

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
APRIL 15, 2009
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on April 15, 2009, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Dr. Scott Decker
Detective Lee Ann Dobbertin
Deputy Director Pennie Gillette-Stroud, representing Director Vanderpool
Attorney General Terry Goddard
Chief Patricia Huntsman
Interim Director Charles Ryan
Director Jerry Sheridan
Sergeant Robert Thompson
Sheriff Tom Sheahan

Members Absent:

Sheriff John Armer
Ms. Wendy Larsen

Staff in Attendance:

Ted Brandon
Dan Ciernia
Marie Dryer
Rosalee Fitch
Tom Hammarstrom
Steve Jacobs
Lori Ketron
Lynn Larson
Lyle Mann
Gary Maschner
Curt Milam
Paul Orfe
Sandy Sierra
Maria Valtierra

Assistant Attorneys General

Nancy Beck
Diana Stabler

A. CALL TO ORDER

Chairman Duarte called the meeting to order at 10:01 a.m. Agenda items #D and #E were taken out of order and were heard before items #B and #C.

B. EXECUTIVE SESSION – PERSONNEL MATTER – EXECUTIVE DIRECTOR

Chief Huntsman made a motion to go into executive session for the purpose of considering a personnel matter regarding the executive director and for legal advice related to that matter, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

The Board voted to go into executive session at 10:16 a.m. for legal advice. The open meeting reconvened at 10:38 a.m.

C. CONSIDERATION OF EXECUTIVE DIRECTOR SELECTION PROCESS

The executive director selection process was discussed. Director Sheridan made a motion to seek a candidate through an internal process as outlined in the examination plan presented to the Board, seconded by Chief Huntsman, motion carried unanimously.

Mr. Duarte appointed a subcommittee to rank the candidates. Subcommittee members are: Sgt. Thompson, Chief Huntsman, Dr. Decker and Director Ryan.

The selection process will begin immediately.

D. INTRODUCTIONS AND PRESENTATIONS

Director Hammarstrom presented a plaque to Rod Covey. Rod was the executive director of the Center for Leadership Excellence at Arizona POST. He is retiring effective April 17, 2009, after 32 years of service with the Department of Public Safety. Also recognizing Rod and showing their gratitude for his service were Lt. Peru of the Pima County Sheriff's Department, Deputy Director Gillette-Stroud of the Department of Public Safety and Commander Williams of the Phoenix Police Department.

E. REPORT FROM THE CENTER FOR LEADERSHIP EXCELLENCE

For his last presentation to the Board, Rod Covey provided a report on classes presented by the Center for Leadership Excellence. He also informed the Board of upcoming classes.

F. FINAL ACTION CASES:Case #1 – Daniel A. Coronado - Mesa Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Sheahan made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Director Sheridan, motion carried unanimously.

Case #2 – Forrest W. Mueller – AZ Department of Public Safety

Deputy Director Gillette-Stroud recused herself from this case. The Board considered comments from Assistant A. G. Nancy Beck and Janet Feltz, attorney for Mr. Mueller. Director Sheridan made a motion to adopt the Consent Agreement, Stipulated Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Justin E. Bearden – White Mountain Apache Police Department

The Board considered comments from Assistant A. G. Diana Stabler and Mr. Bearden. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #4 – John B. Collins – Kearny Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Detective Dobbertin made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Dr. Decker, motion carried unanimously.

Case #5 – Gary D. Condit Jr. – Florence Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Detective Dobbertin, motion carried unanimously.

Case #6 – Brian A. Fogle – Kearny Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Sheahan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Sheridan, motion carried unanimously.

Case #7 – Bradley T. Forward – Chandler Police Department

Attorney General Goddard recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Deputy Director Gillette-Stroud made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #8 – Patrick J. Mahaney – AZ Department of Transportation - MVD

The Board considered comments from Assistant A. G. Nancy Beck and Mr. Mahaney. Director Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and impose a three year delay in eligibility to apply for peace officer certification, beginning on April 15, 2009, seconded by Sgt. Thompson, motion carried with one nay vote. Mr. Mahaney publicly stated his consent to the sanction offered by Director Sheridan in his motion.

G. NEW CHARGING CASES:Case #1 – Jamie Bernau – Mesa Police Department

Director Sheridan made a motion to close this case with **No Action**, seconded by Dr. Decker, motion carried with one nay vote.

Case #2 – Nelson L. Fink – AZ Department of Corrections

Director Ryan recused himself from this case. Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Director Sheridan, motion carried unanimously.

Case #3 – Audrey Glemba – Mesa Police Department

Director Sheridan made a motion to close this case with **No Action**, seconded by Chief Huntsman, motion carried unanimously.

Case #4 – Nedzad Hidic – Maricopa County Sheriff's Office

Director Sheridan recused himself from this case. Deputy Director Gillette-Stroud made a motion to **Initiate Proceedings**, seconded by Director Ryan, motion failed with a 4-5 vote. Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Detective Dobbertin, motion carried with two nay votes.

Case #5 – Ernesto Lugo – San Luis Police Department

Chief Huntsman made a motion to close this case with **No Action**, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #6 – Arthur M. Ross – Marana Police Department

Director Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried unanimously.

Case #7 – Thomas E. Taylor III – Pima County Sheriff's Department

Detective Dobbertin recused herself from this case. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

H. ADJOURN

Chairman Duarte adjourned the meeting at 11:51 a.m.