

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
AUGUST 19, 2009
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on August 19, 2009, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff John Armer
Dr. Scott Decker
Detective Lee Ann Dobbertin
Chief Patricia Huntsman
Ms. Wendy Larsen
Director Charles Ryan
Sheriff Tom Sheahan
Director Jerry Sheridan
Deputy Director Pennie Gillette-Stroud, representing Director Roger Vanderpool
Sergeant Robert Thompson

Members Absent:

Mr. Joseph Duarte, Chairman
Attorney General Terry Goddard

Staff in Attendance:

Ted Brandon
Dan Ciernia
Marie Dryer
Rosalee Fitch
Jon Heiden
Lynn Howe
Steve Jacobs
Lyle Mann
Gary Maschner
Curt Milam
Paul Orfe
Sandy Sierra
Chester Szoltysik
Maria Valtierra
Rick Watling

Assistant Attorneys General
Nancy Beck
Diana Stabler

A. CALL TO ORDER

Acting Chairman Sheridan called the meeting to order at 10:01 a.m.

B. INTRODUCTIONS AND PRESENTATIONS

Director Mann introduced new staff member Chester Szoltysik. Chester is the new LAN/WAN Specialist at AZ POST.

C. TRAINING AUDIT DEFICIENCIES FOR NAVAJO DEPARTMENT OF LAW ENFORCEMENT

Under Arizona Administrative Code, *R13-4-109.01 Restriction of Certified Peace Officer Status: Training or Qualification Deficiencies*, "The Board shall restrict certified status if a peace officer fails to satisfy the requirements of R13-4-111." The restriction shall remain in effect until the training or qualification requirement is met and written verification is provided to the Board.

The Navajo Department of Law Enforcement has several officers who have training deficiencies. The deficiencies were discovered in an audit by AZ POST staff.

Sheriff Armer moved to restrict the peace officer certification of Lt. D. Bizahalani, Officer B. Hosteen, Officer M. Lee, Sgt. Wagner and Officer V. Yellowhair under Rule 109.01. The restriction shall be that he/she shall not carry or use a firearm on duty and shall remain in effect until the Board's staff verifies that all deficient training and qualifications have been met, seconded by Detective Dobbertin, motion carried unanimously.

Deputy Director Gillette-Stroud moved to restrict the peace officer certification of Director S. Cowboy, Officer Aaron Johnson, Officer K. Tsosie and Officer R. Woody under Rule 109.01. The restriction shall be that he/she shall not engage in enforcement duties, carry a firearm, wear or display a badge, wear a uniform, make arrests, perform patrol functions or operate a marked police vehicle. These restrictions shall remain in effect until the Board's staff verifies that all deficient training and qualifications have been met, seconded by Ms. Larsen, motion carried unanimously.

D. FINAL ACTION CASES:

Case #1 – William A. Ryberg - Tucson Police Department

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

Case #2 was taken out of order.

Case #2 – Brad S. Bishop – Phoenix Police Department

The Board considered comments from Assistant A. G. Diana Stabler. 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 #3 – Brian A. Baker – Phoenix Police Department

The Board considered comments from Assistant A. G. Nancy Beck and Janet Feltz, attorney for Mr. Baker. Deputy Director Gillette-Stroud made a motion to adopt the Findings of Fact and Conclusions of Law as amended and revoke peace officer certification, seconded by Sheriff Armer, motion carried unanimously.

Case #4 – Gabriel A. Gaona – AZ Department of Public Safety

Deputy Director Gillette-Stroud recused herself from this case. The Board considered comments from Assistant A. G. Nancy Beck. Chief Huntsman 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 – Steven F. Badilla – Salt River Tribal Police Department

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 suspend peace officer certification for a period of one year beginning on March 7, 2009, and ending on March 7, 2010, seconded by Chief Huntsman, motion carried with one nay vote. Mr. Badilla addressed the Board and asked the Board to reconsider its decision and impose a lesser suspension time. The Board considered comments from Mr. Badilla and unanimously declined to reconsider its decision.

Case #6 – David R. Gilstad – Chandler 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 Ms. Larsen, motion carried unanimously.

Case #7 – Nicholas A. Young – Scottsdale Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Armer 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 – Richard R. Garcia – South Tucson Department of Public Safety

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

Case #9 – Richard M. Polk – Phoenix Police Department

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

E. NEW CHARGING CASES:Case #1 – Edward J. McClory – Mesa Police Department

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

Case #2 – William G. Mellinger – Phoenix Police Department

Sheriff Sheahan made a motion to **Initiate Proceedings**, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #3 – Andrew J. Reed – Phoenix Police Department

Detective Dobbertin made a motion to close this case with **No Action**, seconded by Sheriff Armer, motion carried with 3 nay votes.

Case #4 – John P. Sexton – Maricopa County Sheriff's Department

Chairman Sheridan recused himself from this case. Deputy Director Gillette-Stroud was acting chair for this case. Sheriff Armer made a motion to **Initiate Proceedings**, seconded by Director Ryan, motion failed by a 4-5 vote. Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Ms. Larsen, motion carried with 4 nay votes.

Case #5 – Steven M. Vaughn – Cochise County Sheriff's Office

Ms. Larsen made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #6 – Brian A. Woods – Maricopa County Sheriff's Office

Chairman Sheridan recused himself from this case. Deputy Director Gillette-Stroud was acting chair for this case. The Board voted to go into executive session at 11:13 a.m. for consideration of records exempt by law from public inspection and for legal advice. The open meeting reconvened at 11:20 a.m. Ms. Larsen made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

F. ADJOURN

Chairman Sheridan adjourned the meeting at 11:21 a.m.