pumping their brakes when
22 it comes to that.

23 So tell me, if I educate the public what does
24 that do? What's the end result, what's your goal with
25 that? Help me understand that.

1 MR. MECHELS: Mr. Chairman, Mr. Kassetas,
2 Vice Chairman --

3 CHIEF KASSETAS: Call me whatever you want.

4 MR. MECHELS: Okay. I don't know if
5 everyone, if they were told that fleeing a cop was a
6 felony, that that would stop them. We clearly thought
7 it would stop some of them or we wouldn't have changed
8 the law.

9 We changed the statute to give the police
10 what they wanted and made it a fourth-degree felony.
11 The police wanted that.

12 CHIEF KASSETAS: I disagree with that. We
13 changed the statute to protect the public. We changed
14 the statute because people fleeing from police pose a
15 danger to the public. And again, with 23 years of law
16 enforcement experience behind me, and there's many
17 officers in this room, I would love to be put out of a
18 job because we publicized the felony list of crimes.

19 I really don't think the people that are
20 committing those crimes are really reading that or
21 watching Channel 13 or reading the front page of the
22 Journal. I'm pretty sure they're out committing other
23 crimes.

24 So I hear where you're going with this. I
25 appreciate it and I understand your dissertation and

1 we've heard this before. But I think it's
2 disingenuous to say that the Board is not doing their
3 job and that we're somehow tasked with reining in all
4 the felons out there. I don't get it, Mr. Mechels.

5 MR. MECHELS: Chief Kassetas, with all due
6 respect, you seem to be proposing that, if we tell the
7 public that if you flee an officer, which has always
8 been a misdemeanor, and it is now a fourth-degree
9 felony --

10 SERGEANT QUEZADA: Mr. Mechels, it is not a
11 fourth-degree felony.

12 MR. MECHELS: Fleeing an officer in the
13 state --

14 SERGEANT QUEZADA: Aggravated fleeing.

15 MR. MECHELS: Pardon?

16 SERGEANT QUEZADA: Aggravated fleeing from a
17 police officer is a fourth-degree felony.

18 MR. MECHELS: The Safe Pursuit Act defines
19 fleeing an officer in a high-speed pursuit as a
20 fourth-degree felony.

21 SERGEANT QUEZADA: It has to be aggravated.

22 MR. MECHELS: I beg to differ with you.

23 SERGEANT QUEZADA: Unfortunately Mr. Key
24 isn't here. He would be the perfect person for this.

25 MR. MECHELS: Somebody look it up.

1 A.G. BALDERAS: Let me get control of this.
2 The reason I engaged you in questioning is
3 because you raised the jurisdiction of the Board,
4 which I take very seriously. And so I wanted to focus
5 on some constructive solutions related to the
6 curriculum.

7 Let me just finish why I was articulating the
8 question. And we don't want to take away from your
9 time. We want to be supportive of your public
10 comment.

11 MR. MECHELS: Okay.

12 A.G. BALDERAS: But when you referenced that
13 the Board was not doing their job and then you
14 referenced outreach and used us as an example, we have
15 a very different budgetary system, we have very
16 different staffing calling than this functional Board.

17 So I'm trying to assist you and hone in on
18 some constructive solutions. And so if there's a
19 training issue that you want us to focus on, I will
20 gladly entertain it.

21 And then I would just say this, citing the
22 agenda and the Open Meetings Act, which I also take
23 very strict compliance with, it says, "LEA Curriculum
24 Development Process: Past, Present, and Future." So
25 that's all I would ask, that we have a constructive

1 dialogue on that topic on the agenda.

2 MR. MECHELS: Okay. I didn't intend to take
3 this much time, Mr. Chairman.

4 A.G. BALDERAS: That's okay.

5 MR. MECHELS: I would be happy to stick to
6 curriculum items. But first one brief item. I notice
7 that, in the agenda items, that for this the agenda
8 item says that the agenda item -- I requested to
9 address the Board. That is incorrect. That is
10 incorrect.

11 I requested to bring this agenda item before
12 the Board for its discussion. And I believe the NMAC
13 says that my presence is necessary only at the request
14 of the Board. And the reason I raise that is I had
15 agenda items before that I submitted when I was not
16 physically present.

17 And because of the way this agenda item is
18 couched, to address the Board -- when I wasn't present
19 to address the Board, they just took those agenda
20 items and threw them away. That happened in September
21 of 2014.

22 That was unfortunate because this -- I did
23 not -- I should be able to submit an agenda item for
24 discussion without my presence unless I am requested.
25 My presence is not necessary for discussion.

1 This I have taken this up with the Director.
2 And it shouldn't -- this should not be on the agenda
3 in that way. It just causes confusion.

4 MS. BURNHAM: Mr. Chairman, may I comment.

5 A.G. BALDERAS: Yes.

6 MS. BURNHAM: Mr. Mechels wrote a couple of
7 emails to me and to which he appended a number of
8 documents. I did not have time to -- he just sent
9 them to me. And what I did was, since I saw that he
10 had not followed them to the Board, was to follow them
11 to you and to the Chairman of the Board for proper
12 consideration. So I just want that to be on the
13 record.

14 A.G. BALDERAS: Thank you.

15 MR. MECHELS: I would like to get some
16 clarification on that at some point. Thank you.

17 The other one which I think is public and
18 just another point of clarification, I believe in the
19 past -- at least briefly I thought we established a
20 precedent that, when something comes before the Board,
21 that the documents under discussion be made available
22 to the public.

23 That worked very briefly. But I think that
24 should be part of Board practice. For example, the
25 documents that Mr. Jones was discussing, the public

1 should be allowed to see those documents when they're
2 under discussion. And my partner, Chris, has my
3 documents over here should anyone wish to have them.

4 A.G. BALDERAS: Mr. Mechels, we will, and
5 staff in my discussion with you, will gladly address
6 any agenda items that you want to put on in the
7 future. But can you stick to the agenda, please.

8 MR. MECHELS: Okay. A couple of items. This
9 is just a comment because it came up previously on the
10 agenda.

11 A.G. BALDERAS: And this agenda item?

12 MR. MECHELS: On this agenda. This relates
13 directly to what was just said this morning about the
14 curriculum. I have a copy of the schedules for all
15 the academies.

16 I can assure you that the only academy that
17 runs the basic curriculum is the Law Enforcement
18 Academy. Hobbs and Farmington do not. They deviate
19 less than the rest. But they do not run the basic
20 curriculum. That's just not true. The LEA does run
21 the basic curriculum. They're the only academy in the
22 state that does.

23 Now, moving on belatedly to what I had hoped
24 to be referring to, to mention briefly just what I see
25 as a central issue over time in the development of the

1 curriculum, and it's got somewhat muddled over the
2 last few years, is to actually understand the
3 curriculum development process, we have to look back
4 to the origins of the academy.

5 This might be useful, especially to new
6 Members. The origins of the academy in 1969 were part
7 of the nationwide movement to found an organization to
8 push police standards and bring an academic approach
9 to police training. That effort was pretty successful
10 and is still used across this country.

11 The New Mexico Board is one of 50 such
12 organizations, boards and commissions, that belong to
13 this -- they call it a POST organization right now.
14 It's IAD West is the current moniker for it. And
15 posted on their website, they have a model standard
16 for the participating organizations.

17 Within that standard they describe curriculum
18 development. This curriculum, this model curriculum
19 development, has been brought before the Board before.
20 Not within this context, but by Mr. Joe Wolf, who is
21 the departed Director of the Albuquerque Academy.

22 And he had a very deep background
23 scholastically. So Joe was promoting also. He was
24 bringing this to the attention of the Board. He said,
25 if you're going to make a curriculum that has any

1 merit for police screening, it has to be based on the
2 job factors of the job itself.

3 That's the academic approach that Joe
4 suggested. At the point where the academy made this
5 16-week curriculum, they needed to do that to validate
6 what they were doing. They've never done it. It's
7 the job factors analysis.

8 Prior to 2013 the curriculum that defined --
9 the process that defined the basic curriculum prior to
10 2013 has always been a job factors analysis, which
11 feeds into the curriculum. The curriculum is based on
12 an understanding of the job.

