

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD  
MINUTES OF MEETING  
JANUARY 20, 2010  
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 20, 2010, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman  
Sheriff John Armer  
Detective Lee Ann Dobbertin  
Chief Patricia Huntsman  
Ms. Wendy Larsen  
Mr. Gerald Richard, representing Attorney General Terry Goddard  
Director Charles Ryan  
Sheriff Tom Sheahan  
Director Jerry Sheridan  
Director Roger Vanderpool

Members Absent:

Dr. Scott Decker  
Sergeant Robert Thompson

Staff in Attendance:

Harry Atkins  
Ted Brandon  
Dan Ciernia  
Marie Dryer  
Faith Fennell  
Rosalee Fitch  
Bob Irish  
Steve Jacobs  
Lori Ketron  
Lyle Mann  
Gary Maschner  
Curt Milam  
Paul Orfe  
Sandy Sierra  
Chester Szoltysik  
Maria Wheaton

Assistant Attorney General  
Nancy Beck  
Diana Stabler

Solicitor General  
Christopher Munns

**A. CALL TO ORDER**

Chairman Duarte called the meeting to order at 10:00 a.m.

**B. INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS**

Executive Director Lyle Mann presented Director Roger Vanderpool, of the AZ Department of Public Safety, with a plaque in appreciation for his service as a member of the AZ POST Board from March 2005 until January 2010.

**C. CONSENT AGENDA**

The Consent Agenda was approved unanimously, motion made by Mr. Richard, seconded by Detective Dobbertin.

1. Minutes of the Regular Board meeting, held on November 18, 2009, were approved as written.
2. Minutes of the Charging Board meeting, held on December 16, 2009, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, February 17, 2010, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, March 17, 2010, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

4. Ministerial Actions:
  - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
  - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.

5. Decertification Case Status Report - As of November 30, 2009, the Compliance and Standards Unit had a caseload of 99 active cases. Eleven cases are ready for initial presentation; thirty-five cases need further investigation; fifteen cases are pending service of or response to a Notice of Complaint or Decision; four cases are pending a hearing; eight cases are ready for final action, and twenty-six cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Income and Expense Statement – November 2009
 

Funds as of September 1, 2009	\$1,035,161.15
CJEF Revenue	519,002.50
Expenditures/Encumbrances	(335,155.44)
Balance for September 30, 2009	\$1,219,008.21

#### **D. REGULAR AGENDA**

1. Budget Update  
Executive Director Mann provided the Board with an update on the current budget situation.
2. Direction Concerning Legislative Efforts Impacting Pre-Employment Polygraph Reports  
Executive Director Mann addressed the Board to discuss the possibility of a bill being submitted that will impact pre-employment polygraphs. He is asking for the Board's direction on how to deal with this matter.

Mr. Richard moved that the Executive Director be instructed to lobby in support of legislation which improves the current situation, but lobby against any legislation which limit's the Board's ability to use the polygraph, seconded by Director Sheridan, motion passed unanimously.

3. Request for Full Authority Restricted Peace Officer Certification – AZ Corporation Commission

The AZ Corporation Commission is requesting the Board grant Michael D. Brokaw full authority "restricted" peace officer certification.

Mr. Richard moved to grant a full authority "restricted" certification to Michael D. Brokaw. The certification would restrict him from being assigned to any duty likely to result in the need to apply physical force, and further, that the potential for such need is so remote as to be highly unlikely, and is authorized only for the duration of employment at the current agency, seconded by Ms. Larsen, motion carried unanimously.

#### **E. LEGISLATIVE UPDATE**

Executive Director Mann discussed the bills before the legislature at this time.

**F. SUMMARY OF CURRENT EVENTS**

Executive Director Mann updated the Board on the E-Learning Program.

**G. COMMITTEE UPDATE**

The Firearms Qualification Committee was formed to evaluate the Firearms Qualification Course and ensure that it is the best assessment for firearms proficiency. As such, a survey was sent to all agency heads in order to assess whether any improvements or changes need to be made to the existing course. The results will be announced at a later date.

**H. REPORTS****1. Basic Training**

ALEA – Commander McGuffin reported they currently have three classes on campus with 50 recruits. The attrition rate for 2009 was 26.9%. The February class has been canceled due to low reservations. They are still hoping to run a class every other month, starting with the March class.

CHANDLER-GILBERT – Director Terpay reported they have a class with 21 recruits that will graduate in August 2010. They have 100 applications on file for future classes. Their next class will start in late March or early April. Several recruits from the current class were present at today's meeting.

SALETC – Lt. Frank Greene provided a written report that stated they had a class start on October 5 with 30 recruits representing 8 agencies, there are still 22 recruits remaining in this class. The January class was canceled due to budget reasons. They have another class scheduled to begin in April.

