

NEW MEXICO LAW ENFORCEMENT ACADEMY
REGULAR BOARD MEETING

December 16, 2015

8:30 a.m.

Dona Ana Community College

East Mesa Campus

2800 Sonoma Ranch Boulevard

Las Cruces, New Mexico 88011

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

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BOARD MEMBERS

Chief Pete Kassetas, Vice Chairman
Sergeant Jaime Quezada
Chief Chris McCall
Sheriff Wesley Waller
Chief Darren Soland
Scot Key
Elisabeth Miller
Kelly Burnham

ALSO PRESENT

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

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1 ITEM NO. 1: CALL TO ORDER

2 CHIEF KASSETAS: Good morning, everybody.

3 Let's call the meeting to order. I'll be taking the
4 helm today as Vice Chair as the Chair is not here this
5 morning.

6 ITEM NO. 2: ROLL CALL

7 CHIEF KASSETAS: The first order of business
8 is to take the roll call.

9 MS. PARKS: Mr. Scot Key.

10 MR. KEY: Present.

11 MS. PARKS: Chief Pete Kassetas.

12 CHIEF KASSETAS: Present.

13 MS. PARKS: Sheriff Wesley Waller.

14 SHERIFF WALLER: Present.

15 MS. PARKS: Chief Darren Soland.

16 CHIEF SOLAND: Present.

17 MS. PARKS: Chief Chris McCall.

18 CHIEF McCALL: Present.

19 MS. PARKS: Sergeant Jaime Quezada.

20 SERGEANT QUEZADA: Present.

21 MS. PARKS: Ms. Kelly Burnham.

22 Ms. Elisabeth Miller.

23 MS. MILLER: Present.

24 CHIEF KASSETAS: Okay. Thank you. So before
25 we go into executive closed session, I'll do a roll

1 call to see if anybody is here as it relates to the
2 agenda.

3 Under dismissals we have David Luginbuhl.
4 David, are you here? David. Do you want the
5 opportunity to address the Board?

6 MR. LUGINBUHL: Yes.

7 CHIEF KASSETAS: Why don't you go ahead and
8 step up. By chance did you receive your Notice of
9 Final Action?

10 MR. LUGINBUHL: From the department or from
11 here?

12 CHIEF KASSETAS: From the Law Enforcement
13 Academy.

14 MR. LUGINBUHL: I did. That was the first
15 notice I ever received. So then I asked if I could
16 restart the process with the Board since I never
17 received anything else from the Board.

18 CHIEF KASSETAS: Okay.

19 MR. LUGINBUHL: So they sent me then a Notice
20 of Contemplated Action. And then I went to the
21 informal hearing.

22 CHIEF KASSETAS: So you've been through all
23 that process?

24 MR. LUGINBUHL: Yes.

25 CHIEF KASSETAS: All right, sir. You can

1 talk about your case, if you want to. You don't have
2 to.

3 MR. LUGINBUHL: I didn't know if I should go
4 into detail or not.

5 CHIEF KASSETAS: You don't really need to. I
6 mean you can be here, you can wait for us to come out
7 of closed session and ratify that decision. But
8 there's no requirement for you to talk about it.

9 MR. LUGINBUHL: Okay. I just did want to say
10 that it was taken out of proportion and it should have
11 been handled internally. It was a lack of judgment on
12 my part for that. You know, I do apologize.

13 CHIEF KASSETAS: Okay.

14 MR. LUGINBUHL: But that's as much as I can
15 say.

16 CHIEF KASSETAS: Thank you, David. I
17 appreciate it.

18 MR. LUGINBUHL: Thank you.

19 CHIEF KASSETAS: Moving on to default orders
20 of suspension, are Carolyn, Jeffrey, or Israel here?

21 MS. NEWMAN: Carolyn Newman is present, sir.

22 CHIEF KASSETAS: Carolyn, do you want to
23 address the Board?

24 MS. NEWMAN: Yes, sir, I do.

25 CHIEF KASSETAS: Come on up.

1 MS. NEWMAN: Good morning, everybody. My
2 name is Carolyn Newman and I'm here. I did receive my
3 notification. And the judgment there that I received
4 from the New Mexico Law Enforcement Academy was 18
5 months suspension.