13 That job factors analysis and that process
14 was last used in 2002. Subsequent to that the changes
15 to the curriculum were driven by statutory changes
16 coming out of the legislature. That includes mental
17 illness, family disputes, and so forth.

18 Those are part of the -- they're a part of
19 the 16-week curriculum, because you can't take them
20 out. They were put in there by the legislature, not
21 by the Board.

22 So that process then -- the first time that
23 that process was abandoned, and it was abandoned in
24 generating the curriculum, was in 2013 and '14, when
25 the current curriculum was brought in place.

1 At that point they didn't do a job factors
2 analysis. They sort of got a consensus of opinion to
3 hear the description of how it's done. And then based
4 upon that consensus of opinion from cops, police
5 chiefs, and so forth, they put together a 16-week
6 curriculum, which I argue has some illegal components
7 to it.

8 I mean it wasn't very thoughtfully done. And
9 the result of that is some illegal components. I mean
10 Amber Alert was required by law to be four hours. We
11 reduced it to two. The Safe Pursuit Act was required
12 by law to be 16 hours. We reduced it to eight.

13 You've got illegal components to that
14 curriculum. All of this has been brought to the
15 attention of the Board and Mr. Jones in the past.

16 So what happened is we now have sort -- we
17 have sort of reverted. We sort of took the POST
18 standard -- even though we're still a POST
19 organization, we took the POST standards and the POST
20 process and we abandoned it.

21 Not only did we abandon the POST process, we
22 basically, by doing that -- because the whole idea of
23 creating both the academy and the Board as an
24 independent organization, not as it is today, pretty
25 much driven by DPS, an independent, stand-alone

1 organization is because --

2 CHIEF KASSETAS: Mr. Mechels, I have to ask
3 you to drive to a point. We've heard this before. I
4 think it's great through public comment that you get
5 to stand up at that podium and say whatever you want
6 without any recourse, especially when you poke at DPS
7 and me.

8 However, the Board has a lot -- let me
9 finish. I'm the Vice Chair, I get to talk. The Board
10 has a lot of business at hand. And we do want to hear
11 what you have to say. We've heard a lot of this
12 before. Can you actually get to the point of what you
13 want and we can write that down and then maybe get
14 back to you.

15 MR. MECHELS: Chief Kassetas, I've got to
16 differ with you. You have heard what I've got to say.
17 You've got a bunch of new Members that are totally
18 unaware of this.

19 CHIEF KASSETAS: I'm pretty sure they're up
20 to speed. We got your email with all the information
21 in it. So again I can't give you all day. Is there a
22 point, can we come to a climactic ending?

23 MR. MECHELS: Yes.

24 CHIEF KASSETAS: Let's get there.

25 MR. MECHELS: So where we're at now today,

1 just leading to this current curriculum, is that
2 curriculum did not follow that process. It also did
3 not follow the rules act. And there are some people
4 that claim you don't have to, but they didn't. And
5 that's a big issue.

6 Moving forward, what can we do moving
7 forward. Where did the Board fail I think in its
8 original permutation. Even though it was following
9 the POST process, it wasn't following a very complete
10 implementation of the process.

11 I think what this Board is missing, and I
12 suggest -- I'm just saying, please go look at other
13 models. Vermont is such a model. It's a small state,
14 it's a very modest model. It's quite different from
15 ours. Nebraska is another one that I've looked at in
16 some detail. These are useful models of how to do
17 what you're doing.

18 What you will find, if you look at those
19 states, is unlike just the Board being everything.
20 It's more like an organization, it looks more like a
21 school board. You would be the school board. And you
22 would be using committees with experts in the public
23 and so forth involved.

24 And those committees would be studying the
25 curriculum and those committees would be studying

1 use-of-force issues. That's what's happening in
2 Vermont and Nebraska. It's a much more flexible
3 arrangement and doesn't rely on the expertise of the
4 Board. Because the Board is not here as experts, the
5 Board is here to represent constituencies.

6 Put the experts on the committees and let the
7 recommendations come out of there. It's been said in
8 past meetings -- and I'm not sure, it might even be
9 Chief Kassetas that said that the Board shouldn't --
10 certainly DPS has been saying the Board should not be
11 making the curriculum, the Director should because the
12 Board isn't an expert.

13 Well, hello. The Director isn't an expert
14 either. The expertise exists out there. But put it
15 together in a committee and let a committee bring it
16 forth as you do in other states. It's much sounder.

17 I agree that the Board doesn't have the
18 expertise to make a curriculum. You don't. But you
19 do have the expertise to make a process and use
20 committees of experts to make a curriculum.

21 So that's my long-term projection, that we
22 look to other states, we update the process. There
23 were some real failings with the way we were doing
24 business back around 2002. There were some real
25 reasons that the arguments were being had by people

1 that found the process too stodgy.

2 There were a lot of issues that needed to be
3 addressed. But the issues could have been addressed
4 by elaborating the structure of the Board to use
5 committees. There you are.

6 CHIEF KASSETAS: Understood, Mr. Mechels.
7 Thank you. We'll take that under advisement. Is that
8 the end of your presentation?

9 MR. MECHELS: Yes, it is.

10 CHIEF KASSETAS: Thank you so much for your
11 time and the Board's time.

12 MR. MECHELS: Thank you all, folks.

13 ITEM NO. 14: PUBLIC COMMENT

14 CHIEF KASSETAS: Let's move on to public
15 comment. Anybody out there for public comment? Going
16 once, twice. There's a list.

17 MR. MECHELS: Stop. Don't say once, twice.
18 I'm on for public comment. I was waiting for those
19 who signed up before me to raise their hands.

20 CHIEF KASSETAS: Can I see the list. Public
21 comment. Let's take a ten-minute break. How is that?

22 (Break.)

23 A.G. BALDERAS: I do want to call the meeting
24 back to order. I believe we are on item 14. We are
25 now ready to open up to the floor for public comment.

1 I do ask that, in the interest of time,
2 comments as a matter of practice be limited to five
3 minutes. And I'll have my timekeeper keep track of
4 that. And actually I need a little bit of help here
5 on our comments. Are these individuals that asked to
6 speak for five minutes?

7 CHIEF KASSETAS: Mr. Chair, I'm unsure on
8 Nick Zapeda. I think the Director told me there are
9 four people. He thought it was a sign-in sheet, but
10 he's not here to address the Board for public comment.
11 Right, Director Jones?

12 MR. JONES: Yes, sir. Mr. Chair, Mr. Vice
13 Chair, they just left. They're not going to address
14 the Board, they just came to the meeting.

15 A.G. BALDERAS: Oh. They were just signing
16 in?

17 MR. JONES: Yes, sir.

18 A.G. BALDERAS: Actually do they know they
19 have to come back and do public comment? Everybody is
20 so serious. Great.

21 We do have Bob Martinez. Do you wish to
22 address as well? Great. Then Mr. Ackerman. Okay.
23 Great. And then Mr. Mechels. So those are the three
24 that I have.

25 Mr. Martinez, you have the floor for five

1 minutes.

2 MR. MARTINEZ: Good morning, Mr. Chairman,
3 Members of the Board. I'm Bob Martinez, I'm the
4 Fraternal Order of Police New Mexico State president.
5 And I first and foremost want to thank you for your
6 service, your public service to the people of New
7 Mexico and to the law enforcement community.

8 Secondly, I come before you in support of
9 Jeremy Romero. I firmly believe that this Board
10 should give him some consideration, review his
11 request, and provide him with the reasonable
12 accommodation that he seeks. That concludes my
13 remarks, Mr. Chairman. And I have a letter for the
14 record, if I may give it to you.

15 A.G. BALDERAS: Thank you, Mr. Martinez.
16 I'll make sure that the Board get copies of this.
17 Thank you.

18 Mr. Ackerman, you have the floor.

19 MR. ACKERMAN: Yes, sir. I appreciate the
20 opportunity to speak, Mr. Chairman, Board Members. I
21 serve on the same advisory board committee as Chief
22 McCall does.

23 The original reason for my business here was
24 to comment to the effectiveness of the 16-week
25 curriculum, its benefits, and being able to

1 adequately train -- more than adequately train
2 sometimes as the chief earlier commented.