2. Department of Corrections – Director Ryan stated that since the last meeting, 35 cadets graduated from COTA. They currently have two classes with 65 cadets. They have a 4.86% attrition rate. 13 cadets have graduated through the waiver process and two are currently ready to graduate, which amounts to savings in excess of \$57,000 for the Department.
3. Center for Leadership Excellence – Don Yennie reported the Center currently just completed Week #3 of LPO 12. They currently have a class on Police Supervision in Glendale with 38 officers from 19 agencies. Week #1 of LPO 13 will be held in Flagstaff with 27 officers all from Northern AZ agencies. Week #1 of LPO 14 will begin on February 1. LPO 15 orientation will be held on February 10.

**I. FINAL ACTION CASES:**

*Mr. Richard left the meeting at this time.*

Case #1 – Allen C. Miles – Pinal County Sheriff's Office

*This case was taken out of order.*

*Mr. Richard and Director Vanderpool recused themselves from this case.* The Board considered comments from Assistant A.G. Nancy Beck and Donna McDaniel, attorney for Mr. Miles. Solicitor General's Office attorney, Christopher Munns, provided legal advice to the Board. Sheriff Armer made a motion to deny the Motion for Rehearing, seconded by Sheriff Sheahan, motion carried unanimously.

Case #2 – Wendell W. Allen – Yavapai County Sheriff's Office

The Board considered comments from Assistant A. G. Diana Stabler. Director Vanderpool made a motion to adopt the Consent Agreement Order and Decision and impose a two year suspension of peace officer certification beginning on September 17, 2009, and ending on September 17, 2011, seconded by Director Ryan, motion carried with one nay vote.

Case #3 – Aaron Bronson – Pima County Sheriff's Department

*Detective Dobbertin recused herself from this case.* The Board considered comments from Assistant A. G. Diana Stabler. Director Sheridan made a motion to adopt the Consent Agreement Order and Decision and revoke peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #4 – Michael L. Hollister – AZ Game and Fish Department

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

Case #5 – Anthony C. Navarra – Maricopa County Sheriff's Office

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

Case #6 – Kenneth G. Varichak – Scottsdale 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 Chief Huntsman, motion carried unanimously.

Case #7 – Aaron D. Adams – Mesa 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 Director Sheridan, motion carried unanimously.

Case #8 – Christopher L. Kaye – Navajo Division of Public Safety

At the request of Mr. Kaye, this case was tabled. Director Vanderpool made a motion to table this case, seconded by Director Ryan, motion carried unanimously.

Case #9 – Melvin E. Neidig – AZ Department of Transportation - MVD

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 Director Vanderpool, motion carried unanimously.

Case #10 – Melissa A. Tichinel – Globe Police Department

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

Case #11 – Samuel J. Lopez – Pascua Yaqui Tribal Police Department

The Board considered comments from Assistant A. G. Nancy Beck and Samuel Lopez. Director Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and impose a one year suspension of peace officer certification beginning on April 28, 2007, and ending on April 28, 2008, seconded by Director Vanderpool, motion carried with three nay votes.

Case #12 – Richard J. Gilmartin – Tohono O'odham 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 Director Vanderpool, motion carried unanimously.

**J. NEW CHARGING CASES:**

*Mr. Richard returned to the meeting at this time.*

Case #1 – Hernel A. Aitken – Yuma Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Director Sheridan made a motion to **Initiate Proceedings**, seconded by Mr. Richard, motion carried unanimously.

Case #2 – Daniel I. Arreola – Glendale Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Sheriff Armer made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Geoffrey R. Jacobs – AZ Department of Public Safety

*Director Vanderpool recused himself from this case.* The Board considered comments from Compliance Specialist Ted Brandon. Mr. Richard made a motion to **Initiate Proceedings**, seconded by Detective Dobbertin, motion carried unanimously.

Case #4 – Cardest D. James – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Marie Dryer. Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Sheriff Sheahan, motion carried unanimously.

Case #5 – Michael J. Messick – Cottonwood Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Director Vanderpool made a motion to **Initiate Proceedings**, seconded by Mr. Richard, motion carried unanimously.

Case #6 – Manuel J. Saldate – Maricopa County Attorney's Office

*Mr. Duarte recused himself from this case.* Chief Sheridan was acting chair for this case. The Board considered comments from Compliance Specialist Gary Maschner. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Director Vanderpool, motion carried unanimously.

Case #7 – Todd J. Trapp – Yavapai Prescott Tribal Police Department

The Board considered comments from Compliance Specialist Curt Milam. Director Sheridan made a motion to **Initiate Proceedings**, seconded by Detective Dobbertin, motion carried unanimously.

**K. CALL TO THE PUBLIC**

No one wished to address the Board during the Call to Public.

**L. ADJOURN**

Chairman Duarte adjourned the meeting at 12:13 p.m.