6 I have not been a law enforcement officer for
7 13 months. This incident took place in November 2014,
8 which I take full responsibility for. If you guys
9 haven't read this case, I was involved in a traffic
10 accident, I rear-ended a male individual at a stop
11 sign.

12 I was going about five miles an hour and
13 broke his taillights. I had been drinking. I did
14 admit that I was drinking and that I was at fault,
15 although I did run from the scene of the crash.

16 Later on Carlsbad Police Department responded
17 to my house with the male individual that I ran into.
18 They were standing outside my garage. And he was
19 standing at the end of my driveway screaming at me.
20 At that point in time, due to him screaming at me and
21 me being in my home, I decided not to talk to the
22 police officers at the time.

23 What I did go ahead and do is the next day I
24 went ahead and contacted the municipal judge and let
25 him know what happened, let him know that I was taking

1 full responsibility for it so that I could receive a
2 summons and my traffic citations in the mail.

3 I did go to court, I did plead no contest,
4 and I did pay my fines. I also filed everything
5 through my insurance. I was brought up in a way that
6 we do things right. And the reason I'm here is
7 because that's what I want to do, is I want to make
8 things right.

9 I was a police officer with Eddy County
10 Sheriff's Department which I'm very proud to say for
11 six years. I'm the first female ever to graduate the
12 academy for Eddy County in Hobbs and also the first
13 female sergeant ever in the history of Eddy County.
14 So my career is something that I'm very, very prideful
15 for.

16 What I would like to do -- and I don't know
17 if this is possible. But every day I wake up for the
18 last 13 months and I just want to be a cop again.
19 It's something that I love, it's something that I care
20 about, and it's something that I live for every single
21 day to do again.

22 What I would like you to do is consider the
23 fact that I have not been a cop for the last
24 13 months. It is so important to me that I went ahead
25 and did my biennium training in October of this year

1 at Hobbs. I went ahead and made sure that I kept all
2 my stuff up-to-date so that I could keep my
3 certification as a police officer.

4 Once again I just want you guys to know that
5 I'm very sorry. I embarrassed myself, my family, my
6 department, my state, and you guys as well. And I'm
7 willing to take responsibility for that. I want the
8 opportunity to make things right.

9 I want to gain the trust of my community
10 again and the trust of my fellow officers and the
11 trust of you guys once again.

12 CHIEF KASSETAS: Any of the Board Members
13 have any questions?

14 MR. KEY: I have one question. Carolyn,
15 explain, if you will, what brought you to go to the
16 municipal judge the next morning?

17 MS. NEWMAN: The Carlsbad Police Department
18 is a municipality. And so everything goes through the
19 municipal judge. The reason I felt like I should just
20 go to the municipal judge is because I didn't talk to
21 the police officers the night before.

22 And I wanted to go straight to the source,
23 let him know what had happened, so that way, when he
24 received my citations, he knew that I was going to
25 come to court and I was going to do the right thing.

1 MR. KEY: So no citation had been filed as of
2 yet?

3 MS. NEWMAN: No, sir.

4 MR. KEY: So you had a discussion with the
5 judge on an ex parte basis?

6 MS. NEWMAN: Yes, sir.

7 MR. KEY: Did you feel that was appropriate?

8 MS. NEWMAN: Did I feel it was appropriate?

9 MR. KEY: Yes. Talking to a municipal judge
10 without the other side being present.

11 MS. NEWMAN: The other side as the victim?

12 MR. KEY: No. The police officer.

13 MS. NEWMAN: I felt like it was just the
14 right thing to do at the time, sir. I felt like I
15 just needed to go straight to the judge and let him
16 know this was what was going on, this was what I did,
17 so that I could expect my citations and get what I
18 needed.