3 Some of the cadets released from that academy
4 and completing their FTO program within our agencies
5 have been by far the best cadets received out of the
6 academy in a great number of years.

7 I speak from experience. I have instructed
8 at the academy for over 12 years at this point in time
9 both curriculums, the 22-week as well as the 16. The
10 greatest issue with the 22-week was the redundancy.

11 The comments made earlier in reference to the
12 inadequacies of the training are absolutely not true.
13 I do the job, I've completed that same academy. I
14 teach that academy and I administrate an office that's
15 based off of effective management, mitigation of
16 liability, and providing the best services to the
17 community. So my full support of the 16-week academy.

18 A.G. BALDERAS: Thank you. Any questions?
19 Thank you.

20 Mr. Mechels. Five minutes, sir.

21 MR. MECHELS: Yes. Thank you, Mr. Chair. I
22 can do it easily in five minutes.

23 The first thing, I think I heard a very good
24 idea this morning and I would like to support it and
25 extend it. There was some talk about having the Board

1 Members visit the academy and see their classes. I
2 think it's an excellent idea.

3 I think an even more excellent idea is to
4 allow the public to visit the academy classes. The
5 taxpayers ought to have a right to see how the police
6 are being trained. That doesn't mean that they should
7 be allowed to handle firearms.

8 But I think they should be allowed in, just
9 as they be allowed to visit schools. I trust this is
10 no problem. And I think we should actually make it
11 policy that any taxpayer is allowed to visit the
12 academies and see the instruction taking place.

13 I don't think it's ever been thought of, but
14 I think it's a heck of a good idea. And part of it is
15 it would just be a good idea to have people trust the
16 police more and to be more informed. And I would
17 personally like to visit the classes. There are some
18 excellent classes that I would like to attend. Not
19 for grading, just as a monitor.

20 CHIEF KASSETAS: You should go through the
21 academy.

22 MR. MECHELS: Huh?

23 CHIEF KASSETAS: You should go through the
24 academy.

25 MR. MECHELS: I would like to attend the

1 classes in the academy. I'm a bit old for going
2 through the academy. Speaking of being too old, one
3 of the issues that came up this morning also, and you
4 don't really allow comment during the time of
5 presentation, is the cert by waiver program.

6 You're talking about going from one week to
7 two weeks. Those who are new especially may not be
8 aware that it was once three weeks. It got cut back
9 to one week a couple years past.

10 One of the items that was taken out, which I
11 find highly questionable, was they removed the fitness
12 standard from the cert by waiver. Now, why would we
13 do that?

14 The reason given in the minutes was because
15 the officers couldn't pass it. To me that's a pretty
16 poor reason for getting rid of the fitness standard
17 for CBW. I would like to see the fitness standard be
18 put back into CBW. They should be fit just like
19 anybody.

20 With the cert by waiver program, another
21 concern I have is the way it's being used. If you
22 look at the website for the Albuquerque Police, they
23 write a cert by waiver program at the Albuquerque
24 Police Department.

25 The problem I see is, when the graduates come

1 out, they have to pass the law enforcement officer
2 captain exam, the LEOCE. If they fail to pass it, it
3 says they should go up to the academy and go through
4 their cert by waiver program and get another chance at
5 it.

6 And here is the problem that really troubles
7 me. That cert by waiver program -- and I have their
8 schedule by the way. Their cert by waiver program is
9 taught by the Director, Jack Jones. I mean they're
10 briefed before they take the test by Director Jack
11 Jones.

12 It seems like an awful conflict, because
13 we're supposed to have independent testing. That
14 independence is questionable. And sending them up for
15 a second bite at the apple is questionable too. What
16 are they going to learn in another week that they
17 haven't learned in the 13 weeks prior.

18 The other issue that I have that I wanted to
19 raise that it seems is not currently before us, I
20 wanted to request that the Board meeting, the upcoming
21 Board meeting which seems to be on the 16-week
22 curriculum, be in Santa Fe.

23 We are directly affected. We're the only
24 people that -- Cruces runs a 909-hour academy. We run
25 the basic -- all of our guys go to the academy in

1 Santa Fe because it's free. It's free to go through
2 that academy.

3 We are affected directly by that 657-hour
4 academy and, therefore, it should be in our area.
5 Plus the state law pretty much for all the divisions,
6 for example, requires that public hearings be in Santa
7 Fe unless there are exceptions. Any comments? If
8 not, I'll withdraw. Thank you for your attention.

9 A.G. BALDERAS: Thank you, Mr. Mechels.

10 Are there any public comments? Great.

11 ITEM NO. 15: SCHEDULING OF NEXT BOARD MEETING

12 A.G. BALDERAS: I would like us to address
13 item 15, scheduling of the next Board meeting, which
14 will be our last meeting for the calendar year. I'm
15 glad we are able to hold a one-day meeting at this
16 time. And I'm absolutely willing to look at having
17 more one-day meetings in the future when our business
18 permits.

19 That being said, I'll propose that the
20 December meeting will be again held over a two-day
21 period because of the volume of work in Las Cruces,
22 Tuesday, Wednesday, December 15th and 16th.

23 I do want to thank all the participation of
24 the Board. I know it's a sacrifice. When I took over
25 as chair in January, it was very important for me to

1 get this Board on the road and represent some
2 geographic diversity and actually get us out of Santa
3 Fe.

4 And I think the formula was proposed that we
5 would do two in roughly Central New Mexico, which is
6 why we're in Santa Rosa, and one in Southern New
7 Mexico and one in Northern New Mexico. And I believe
8 we began our meetings process in Espanola.

9 CHIEF KASSETAS: Mr. Chair, may I comment on
10 the December meeting. Director Jones, would you have
11 your staff calendar that immediately if it hasn't
12 already been done. I don't see it on my calendar.
13 That way we can get a placeholder in our schedules.

14 And, of course, it's easier when you do it
15 because you're the central control point of location
16 changes or time. Then, if you change that, all of us
17 are notified, all of us on the Outlook email system.
18 And others can follow along I suppose through your
19 updates and emails. But if we could get that done.

20 MR. JONES: Mr. Vice Chair, it's already on
21 the website. But we'll start sending the information
22 out, Mr. Chairman, so everybody will have it.

23 CHIEF KASSETAS: Again I do appreciate the
24 website, Director Jones. I would like it calendared
25 for everybody on the Board, because when it changes,

1 we don't want to be late or miss it.

2 MR. JONES: Yes, sir.

3 A.G. BALDERAS: I do want to commend the
4 staff for their administrative support. And also my
5 staff as well. I know there's a lot of front-end work
6 on getting these locations.

7 I do know the general public does really
8 appreciate when we get out in rural New Mexico and
9 Southern New Mexico as well as Northern New Mexico.
10 So that's a courtesy, December 15th and 16th, to
11 comment to the Board.

12 I'm going to take some discretion and ask to
13 go ahead and jump down to items 29 through 31, which
14 are requests to address the Board by Donald Duran,
15 Abelardo Ponce, and Robert Ortega.

16 In the meantime, for the other individuals
17 who appear on the agenda, if you wish to address the
18 Board, I would ask that you sign up on the sheet in
19 the back of the room. And Monique will gladly collect
20 that.

21 ITEM NO. 29: DONALD DURAN

22 A.G. BALDERAS: Is Donald Duran in
23 attendance?

24 MR. DURAN: Present.

25 A.G. BALDERAS: Thank you.

1 MR. DURAN: Good morning. I appreciate you
2 letting me speak to the Board today. By no disrespect
3 did I mss my last meeting. I was not aware of it,
4 that I actually had it. So I'm here today to
5 hopefully get my revocation reversed.

6 I just want to say it's been a very humbling
7 experience. I've had a lot of counseling. I've been
8 to the bottom of the barrel as we speak, unable to get
9 a job for a long time. I've had to pull my 17-year
10 retirement.

11 I've stayed in counseling as much as I could.
12 It's been seven months since I was with the
13 department. And I'm just requesting that my
14 revocation be overturned. Thank you.

15 A.G. BALDERAS: Thank you. I do want to
16 follow up with some line of questioning. I know on
17 the agenda it's listed as request to address the
18 Board. If you will give a little more detail to the
19 Board in terms of what caused the default revocation
20 and then maybe specifically ask for your relief.

