

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
FEBRUARY 17, 2010
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on February 17, 2010, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Sheriff John Armer
Lt. Colonel Steven Campbell, representing Director Bobby Halliday
Dr. Scott Decker
Detective Lee Ann Dobbertin
Deputy Director Charles Flanagan, representing Director Charles Ryan
Chief Patricia Huntsman
Ms. Wendy Larsen
Director Jerry Sheridan
Sergeant Robert Thompson

Members Absent:

Mr. Gerald Richard, representing Attorney General Terry Goddard
Sheriff Tom Sheahan

Staff in Attendance:

Ted Brandon
Dan Ciernia
Jon Heiden
Bob Irish
Steve Jacobs
Lori Ketron
Lynn Larson
Lyle Mann
Gary Maschner
Curt Milam
Paul Orfe
Sandy Sierra
Chester Szoltysik
Maria Wheaton
Don Yennie

Assistant Attorneys General
Nancy Beck
Diana Stabler

A. CALL TO ORDER

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

B. INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS

Director Mann introduced Lt. Colonel Steven Campbell, newly appointed Deputy Director of the Department of Public Safety. He also introduced Deputy Director Charles Flanagan of the Department of Corrections.

C. BUDGET UPDATE

Director Mann provided the Board with an update on the current budget situation.

D. REQUEST FOR LEMSC TO CLASSIFY POST EMPLOYEES

The Law Enforcement Merit System Council (LEMSC) is the personnel board for employees of the Arizona Department of Public Safety and the Arizona Peace Officer Standards and Training Board. As part of its statutory authority, the Council establishes "...standards and qualifications for all classified positions from a list of necessary employees that is prepared by the director of the employing agency." POST has created a list of necessary employees and is requesting approval to pursue this matter with the LEMSC at its next meeting.

The Board voted to go into executive session at 10:17 a.m. for legal advice. The open meeting reconvened at 10:56 a.m.

Director Flanagan made a motion to encourage LEMSC recognize the list of Necessary POST Employees and classify them as such, seconded by Sheriff Armer, motion carried unanimously.

E. FINAL ACTION CASES:

Case #1 – Deirryck C. Begaye - Navajo Department of Law Enforcement

The Board considered comments from Assistant A. G. Nancy Beck and Gary Thomas, attorney for Mr. Begaye. Director Sheridan made a motion to deny the Motion for Rehearing and Review, seconded by Chief Huntsman, motion carried unanimously.

Case #2 – Brandi L. White - Scottsdale Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Ms. Larsen 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 #3 – Trinity J. Everetts - Tombstone Marshal's Office

The Board considered comments from Compliance Manager Bob Irish. Sheriff Armer made a motion to adopt the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Director Sheridan, motion carried unanimously.

Case #4 – Christopher L. Kaye - Navajo Division of Public Safety

The Board considered comments from Compliance Manager Bob Irish and Christopher Kaye. 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 #5 – Brian E. Moss - Gilbert Police Department

The Board considered comments from Compliance Manager Bob Irish. 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 February 17, 2010, and ending on February 17, 2011, seconded by Dr. Decker, motion carried unanimously.

Case #6 - Terry L. Neff - Gila County Sheriff's Office

Sheriff Armer recused himself from this case. The Board considered comments from Compliance Manager Bob Irish. Chief Huntsman 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.

F. NEW CHARGING CASES:Case #1 – Scott A. Bellamy - Pinal County Sheriff's Office

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

Case #2 – Marcus R. Dewey - San Carlos Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Sheriff Armer made a motion to close this case with **No Action with Agency Discretion**, seconded by Ms. Larsen, motion carried with one nay vote.

Case #3 – Michael L. Garrett - Globe Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Detective Dobbertin made a motion to close this case with **No Action**, and then amended the motion to close this case with **No Action with Agency Discretion**, seconded by Director Sheridan, motion carried with one nay vote.

Case #4 – Daniel B. Munoz - Yuma Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Sheriff Armer made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried with one nay vote.

Case #5 – Jess E. Holly - Bisbee Police Department

Deputy Director Flanagan recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Sheriff Armer, motion carried unanimously.

Case #6 – Marianne E. Lewinsky - Phoenix Police Department

Ms. Larsen and Chief Huntsman recused themselves from this case. The Board considered comments from Compliance Specialist Steve Jacobs. Director Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Sheriff Armer, motion carried unanimously.

Case #7 – Darrell S. Litchfield - Benson Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Director Sheridan, motion carried unanimously.

Case #8 – Peter R. Madriles - Yuma County Sheriff's Office

The Board considered comments from Compliance Specialist Curt Milam. Director Sheridan made a motion to close this case with **No Action**, seconded by Chief Huntsman, motion carried unanimously.

Case #9 – Rafael E. Serra - Tolleson Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Sheriff Armer made a motion to close this case with **No Action**, seconded by Chief Huntsman, motion failed. Director Sheridan made a motion requesting that staff **Research Further**, seconded by Ms. Larsen, motion carried unanimously.

Case #10 – Keith A. Whimire - Pima Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Dr. Decker, motion carried unanimously.

Case #11 – Bobby R. Yazza - Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Gary Maschner. Director Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried with two nay votes.

G. ADJOURN

Chairman Duarte adjourned the meeting at 11:55 a.m.