19 MR. KEY: All right. Thank you, Carolyn.

20 CHIEF KASSETAS: I have a couple of quick
21 questions. Why did you leave the scene?

22 MS. NEWMAN: Number one, sir, I had been
23 drinking. And I fully admitted to that. And I was
24 scared. I was concerned that I could possibly go to
25 jail. I don't know. I've worked hard to do, you

1 know, my SFST instructor, my use-of-force instructor,
2 my general police instructor.

3 And, you know, I understand the full
4 circumstances, you know, at what certain level certain
5 things are. And I was scared. It wasn't the right
6 thing to do and I know it wasn't the right thing to
7 do. And that's why I wanted to do the right thing.

8 CHIEF KASSETAS: Well, if you want to do the
9 right thing after I guess, I suppose I can applaud you
10 for stepping up and taking responsibility. But at the
11 end of the day, you could have gotten a possible DWI,
12 correct?

13 MS. NEWMAN: Correct, yes, sir.

14 CHIEF KASSETAS: And that's the flat-out
15 reasoning behind leaving is what I'm assuming. So you
16 were never give an opportunity to clear yourself as a
17 DWI driver because you didn't give the police the
18 opportunity to do it. And then there was an
19 allegation about you painting over some car parts?

20 MS. NEWMAN: No, sir. What had happened
21 there is during that time they had completely
22 re-tarred and paved the Loving Highway, which I live
23 off of.

24 So driving that road every single day, all of
25 my vehicles had tar. And every one of my neighbors

1 have tar on the front of their vehicles. I never
2 altered my truck, I never even to this day done
3 anything to my truck because there was no damage to my
4 truck at all.

5 CHIEF KASSETAS: And what do you think should
6 happen to you? You kind of alluded to the fact that
7 you've been out of law enforcement for 13 months,
8 right?

9 MS. NEWMAN: Yes, sir.

10 CHIEF KASSETAS: Are you indicating to the
11 Board that you feel that that should maybe be your
12 suspension time?

13 MS. NEWMAN: No, sir. I agree with the
14 18 months. What I'm asking is that my 13 months that
15 I haven't been a police officer be considered in this
16 factor.

17 I didn't seek other employment due to the
18 fact that I knew that I needed to face the Board and
19 take care of this matter before I decided to apply to
20 another agency. I went and did my biennium training
21 because I was trying to stay on track. It's very
22 important to me, because I do want to stay a police
23 officer in the State of New Mexico.

24 CHIEF KASSETAS: And this was submitted on
25 11/14 to LEA?

1 MS. NEWMAN: Yes, sir. And that was
2 submitted by the victim, the other individual in the
3 crash. It was not submitted by any other agency.

4 CHIEF KASSETAS: Not by your department?

5 MS. NEWMAN: No. It was not submitted by
6 Eddy County nor was it submitted by Carlsbad Police
7 Department.

8 CHIEF KASSETAS: Thank you. Any other
9 questions of the Board?

10 MS. BURNHAM: May I ask, at the time that
11 this happened, did you consider that you had an
12 alcohol problem?

13 MS. NEWMAN: No, ma'am.

14 MS. BURNHAM: So you've taken no steps
15 regarding alcohol counseling or anything like that?

16 MS. NEWMAN: No, ma'am. I don't feel like I
17 have an alcohol problem. I was just having a few
18 drinks with some friends for lunch. And at this point
19 in time, I have hardly ever or rarely drink. I work
20 12-hour shifts. And it was just one of the days with
21 the girls.

22 MS. BURNHAM: Thank you.

23 CHIEF KASSETAS: Thank you for your time.

24 MS. NEWMAN: Thank you.

25 CHIEF KASSETAS: Do we have Brendolyn, Pedro,

1 or Adrian here? No.

2 So that is all of the cases that we'll be
3 looking at in closed session. So during this session
4 the Board may enter into a closed session to discuss
5 the following licensing matters pursuant to NMSA
6 1978 Sections 10-15-1(H)(1) and (3).

7 So I will make the motion that the Board go
8 into closed executive session to discuss only those
9 matters listed on the agenda under executive session
10 pursuant to NMSA 1978 Section 10-15-1(H). Do I have a
11 second?