21 MR. DURAN: Okay. So as far as you want to
22 know why I wasn't here, how I missed it?

23 A.G. BALDERAS: Yes. The way we have listed
24 on the agenda is that there's a request to address the
25 Board. But I think there's more context, right?

1 MR. DURAN: Correct. Of course, making \$30
2 an hour going to making nothing, having two small
3 kids. I had to lose my house so I moved. I've moved
4 three or four times since then.

5 So I didn't ever get in the mail my
6 information to actually be here at the last Board
7 hearing. So I was totally not aware of it until about
8 four o'clock that day when it ended.

9 And one of my friends said it was in the news
10 that my revocation was revoked. The incident that
11 brought me here in the first place was a domestic
12 violence incident with my wife or ex-wife should I
13 say.

14 And the allegations, you know, they're not
15 correct. There was never a police report. This
16 happened nine months after I decided to leave her and
17 moved out of the house.

18 The actual incident that she contacted the
19 police department about wasn't even over me, it was
20 over my oldest child who was not getting along with
21 her and part of the reason why I moved out of the
22 house. Did you have any other questions for me?

23 A.G. BALDERAS: Director Jones, would you
24 like to weigh in a little bit. And for the new Board
25 Members' benefit, we've had some notification cases in

1 the past, that officers were merely asking to be reset
2 into the process because they didn't receive
3 notification on the default orders. Could you address
4 the situation and your position on this case.

5 MR. JONES: Specifically on this case the New
6 Mexico Law Enforcement Academy sent two letters to him
7 reference a Notice of Contemplated Action. And he
8 failed to sign for either one of those letters.

9 The New Mexico Law Enforcement Academy would
10 have no issue with it if the New Mexico Law
11 Enforcement Academy Board would like to put him back
12 into the process and allow him to follow through with
13 this, since we can get a current address from him and
14 notify him and let him go through the process.

15 MR. DURAN: There's a little bit of a
16 loophole. I still didn't get the current one for this
17 one. But I was on top of it so I was able to just
18 look on the Internet and be sure I was put on this
19 agenda.

20 MR. JONES: We'll do that today. If the
21 Board will allow it, sir, we'll be glad to.

22 A.G. BALDERAS: Is that your recommendation,
23 Director Jones, to allow him to go through the
24 process?

25 MR. JONES: Yes, sir, it is. To allow him to

1 go through the process.

2 A.G. BALDERAS: Are you open to at least
3 rescinding the default order and beginning the process
4 over?

5 MR. DURAN: Yes, sir. I would very much
6 appreciate it.

7 A.G. BALDERAS: Are there any questions from
8 the Board from what you've heard?

9 CHIEF KASSETAS: I have one. Are you willing
10 to supply your current mailing address to the Director
11 so we can actually communicate with you?

12 MR. DURAN: Yes, sir, I am.

13 CHIEF KASSETAS: Realizing that this doesn't
14 let you off the hook.

15 MR. DURAN: Yes. I totally understand that I
16 can at least start the process over from the
17 beginning.

18 CHIEF KASSETAS: Thank you.

19 MR. JONES: We'll get together as soon as
20 this is over.

21 MR. DURAN: Thank you.

22 A.G. BALDERAS: I'll entertain a motion to
23 rescind the default order of revocation on the matter
24 of Donald Duran, if the Board will consider that.

25 CHIEF KASSETAS: So moved.

1 A.G. BALDERAS: Is there a second to rescind
2 the default order of revocation due to notification
3 issues?

4 SERGEANT QUEZADA: I'll second that,
5 Chairman.

6 A.G. BALDERAS: A second. All in favor.
7 (Those in favor so indicate.)

8 A.G. BALDERAS: Any opposed? The motion
9 passes to rescind the default order of revocation.
10 And if you'll work with Director Jones to begin this
11 process. Good luck.

12 MR. DURAN: Thank you. I appreciate your
13 time.

14 ITEM NO. 30: ABELARDO PONCE

15 A.G. BALDERAS: I would like to call Abelardo
16 Ponce.

17 MR. PONCE: Good morning.

18 A.G. BALDERAS: Good morning. You have the
19 floor.

20 MR. PONCE: Mr. Chairman, Vice Chairman,
21 Members of the Board, thank you for having me. Thank
22 you for giving me the opportunity to speak in front of
23 you guys. I'm here today because I want to request
24 that you guys rescind my default order of revocation.

25 I'll start from the beginning. On

1 December 31st of 2013, I was terminated from the
2 Deming Police Department following an Internal Affairs
3 investigation against me.

4 The reason I was fired was because, in my
5 Internal Affairs investigation, what happened was that
6 I was involved in -- well, it wasn't a car crash. I
7 had a vehicle blowout, I had a blowout on my unit.

8 And what I did is I went ahead and I changed
9 the tire myself. I changed it off of the spare and I
10 replaced my own spare and I didn't report it. I
11 didn't report it. And later on down the road, they
12 brought it to my attention, that they noticed damage
13 in my unit.

14 And in that first Internal Affairs
15 investigation, I was -- I was afraid of, you know,
16 telling the truth, you know, that I just -- that I was
17 involved in this, you know, accident that caused my
18 blowout.

19 And I lied. I told them that I did not know
20 how the damage came into my unit. I did not -- I
21 wasn't aware of when this, you know, damage occurred
22 to the vehicle. And you know since they didn't have
23 any evidence, you know, otherwise, you know, they
24 couldn't find anything against me.

25 Later on down the road, what happened was

1 that my ex-girlfriend, you know, told them that, you
2 know, she had the tire that, you know, was damaged in
3 that first blowout.

4 And then that sparked a second Internal
5 Affairs investigation, which, you know, I was found
6 guilty of lying in the first Internal Affairs
7 investigation. And that led to me, you know, being
8 terminated by the Deming Police Department.

9 In the following year, on I believe it was
10 July 16th, you guys, you know, made a decision, you
11 know, to revoke my certification by default. And I
12 wasn't aware of this -- you know, I was being fired by
13 the Deming Police Department.

14 And it was the first time that I had gone
15 through anything like that. I had never been through,
16 you know, any process like this. And I wasn't advised
17 by Deming Police Department how to, you know, proceed
18 with my career from that point forward.

19 CHIEF KASSETAS: Let me ask you a quick
20 question just for clarification so we can kind of get
21 to the point of it. And the Director may be able to
22 answer this. Did you ever engage in an informal
23 hearing?

24 MR. PONCE: No.

25 CHIEF KASSETAS: So what you're saying is we

1 defaulted you and revoked your certification because
2 you never received the Notice of Contemplated Action
3 order, right?

4 MR. PONCE: That is correct.

5 CHIEF KASSETAS: I see that it's mailed out
6 here, Director Jones, but there's no indication he
7 received this. We're looking at your default order
8 here. Hold on.

9 So it says here, "Respondent was served with
10 an NCA, a Notice of Contemplated Action, via certified
11 mail return receipt requested on February 28th, 2014.
12 The Director received the returned receipt signed on
13 March 8th, 2014."

14 So that's outgoing, right? The Respondent
15 failed to respond. So you never saw this
16 documentation? Director Jones, did he ever get the
17 mailing?

18 MR. JONES: No, sir. And I don't know
19 whether it was his girlfriend or someone sent it back.
20 He never received it. He's not been through the
21 process of default other than the fact that we sent
22 him an NCA, he failed to respond to it, and then we
23 went ahead with a default order per the NMAC.

24 CHIEF KASSETAS: Did anybody sign the return
25 receipt?

1 MR. JONES: No, sir.

2 A.G. BALDERAS: On the second page, under D,
3 there seems to be a slight contradiction. It says,
4 "The Director received receipt signed May 9th." But
5 it also confirms the Respondent failed to respond. So
6 we're trying to clarify whether that was somebody
7 else's signature.

8 CHIEF KASSETAS: C says he failed to respond,
9 but D says the Director received the receipt signed by
10 somebody May 9th.

11 MR. JONES: Sir, I have one that is complete,
12 but I don't see the date on it. I don't know if this
13 is his signature or not. This is what we have. I
14 don't have a date on that.

15 CHIEF KASSETAS: Someone signed for this.
16 Who?

17 MR. JONES: I don't know.

18 CHIEF KASSETAS: Ask him.

19 MR. JONES: Is this your signature?

20 MR. PONCE: That is my father's signature,
21 that is not mine. At that point in time, I wasn't
22 living at my house. And that is not my signature.

23 CHIEF KASSETAS: So you're saying dad got it
24 but never gave it to you?

25 MR. PONCE: No. Whenever I moved back to my

1 house, the piece of mail that I did receive that I did
2 see was you guys' final decision where you guys
3 revoked my certification by default.

4 CHIEF KASSETAS: He did get it.

5 MR. JONES: That was the default order that
6 he got, yes, sir. That's the one he received May 9th
7 that says he got that saying that he received the
8 default order of revocation because he failed to
9 respond.

10 A.G. BALDERAS: Director, what's your
11 recommendation on this?

12 MR. JONES: Sir, you know, I stand before you
13 saying I think they need to go through the process and
14 allow them to come before the Director. And if they
15 so want to have a formal hearing, let them go through
16 the process and come back through the Board so the
17 Board can make a recommendation on what the facts are.

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

20 I'll entertain a motion to follow the
21 recommendation, which is to rescind the default order
22 of revocation and begin the process again.

23 SHERIFF WALLER: So moved.

24 A.G. BALDERAS: Is there a second?

25 CHIEF McCALL: Second.

1 A.G. BALDERAS: There is a second of the
2 motion to rescind the default order of revocation for
3 Abel Ponce. And so he can begin the process to
4 address this certification issue. All in favor say
5 aye.

6 (Those in favor so indicate.)

7 A.G. BALDERAS: Are there any in opposition?
8 The motion passes to rescind the default order.

9 Again we don't want to lecture you. But if
10 you will provide one or two addresses and stay in
11 touch to begin the process. Good luck.

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

13 ITEM NO. 31: ROBERT ORTEGA

14 A.G. BALDERAS: Mr. Robert Ortega, are you in
15 attendance?

16 MR. ORTEGA: Yes, sir.

17 A.G. BALDERAS: Good morning, Mr. Ortega.
18 You have the floor.

19 MR. ORTEGA: Good morning, sir. Good
20 morning, Mr. Chairman, Mr. Vice Chairman, Members of
21 the Board. I would liked to start off with thank you
22 for another opportunity to come before the Board to
23 explain my situation.

24 I was a police officer with the City of Las
25 Vegas for roughly five years before this incident took

1 place. Myself and my chief at the time, Mr. Gary
2 Gold, we had a falling out over some policy changes
3 that we were trying to implement.

4 And he and I got into some pretty heated
5 arguments about the policy changes because he had put
6 me on the committee to go over some stuff. Shortly
7 after that he said that he had some allegations
8 against myself brought to him by a young lady saying
9 that I acted inappropriately.

10 I went through the whole process of the
11 Internal Affairs investigation. I was found not
12 sustained. And during that process of the first
13 investigation and everything coming out that I was not
14 sustained, he came forward again and said he had four
15 more individuals now that were alleging similar
16 situations.

17 I went through those processes, and
18 everything was found not sustained on those as well.
19 But during that time frame, he said that he had
20 contacted a friend of his with the New Mexico State
21 Police Investigations Department, which was at that
22 time Sergeant Dale Wagner.

23 He said that he had contacted him on his
24 personal cell phone and that he had asked him to come
25 down and do an investigation into the situation. I

1 was fine with that, I have nothing to hide, I had
2 nothing to hide. But he told me he had contacted him
3 personally on his personal cell phone.

4 He also told me he had contacted then
5 Director Art Ortiz on his personal cell phone to
6 discuss any and all possible allegations against me
7 being brought forward before the Law Enforcement
8 Academy, which again I told him that's fine, I have
9 nothing to hide, I didn't do anything wrong.

10 I told him I'll go through the process. I
11 believe in the legal system. I told him I'll go
12 through the whole process, I have nothing to hide.

13 At that time he told me he had submitted an
14 LEA-90 to the Law Enforcement Academy. And I came
15 before Director Jones. Before Director Jones -- or
16 not Director Jones. Sorry. Director Ortiz. I was in
17 there for maybe five minutes with Director Ortiz and a
18 member of the Attorney General's Office.

19 It seemed like I was hung out to dry from the
20 moment we said our names, I was wrong from the get-go,
21 I didn't get the chance to say anything.

22 The attorneys that were present with me,
23 which was Mark Grano's law firm, Mark Grano and David
24 Silva, they said they would keep me in the loop with
25 all correspondence from the Law Enforcement Academy.

1 The Law Enforcement Academy ensured that not
2 only would they send correspondence to the attorneys'
3 office, but also to myself. I received parts of that
4 stuff. I received a few letters from the Law
5 Enforcement Academy.

6 I went through the informal hearing with
7 Director Ortiz. When he sent me those findings, I
8 requested a formal hearing. I received that letter.
9 From that point forward, I never received no more
10 communications from the Law Enforcement Academy.

11 Everything went to the attorney who at that
12 point had been -- he conflicted himself away from me.
13 He said that he could no longer be my attorney because
14 he was handling some situations for the City of Las
15 Vegas and other defendants that were involved in
16 testifying against me.

17 One of these young ladies was encouraged to
18 file criminal charges against me. And she did so. We
19 went through the process of going through a magistrate
20 court system. We went through the hearing.

21 The jury was comprised of four women and two
22 males. And after a day of listening to testimony, the
23 jury decided my fate within five minutes. They came
24 back with a not guilty verdict.

25 The case was over and done with. I went

1 before the chief again. He told me that he wouldn't
2 decide my fate until after this hearing was over with.

3 During the process of that, when he found out
4 that the city manager was willing to put me back on my
5 job, the chief at that point decided to fire me.

6 The city manager at the time was Timothy
7 Dodge. He said that he would put me back in my
8 position, back to work. Chief Gold had me arrested
9 and my wife arrested with me, saying that we were
10 trafficking narcotics.

11 After two years of battling the legal system,
12 which I fully support 100 percent, it was shown that
13 all these allegations were false and these people that
14 made these allegations were put forward to do so.

15 After many talks with the City of Las Vegas
16 and with then former Chief Gary Gold, I have a letter
17 from the city manager at the time, which is Timothy
18 Dodge, saying that they supported my full
19 reinstatement as a law enforcement officer in the
20 State of New Mexico due to all these allegations that
21 turned out to be false.

22 He addressed this letter to my attorneys who
23 couldn't be here today with me, the Aequitas Law Firm
24 in Albuquerque.

25 And the reason why it's taken me so long to

1 come back to the Board is I've been helping my wife
2 get back on her feet. She got real sick when all
3 these allegations first started and we almost lost her
4 twice. She's been real sick.

5 She's gone through numerous surgeries and
6 everything else. We finally have her back on her own
7 two feet, off a wheelchair, off of walkers. And I
8 have now time to come forward before the Board again
9 and explain this whole situation 100 percent.

10 I have even offered to take lie detector
11 tests when I was present with Director Ortiz and
12 before the formal Hearing Officer, Sheriff Robert
13 Coon. I wasn't even allowed to pretty much answer any
14 questions other than what they wanted to hear and that
15 was it.

16 I have come before the Board once before. It
17 was a different Board. This was up in Farmington a
18 couple years ago. Sheriff Coon was the acting
19 Chairman at the time. And it seemed like, at that
20 point in time, he asked me two questions and he asked
21 me how I was doing and why I believe I should get my
22 certification back, and that was the end of the
23 questions.

24 Like I say I have a letter from the City
25 Manager of Las Vegas or the former City Manager,

1 Timothy Dodge, with Gary Gold's full approval of me
2 getting reinstated as a law enforcement officer.

3 And while serving as a member of the law
4 enforcement community there in Las Vegas, I received
5 numerous citations from the District Attorney's
6 Office, from Chief Willie Cruz, and also from Chief
7 Gary Gold for going into burning buildings and saving
8 lives and going above and beyond the call of duty.