12 MR. KEY: Second.

13 CHIEF KASSETAS: We'll need a roll call vote
14 to go into closed session.

15 MS. PARKS: Mr. Scot Key.

16 MR. KEY: Yes.

17 MS. PARKS: Chief Pete Kassetas.

18 CHIEF KASSETAS: Yes.

19 MS. PARKS: Sheriff Wesley Waller.

20 SHERIFF WALLER: Yes.

21 MS. PARKS: Chief Darren Soland.

22 CHIEF SOLAND: Yes.

23 MS. PARKS: Chief Chris McCall.

24 CHIEF McCALL: Yes.

25 MS. PARKS: Sergeant Jaime Quezada.

1 SERGEANT QUEZADA: Yes.

2 MS. PARKS: Ms. Kelly Burnham.

3 MS. BURNHAM: Yes.

4 MS. PARKS: Ms. Elisabeth Miller.

5 MS. MILLER: Yes.

6 CHIEF KASSETAS: Okay. We're now in closed
7 session. So the Board Members please remain. Thank
8 you.

9 (Recess.)

10 CHIEF KASSETAS: Members of the Board, the
11 Board is back in open session. And I affirm that,
12 while in closed session, this Board discussed only
13 those matters specified in the motion to close the
14 meeting and listed on the agenda under executive
15 session in accordance with NMSA 1978 Section
16 10-15-1(H).

17 ITEM NO. 3: DAVID LUGINBUHL

18 CHIEF KASSETAS: Now that we're back in
19 session, we'll go to agenda item No. 3. Do I have a
20 motion for the matter regarding David Luginbuhl?

21 CHIEF McCALL: Mr. Vice Chair, I would like
22 to make a motion to accept the recommendation of the
23 administrative judge.

24 CHIEF KASSETAS: We have a motion to accept
25 the recommendation. Do I have a second?

1 SHERIFF WALLER: Second.

2 CHIEF KASSETAS: Seconded by Sheriff Waller.

3 Those in favor.

4 (Those in favor so indicate.)

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

7 ITEM NO. 4: MATTHEW MARTINEZ

8 CHIEF KASSETAS: Item No. 4, Matthew
9 Martinez. Do I have a motion for the matter regarding
10 Matthew Martinez?

11 MR. KEY: Yes. Mr. Vice Chairman, I make a
12 motion that we approve the administrative judge's
13 recommendation that the LEA-90 documents identifying
14 internal policy violations is outside the purview of
15 this Board.

16 CHIEF KASSETAS: I have a motion to accept
17 the recommendation. Do I have a second?

18 MS. BURNHAM: Second.

19 CHIEF KASSETAS: All those in favor.

20 (Those in favor so indicate.)

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

23 ITEM NO. 5: CAROLYN NEWMAN

24 CHIEF KASSETAS: On to default orders of
25 suspension. For No. 5, do I have a motion for the

1 matter regarding Carolyn Newman?

2 SERGEANT QUEZADA: Yes. Mr. Vice Chair, I
3 would like to make a motion to accept the
4 recommendation of a suspension of 18 months.

5 CHIEF KASSETAS: We have a recommendation to
6 accept an 18-month suspension. Do I have a second?

7 MR. KEY: Second.

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. 7: JEFFREY BURKE

13 CHIEF KASSETAS: On to item No. 7, do I have
14 a motion for the matter regarding Jeffrey Burke?

15 SERGEANT QUEZADA: Yes. Mr. Vice Chair, I
16 would like to make a motion in this matter to accept
17 the recommendation of the one-year suspension.

18 CHIEF KASSETAS: So I have a recommendation
19 for a one-year suspension regarding Jeffrey Burke. Do
20 I have a second?

21 CHIEF McCALL: Second.

22 CHIEF KASSETAS: Those in favor.

23 (Those in favor so indicate.)

24 CHIEF KASSETAS: Those opposed? Hearing
25 none, the motion carries. There will be a notation on

1 the record that myself, Vice Chair Pete Kassetas,
2 Chief Darren Soland, and Sheriff Wesley Waller all
3 recused ourselves from this particular action item.