9 A.G. BALDERAS: Thank you, Mr. Ortega. Are
10 there any questions from the Board?

11 MR. ORTEGA: And everywhere I go I carry my
12 Bible with me of everything that's happened. From day
13 one, when these allegations surfaced, until the day
14 that I got cleared from the district court and all
15 future allegations to letters of recommendation for
16 reinstatement from state representatives to priests to
17 coworkers from the police department, teachers, all
18 walks of life in Las Vegas.

19 From people that are deemed to be criminals,
20 kids, my kids, my five kids that have actually gone
21 before and spoke before to try and help me get my
22 certification back. I'm a family man. I believe
23 fully in the legal system. And I teach my kids to
24 always do the right thing whether they believe it's
25 right or not.

1 A.G. BALDERAS: Mr. Ortega, just for the
2 record, when you referenced the process in the
3 beginning, you went through a full hearing, right?

4 MR. ORTEGA: Yes, sir. I never received the
5 findings of the full formal hearing until way later,
6 when I was going through the criminal case, when I
7 finally had to -- the second attorney came into play
8 and had to replace the first attorney that had
9 conflicted himself from my case.

10 That is when he finally said, well, I
11 received this and I never informed Mr. Ortega. So I
12 was told after the fact that I wouldn't have had the
13 opportunity to come before the Board to address any
14 questions or leave any more comments about that
15 decision that was made.

16 CHIEF McCALL: Mr. Chair.

17 A.G. BALDERAS: Chief.

18 CHIEF McCALL: I just wanted to know if you
19 went through the informal and formal hearing process?

20 MR. ORTEGA: Yes, sir. I went through the
21 informal hearing along with Director Ortiz and a
22 member of the Attorney General's Office that lasted
23 all of maybe five or ten minutes.

24 And after I got his response back from that,
25 I requested a formal hearing. And once the formal

1 hearing was granted, that's the last piece of
2 paperwork that I received from the Academy Director in
3 terms of myself; because I saw one was mailed to me as
4 well as the attorney. That's the last time I heard
5 anything from the academy after we went through that
6 hearing.

7 CHIEF KASSETAS: You went through the
8 hearing?

9 MR. ORTEGA: Yes.

10 CHIEF KASSETAS: There was a Hearing Officer?

11 MR. ORTEGA: Yes. Sheriff Robert Coon was
12 the Hearing Officer. I never got his decision mailed
13 to me. They said it was mailed to the attorney who
14 was supposed to give it to me. That attorney had
15 since been conflicted from my case and he said he
16 wouldn't work with me no more.

17 CHIEF KASSETAS: There was a Hearing Officer
18 who you said was Robbie Coon. Did you have a lawyer
19 present?

20 MR. ORTEGA: Yes, sir. That was Mark Grano
21 and David Silva.

22 CHIEF KASSETAS: At the end of the day, what
23 you're saying essentially is you don't like the end
24 result. You don't like the fact that the formal
25 hearing concluded that your certification was revoked,

1 right?

2 MR. ORTEGA: That's correct, sir. And I was
3 told that, if I would have got those results back to
4 myself, that I would have had the ability to address
5 the Board to discuss further action that could be
6 taken on that fact.

7 And during the time that this formal hearing
8 took place, sir, I was still pending that magistrate
9 court hearing with one of those cases that turned out
10 to be not guilty. And I couldn't even answer
11 questions in regard to that one question. I was
12 stopped from answering questions by the attorneys at
13 that point.

14 CHIEF KASSETAS: Okay.

15 A.G. BALDERAS: My question was going to be,
16 outside of the March 31st, 2010, date and the day that
17 you're presenting to us today and asking for a
18 reconsideration on the agenda item that was just
19 presented to the Board I think --

20 MR. ORTEGA: Correct, sir. I was told to
21 address my letter to the academy, to the Director, to
22 be placed on the agenda to address the Board.

23 A.G. BALDERAS: So outside the date that this
24 final order was filed and the date today that you're
25 presenting to the Board, has there been any other --

1 MR. ORTEGA: Yes. There have been other
2 attempts to come before the Board. The last time I
3 went before the Board was up in Farmington. And
4 that's when Sheriff Robert Coon was acting chair,
5 because the Attorney General at that time wasn't
6 present, Mr. King.

7 And that one from the get-go, you gave me two
8 minutes to talk. And then he started asking me just a
9 couple questions and said I was done.

10 A.G. BALDERAS: Okay.

11 MR. ORTEGA: And at that time I didn't have a
12 letter from the City of Las Vegas City Manager or Gary
13 Gold.

14 A.G. BALDERAS: I have a question for
15 Director Jones. Sir, just so we understand in terms
16 of the process, he basically exhausted his right to a
17 formal hearing. The order reflects in our record that
18 there was a final revocation in 2010; am I correct?

19 MR. JONES: Yes, sir.

20 A.G. BALDERAS: And there's nothing
21 necessarily in the rules or regs -- you've identified
22 two issues. I'm trying to find either a remedy or an
23 action in terms of this is not a notification issue,
24 its a final order. So there is not another process --
25 is there a process I should ask you?

1 MR. JONES: There is, sir. At the end of
2 three years of a revocation, he can come back to the
3 Board and ask the Board to allow him to get his
4 certification back if he's demonstrated that he's done
5 the right thing, not been in any other trouble, taken
6 care of his issues.

7 The Board needs to look at the totality of
8 the circumstances as to why were the charges dismissed
9 and the other things he's talking about, which sounds
10 like some of them were. But it's something that the
11 Board could return to Jack Jones, the Director, and
12 have us go look at it and make a report.

13 A.G. BALDERAS: And I guess that's what I'm
14 asking.

15 MR. ORTEGA: Yes, sir. And currently I'm
16 employed with the West Las Vegas School District.
17 I've been employed with them for numerous years. They
18 would be willing to vouch for me that I've been
19 cleared of any wrongdoing or harm.

20 I work with several young ladies and men
21 throughout the day. The allegations here say that I
22 was doing wrong with the young ladies, which is
23 totally false. I'm by my wife 24 hours a day except
24 when I'm at work. And when I'm at work, I have my
25 kids with me.

1 A.G. BALDERAS: Sure. And in terms of what
2 your purpose today, though, was --

3 MR. ORTEGA: To see if I can get my
4 certification back, sir. I love my job.

5 A.G. BALDERAS: What I'm saying is you've met
6 your adequate burden. What I'm searching for now is
7 that the final order of revocation is a serious set of
8 findings.

9 And so what we're looking for is Director
10 Jones to do some due diligence on some of your
11 representations today so that we can consider
12 independent findings that are distinguishable from
13 these past ones in 2010. So I appreciate you asking
14 us to review this and offering the representations you
15 have made.

16 I think, Director Jones, I was just asking
17 what the next step is in the process. It seems like
18 he's well beyond the three years. And maybe you can
19 come back with a vetting, a recommendation.

20 I'm also particularly concerned with what's
21 missing in our packet are the prior legal documents
22 related to the charges you were up against. So I
23 think that would be helpful for some Members of the
24 Board for future consideration.

25 MR. JONES: Yes, sir.

1 CHIEF KASSETAS: If I may comment, Mr. Chair.
2 Just so you're clear, the Board doesn't make a lot of
3 its decisions based off of what a District Attorney
4 did or charges. It's conduct that reflects you as a
5 police officer under your certification.

6 So to come before the Board and say, well,
7 hey, I went to court and it all went away, it isn't
8 the end-all for any of us. You need to understand
9 that.

10 Second, it's a slippery slope for the Board.
11 Although it says that we can reverse someone's
12 revocation after three years, you're asking us to go
13 back to 2010 and undo a lot of work, investigatory and
14 legal work that was done, which doesn't mean it can't
15 be done.

16 But the Board has to really take that into
17 serious consideration. And we really can't get there
18 until we have a lot of the stuff the Chairman is
19 asking for to make a good sound decision.

20 So just so you understand the process. It's
21 not that easy. Because everybody that's been revoked
22 in the history of law enforcement is going to line up
23 behind you and say, hmm, maybe I can get another bite
24 at the apple. Maybe in your case you do. In other
25 cases it shouldn't be done because some people just

1 don't belong in our profession.

2 MR. ORTEGA: I understand, sir. That's why
3 I'm here before you today, sir. Like I said, I would
4 be willing to take any type of lie detector test or
5 anything else to prove that all these allegations were
6 false and anything else I need to do on my part to
7 help the Board make a decision.

8 CHIEF KASSETAS: Sir, so you know, I don't
9 think it's the purpose of the Board to rehash a lot of
10 those details and have you go through that. What
11 you're asking the Board to do is reconsider and
12 overturn a decision made by a prior Board. And
13 there's some legwork behind that. Thank you.

14 A.G. BALDERAS: Thank you for coming in. And
15 we'll take it under advisement.

16 I'll swiftly move our Board to item 17. I'd
17 like to call out names just to see if these
18 individuals are here. Is Regina Sanchez in
19 attendance? Mikal Monette?

20 MR. MONETTE: Here.

21 A.G. BALDERAS: Mikal is here. Okay.
22 Matthew Gallegos?

23 MR. GALLEGOS: Here.

24 A.G. BALDERAS: Matthew is here. Veronica
25 Ficke? Not here. What about Bryan Trujillo? No.

1 Victor Grossetete? No. Leonard Stufflebean? Solomon
2 Romero? Justine Schraeder? And Anthony Rozema?

3 Mr. Monette, you have the floor. You don't
4 have to present, but you may if you'd like.

5 MR. MONETTE: I'll let the Hearing Officer go
6 ahead and speak.

7 A.G. BALDERAS: Okay.

8 CHIEF KASSETAS: So if you're in attendance
9 and you want to speak, you're afforded the opportunity
10 to, if you're here. You don't have to take that
11 opportunity. That's the whole point to this part of
12 the meeting, which you're not compelled to.

13 MS. BURNHAM: Mr. Chairman, I need to note
14 for the record that Mr. Monette's attorney is the
15 daughter of a good friend of mine. I do not know
16 Ms. Higgins, the daughter. But it won't have any
17 effect to my ability to hear the case. But I just
18 wanted to make that known.

19 A.G. BALDERAS: Thank you for that,
20 Ms. Burnham.

21 Mr. Gallegos, would you like to address the
22 Board?

23 MR. GALLEGOS: No, sir.

24 A.G. BALDERAS: At this time we're going to
25 take a short break. When we return, I'll turn it over

1 to my Vice Chair to make the necessary statements to
2 take the Board into executive session and consider
3 other actions. Thank you, all.

4 (Recess.)

5 CHIEF KASSETAS: We're back in open session.
6 This is the portion of the meeting where we go into
7 closed session.

8 And just so everybody knows in the room,
9 normally you all leave. But we are going to leave and
10 go to another room in this building to do our closed
11 session business.

12 With that said, I, Pete Kassetas, move that
13 the Board go into closed executive session to discuss
14 only those matters listed on the agenda under
15 executive session pursuant to NMSA 1978 Section
16 10-15-1(H).

17 And as far as it relates to the topics that
18 we will be discussing on the agenda, it is items 16
19 through 31. Those will be discussed in closed
20 session.

21 Do I have a motion to go into closed session?

22 CHIEF McCALL: I'll make the motion.

23 CHIEF KASSETAS: I have a motion. Do I have
24 a second?

25 SHERIFF WALLER: Second.

1 CHIEF KASSETAS: I must request a roll call
2 vote.

3 MS. PARKS: Chief Pete Kassetas.

4 CHIEF KASSETAS: Yes.

5 MS. PARKS: Sheriff Wesley Waller.

6 SHERIFF WALLER: Yes.

7 MS. PARKS: Chief Darren Soland.

8 CHIEF SOLAND: Yes.

9 MS. PARKS: Chief Chris McCall.

10 CHIEF McCALL: Yes.

11 MS. PARKS: Sergeant Jaime Quezada.

12 SERGEANT QUEZADA: Yes.

13 MS. PARKS: Ms. Kelly Burnham.

14 MS. BURNHAM: Yes.

15 MS. PARKS: Ms. Elisabeth Miller.

16 MS. MILLER: Yes.

17 CHIEF KASSETAS: For the record I stated the
18 motion so I made the motion. And that's why I'm not
19 an attorney. We're in closed session.

20 (Recess.)

21 CHIEF KASSETAS: Okay. Members of the Board,
22 the Board is back in open session. And I affirm that,
23 while in closed session, it discussed only those
24 matters specified in the motion to close the meeting
25 and listed on the agenda under executive session in

1 accordance with NMSA 1978 Section 10-15-1(H).

2 Okay. So what we will do now is go through
3 each case and proceed.

4 ITEM NO. 16: REGINA SANCHEZ

5 CHIEF KASSETAS: So in the matter of Regina
6 Sanchez, do I have a motion?

7 SHERIFF WALLER: Mr. Chairman, I motion that
8 we approve the administrative judge's recommendation.

9 CHIEF KASSETAS: Do I have a second?

10 CHIEF SOLAND: Second.

11 CHIEF KASSETAS: Those in favor.

12 (Those in favor so indicate.)

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

15 ITEM NO. 17: MIKAL MONETTE

16 CHIEF KASSETAS: Item No. 17, Mikal Monette.

17 MS. MILLER: Mr. Chairman, I move to accept
18 the Director's recommendation.

19 CHIEF KASSETAS: Do I have a second?

20 CHIEF McCALL: Second.

21 CHIEF KASSETAS: Those in favor.

22 (Those in favor so indicate.)

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

25 ITEM NO. 18: MATTHEW GALLEGOS

1 CHIEF KASSETAS: Item No. 18, do I have a
2 motion for the matter regarding Matthew Gallegos.

3 MS. BURNHAM: Yes, Mr. Chairman. We move to
4 accept and approve the administrative judge's
5 recommendation to dismiss.

6 CHIEF KASSETAS: So I have a motion to accept
7 the recommendation and to dismiss. Do I have a
8 second?

9 SERGEANT QUEZADA: I'll second.

10 CHIEF KASSETAS: Second by Jaime. Those in
11 favor.

12 (Those in favor so indicate.)

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

15 ITEM NO. 19: VERONICA FICKE

16 CHIEF KASSETAS: Item No. 19, do I have a
17 motion for the matter regarding Veronica Ficke?

18 MR. JONES: Mr. Vice Chair, I'd like to make
19 a recommendation. The statement for the Law
20 Enforcement Academy Board states that Respondent's
21 certification be revoked and the Director's
22 recommendation says approve dismissal.

23 That should read revocation. The Director's
24 recommendation approves revocation.

25 CHIEF KASSETAS: Thank you. It's the record

1 and the Board is aware of that. Thank you, Director.

2 Do I have a motion regarding Veronica Ficke?

3 CHIEF SOLAND: Mr. Chair, I make a motion to
4 approve the administrative judge's recommendation of
5 revocation.

6 CHIEF KASSETAS: Do I have a second?

7 SERGEANT QUEZADA: Second it.

8 CHIEF KASSETAS: Those in favor.

9 (Those in favor so indicate.)

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

12 ITEM NO. 20: BRYAN TRUJILLO

13 CHIEF KASSETAS: On to default orders of
14 revocation. Item No. 20, do I have a motion for the
15 matter regarding Bryan Trujillo?

16 CHIEF McCALL: Mr. Vice Chair, I would like
17 to make a motion to accept the default order of
18 revocation for Mr. Trujillo.

19 CHIEF KASSETAS: Do I have a second?

20 SHERIFF WALLER: Second.

21 CHIEF KASSETAS: Those in favor.

22 (Those in favor so indicate.)

23 CHIEF KASSETAS: Those opposed? Hearing none
24 opposed, the motion carries. I would also like to
25 note for the record that I recused myself from item

1 No. 20.

2 ITEM NO. 21: VICTOR GROSSETETE

3 CHIEF KASSETAS: Regarding item No. 21,
4 Victor Grossetete, we are going to table item No. 21
5 due to the fact that this individual is in active duty
6 National Guard status. So we will table that either
7 to the next meeting or when we obtain information that
8 he is not on active duty status with the military.

9 ITEM NO. 22: LEONARD STUFFLEBEAN

10 CHIEF KASSETAS: On to item No. 22, do I have
11 a motion for the matter regarding Leonard Stufflebean?

12 MS. BURNHAM: Yes, Mr. Vice Chair. I move to
13 approve the default order of revocation.

14 CHIEF KASSETAS: Do I have a second?

15 SHERIFF WALLER: Second.

16 CHIEF KASSETAS: Those in favor.

17 (Those in favor so indicate.)