4 ITEM NO. 8: ISRAEL SAENZ, JR.

5 CHIEF KASSETAS: On to No. 8. Do I have a
6 motion for the matter regarding Israel Saenz?

7 MS. MILLER: Yes. Mr. Vice Chairman, I make
8 a motion that we approve the default order of
9 suspension for 18 months.

10 CHIEF KASSETAS: We have a motion to approve
11 the 18-month suspension. Do I have a second?

12 CHIEF SOLAND: Second.

13 CHIEF KASSETAS: Seconded by Darren Soland I
14 believe. I heard two different voices there. Those
15 in favor.

16 (Those in favor so indicate.)

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

19 ITEM NO. 9: BRENDOLYN BEGAY

20 CHIEF KASSETAS: On to default orders of
21 revocation. Do I have a motion for the matter
22 regarding Brendolyn Begay?

23 SHERIFF WALLER: Mr. Vice Chairman, I move
24 that we accept the Director's recommendation of
25 revocation.

1 CHIEF KASSETAS: Do I have a second?

2 SERGEANT QUEZADA: Second it.

3 CHIEF KASSETAS: Those in favor.

4 (Those in favor so indicate.)

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

7 CHIEF SOLAND: Mr. Vice Chair, I would like
8 to make a notation for the record that I recused
9 myself in this case.

10 CHIEF KASSETAS: Very well. Chief Soland
11 recuses himself in this particular case.

12 ITEM NO. 10: PEDRO CHACON

13 CHIEF KASSETAS: For item No. 10, I actually
14 think that Pedro Chacon was removed. He indicated he
15 did not receive the information. So the Board will
16 not address this item at this time.

17 ITEM NO. 11: ADRIAN CHAVEZ

18 CHIEF KASSETAS: On to item No. 11. Do I
19 have a motion for the matter regarding Adrian Chavez?

20 MS. BURNHAM: Yes, Mr. Vice Chairman. There
21 is a motion to accept the Hearing Officer's
22 recommendation of suspension for nine months. We move
23 to approve that.

24 CHIEF KASSETAS: So I have a motion for
25 suspension of nine months. Do I have a second?

1 SHERIFF WALLER: Second.

2 CHIEF KASSETAS: Seconded by Sheriff Waller.
3 Those in favor.

4 (Those in favor so indicate.)

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

7 ITEM NO. 12: VERONICA FICKE

8 CHIEF KASSETAS: On to item No. 12, Veronica
9 Ficke. I believe we need a motion to rescind.

10 CHIEF SOLAND: Yes. Mr. Vice Chair, I make a
11 motion to rescind the prior order regarding Veronica
12 Ficke and send the matter back to the Director. This
13 motion is based upon the attorney for Veronica Ficke
14 filing a legal affidavit that he did not receive
15 registered mail regarding this notice.

16 CHIEF KASSETAS: So we have a motion to
17 rescind this Board action regarding Veronica Ficke.
18 Do I have a second?

19 CHIEF McCALL: Second.

20 CHIEF KASSETAS: Those in favor.
21 (Those in favor so indicate.)

22 CHIEF KASSETAS: Those opposed? That motion
23 does carry.

24 ITEM NO. 13: JESUS BENCOMO

25 CHIEF KASSETAS: On to formal hearings. Next

1 is item No. 13, Jesus Bencomo. Do I have a motion for
2 the matter regarding Jesus Bencomo?

3 MR. KEY: Yes. Mr. Vice Chairman, I make a
4 motion first to adopt the findings of fact of the
5 Hearing Officer in this case. And I move that we
6 adopt the Hearing Officer's recommendation of
7 revocation.

8 CHIEF KASSETAS: We have a recommendation for
9 revocation. Do I have a second?

10 MR. KEY: Mr. Vice Chairman, can I amend my
11 motion.

12 CHIEF KASSETAS: Most certainly.

13 MR. KEY: Actually the Hearing Officer cannot
14 make any recommendations. My motion should be that we
15 adopt the findings of fact of the Hearing Officer and
16 I move the Board to recommend revocation on the
17 matter.

18 CHIEF KASSETAS: We have a motion for
19 revocation. Do I have a second?

20 SERGEANT QUEZADA: I'll second it.

21 CHIEF KASSETAS: Those in favor of
22 revocation.

23 (Those in favor so indicate.)

24 CHIEF KASSETAS: Those opposed? Hearing none
25 opposed, the motion carries. The certification for

1 Jesus Bencomo is revoked.

2 ITEM NO. 14: JEFFREY JIRON

3 CHIEF KASSETAS: Item No. 14, do I have a
4 motion for the matter regarding Jeffrey Jiron.

5 MS. BURNHAM: Yes, Mr. Vice Chairman. After
6 consideration the Board takes note that the state has
7 several parallel proceedings to address the problems
8 in this case. Among them are the steps taken by the
9 Respondent, Mr. Jiron, with the help of the CYFD, and
10 the stringent steps taken by the Respondent's previous
11 employer, the Isleta Tribal Police Department, of
12 terminating him.

13 We, therefore, agree with the findings of the
14 Hearing Officer that Respondent did commit an act that
15 indicates a lack of moral character. But he has also
16 learned from this act and is salvageable as a police
17 officer we believe.

18 Therefore, we approve the Hearing Officer's
19 recommendation and we find that he should be suspended
20 for a period of 60 days but that 30 days of that
21 60 days should be suspended because of the mitigating
22 circumstances in the case.

23 Therefore, the Board will order a total
24 suspension of 30 days. And for the record we do adopt
25 the findings of fact of the Hearing Officer.

1 CHIEF KASSETAS: I have a motion for a 60-day
2 suspension with 30 days credited for mitigating
3 circumstances and also to adopt the findings of the
4 Hearing Officer. Do I have a second?

5 SHERIFF WALLER: Second.

6 CHIEF KASSETAS: Seconded by Sheriff Waller.
7 Those in favor.

8 (Those in favor so indicate.)

9 CHIEF KASSETAS: Any opposed?

10 (Those in opposition so indicate.)

11 CHIEF KASSETAS: I'll need a count of those
12 opposed because I couldn't tell who said nay in the
13 vote.

14 MS. PARKS: Mr. Scot Key.

15 MR. KEY: Opposed.

16 MS. PARKS: Chief Pete Kassetas.

17 CHIEF KASSETAS: In favor.

18 MS. PARKS: Sheriff Wesley Waller.

19 SHERIFF WALLER: In favor.

20 MS. PARKS: Chief Darren Soland.

21 CHIEF SOLAND: Opposed.

22 MS. PARKS: Chief Chris McCall.

23 CHIEF McCALL: Opposed.

24 MS. PARKS: Sergeant Jaime Quezada.

25 SERGEANT QUEZADA: In favor.

1 MS. PARKS: Ms. Kelly Burnham.

2 MS. BURNHAM: In favor.

3 MS. PARKS: Ms. Elisabeth Miller.

4 MS. MILLER: In favor.

5 CHIEF KASSETAS: So that puts us at five
6 Board Members in favor of the action and three opposed
7 to it. So the motion carries. Let the record reflect
8 the two-month suspension with one month credited for
9 of total of 30 days suspension of his certification
10 and also the Board adopts the findings of the Hearing
11 Officer.

12 ITEM NO. 15: ADJOURNMENT

13 CHIEF KASSETAS: That concludes the portion
14 of the LEA Board's meeting to address officer
15 disciplinary conduct. I would entertain a motion to
16 adjourn.

17 CHIEF McCALL: Motion to adjourn.

18 CHIEF KASSETAS: I have a motion. Do I have
19 a second?

20 SERGEANT QUEZADA: I'll second it.

21 CHIEF KASSETAS: Those in favor.

22 (Those in favor so indicate.)

23 CHIEF KASSETAS: Thanks, everybody. We are
24 adjourned. Thank you, Board Members.

25 (At 11:00 a.m. the meeting was in recess.)

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REPORTER'S CERTIFICATE

I, JAN A. WILLIAMS, New Mexico CCR #14, DO
HEREBY CERTIFY that on December 16, 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