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

20 ITEM NO. 23: SOLOMON ROMERO

21 CHIEF KASSETAS: Item No. 23, Solomon Romero.
22 Do I have a motion for the matter regarding Solomon
23 Romero?

24 SERGEANT QUEZADA: Yes. Mr. Vice Chair, I
25 would like to make a motion to accept the

1 recommendation of the revocation.

2 CHIEF KASSETAS: Do I have a second?

3 CHIEF McCALL: Second.

4 CHIEF KASSETAS: Those in favor.

5 (Those in favor so indicate.)

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

8 ITEM NO. 24: JUSTINE SCHRAEDER

9 CHIEF KASSETAS: Item 24, do I have a motion
10 for the matter regarding Justine Schraeder?

11 SHERIFF WALLER: Mr. Chairman, I move that we
12 approve the default order of revocation.

13 CHIEF KASSETAS: Do I have a second?

14 CHIEF SOLAND: Second.

15 CHIEF KASSETAS: Those in favor.

16 (Those in favor so indicate.)

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

19 ITEM NO. 25: ANTHONY ROZEMA

20 CHIEF KASSETAS: Item 25, do I have a motion
21 for the matter regarding Anthony Rozema?

22 CHIEF McCALL: Mr. Vice Chair, I would like
23 to make a motion to accept the default order of
24 revocation.

25 CHIEF KASSETAS: Do I have a second?

1 SERGEANT QUEZADA: Second it.

2 CHIEF KASSETAS: Those in favor.

3 (Those in favor so indicate.)

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

6 ITEM NO. 25A: JAMES PENGELLY

7 CHIEF KASSETAS: On to stipulated orders of
8 suspension, item 25A. Do I have a motion for the
9 matter regarding James Pengelly?

10 SERGEANT QUEZADA: Yes, Mr. Vice Chair. I
11 would like to make a motion to reject the proposed
12 stipulated order and refer it back to the Director.

13 CHIEF KASSETAS: Do I have a second?

14 SHERIFF WALLER: Second.

15 CHIEF KASSETAS: Those in favor.

16 (Those in favor so indicate.)

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

19 ITEM NO. 26: PABLO PADILLA

20 CHIEF KASSETAS: On to formal hearings. Item
21 No. 26, do I have a motion for the matter regarding
22 Pablo Padilla?

23 CHIEF McCALL: Mr. Vice Chair, I would like
24 to make a motion for revocation.

25 CHIEF KASSETAS: Do I have a second?

1 CHIEF SOLAND: Second.

2 CHIEF KASSETAS: Those in favor.

3 (Those in favor so indicate.)

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

6 ITEM NO. 27: JASON TRUJILLO

7 CHIEF KASSETAS: Item No. 27, do I have a
8 motion for the matter regarding Jason Trujillo?

9 MS. BURNHAM: Yes, Mr. Chairman. The Board
10 moves to modify the findings of fact in this matter as
11 to the findings of fact No. 2 on page 3 of the Hearing
12 Officer's recommended decision.

13 CHIEF KASSETAS: Let's pause for ten minutes
14 so the rain may pass.

15 (Break.)

16 CHIEF KASSETAS: So let's go back into
17 session. And for the record I'd like to note that we
18 took a slight break to allow the rain to pass as we
19 are in a metal building it seems and it was very loud.

20 And the court reporter tried her best but
21 could not hear everybody. So now I think we're past
22 that. So I'll talk fast because, it might be coming
23 back.

24 So let's start over with item No. 27, Jason
25 Trujillo. Do I have a motion for the matter regarding

1 Jason Trujillo?

2 MS. BURNHAM: Yes, Mr. Vice Chairman, you do.
3 We have a motion to modify the findings of fact by the
4 Hearing Officer in this case. Starting on page 3,
5 paragraph 2, of those findings of fact, the second
6 sentence of that paragraph should read -- and Mr. Word
7 will help me if I goof it up again.

8 But it should read, "It was established that
9 on July 8th, 2015, and on July 23rd, 2015, that this
10 proceeding was commenced within the 90-day period
11 required by NMAC 10-29-1.13 and the citation to the
12 transcript is correct."

13 As to paragraph 11, the Board would move to
14 add to the findings of fact at paragraph 11, pages 4
15 and 5, that Respondent, in fact, took \$350 to the
16 meeting with Mr. Sopyn regarding the Ruger.

17 And the Board also wishes to make changes in
18 paragraph 22 of the findings of fact. And we find
19 that the Hearing Officer erred in paragraph 22 when he
20 said, "Although possibly inferred by Mr. Sopyn, no
21 evidence was presented during this proceeding that
22 established a quid pro quo. The transaction occurred
23 at the time of the transaction."

24 So we would like that stricken, the sentence
25 that I just read. We would like that replaced with

1 the following: Evidence was presented. (A),
2 Respondent took \$350 to a meeting with Mr. Sopyn about
3 the Ruger; (B), Respondent paid only \$10 for the
4 weapon; (C), Respondent dismissed citations at
5 Mr. Sopyn's request; and (D), Respondent contacted
6 another officer regarding the dismissal of tickets for
7 Mr. Sopyn at Mr. Sopyn's request.

8 The Board respectfully disagrees with the
9 paragraph in the recommended decision on page 9. The
10 Board wishes to strike the findings in the recommended
11 decision and to supplant it with what's on pages 8 and
12 9 and 10.

13 And the Board finds that, by a preponderance
14 of the evidence, that the Respondent did commit acts
15 that indicated a lack of moral character to the degree
16 that it would adversely affect his ability to exercise
17 the duties of a certified law enforcement officer.
18 Accordingly, the Board recommends that Mr. Trujillo's
19 certification be revoked, we revoke his certification.

20 CHIEF KASSETAS: So as I understand it, we
21 have a motion to revoke Jason Trujillo's
22 certification. Do I have a second?

23 CHIEF McCALL: Second.

24 CHIEF KASSETAS: Second by Chris McCall.
25 Those in favor.

1 (Those in favor so indicate.)

2 CHIEF KASSETAS: Those opposed? Hearing none
3 opposed, the motion carries. I'd like to note for the
4 record that I recused myself as I am the individual
5 bringing this action forward as the State Police
6 Chief.

7 ITEM NO. 28: SHANE UTLEY

8 CHIEF KASSETAS: On to item 28. I'm also
9 recusing myself from this item. Do I have a motion in
10 the matter regarding Shane Utley?

11 MS. MILLER: Mr. Chairman, I make the motion
12 to accept the Hearing Officer's report and findings of
13 fact and to revoke.

14 CHIEF KASSETAS: Do I have a second?

15 SHERIFF WALLER: Second.

16 CHIEF KASSETAS: I have a second by Wesley
17 Waller. Those in favor say aye.

18 (Those in favor so indicate.)

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

21 CHIEF SOLAND: For the record I want it to
22 reflect that I recused myself from agenda item No. 28.

23 CHIEF KASSETAS: Board Member Darren Soland
24 also recused himself from item 28.

25 ITEM NO. 32: ADJOURNMENT

1 CHIEF KASSETAS: That brings us to the end of
2 our actionable items. Board Members, do you have any
3 other items or issues we need to discuss before we
4 bring the meeting to a close?

5 Hearing none, I would like to entertain a
6 motion to end the meeting.

7 SERGEANT QUEZADA: Vice Chair, I'll make the
8 motion to adjourn the meeting for today.

9 CHIEF KASSETAS: I have a motion. A second?

10 CHIEF SOLAND: Second.

11 CHIEF KASSETAS: The motion carries to close
12 the meeting. Be safe traveling home in the rain.

13 (At 2:45 p.m. the meeting was concluded.)

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

I, JAN A. WILLIAMS, New Mexico CCR #14, DO
HEREBY CERTIFY that on October 21, 2015, the
proceedings in the above captioned matter were taken
before me, that I did report in stenographic shorthand
the proceedings set forth herein, and the foregoing
pages are a true and correct transcription to the best
of my ability.

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

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