



# *Arizona Peace Officer Standards and Training Board*

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602- 244-0477

*Amended*  
**MINUTES OF MEETING  
DECEMBER 21, 2016  
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on December 21, 2016, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

**Members Present:**

Sheriff Scott Mascher, Chairman  
Mr. Paul Ahler (AAG), representing Attorney General Mark Brnovich  
Sergeant Chris Andreacola, Tucson Police Department  
Sergeant Leo Aparicio, Pinal County Sheriff's Office  
Mr. David Brown, Public Member  
Sheriff Mark Dannels, Cochise County Sheriff's Office  
Chief Lawrence Hall, Buckeye Police Department  
Executive Director Andrew LeFevre, Grand Canyon University  
Colonel Frank Milstead, Arizona Department of Public Safety  
Chief Alan Rodbell, Scottsdale Police Department  
Director Charles Ryan, Arizona Department of Corrections

**Members Absent:**

Mr. H. Jeffrey Coker, Public Member

**Staff in Attendance:**

Ted Brandon  
Billy Caldwell  
Annie Deer  
Mike Deltenre  
Marie Dryer  
Steve Enteman  
Cathy Hawse  
Steve Jacobs  
Jack Lane  
Cathy Masters  
Mark Perkovich  
Cynthia Sawyer  
Lori Wait  
Don Yennie

**Assistant Attorneys General:**

Michael Saltz  
Seth Hargraves

**A. Call to Order**

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

**B. Introductions, Presentations and Announcements**

Executive Director Jack Lane stated that two new cases on today's agenda will be tabled.

**C. Executive Director's Report**

*Jack G. Lane, Executive Director*

- The Criminal Justice Enhancement Fund (CJEF) revenue continues to be down significantly; for the month of November revenue was 30 percent less than what we normally receive. We will know more after the Governor releases his budget whether or not AZ POST is included in that budget request.
- A new committee called the Peace Officer Employment Study Committee met recently and he was asked to testify before the committee regarding minimum standards and an agency head's ability to ask for a waiver of those standards. He informed the committee that currently an agency head does have the ability to petition the Board for a waiver of those standards if necessary; this clarified the issue for the committee. Sheriff Dannels serves on this committee. The committee came up with nine recommendations at their meeting held last week; two of those recommendations are to support full funding for AZ POST and to propose a statutory fee by percentage to be accessed on all RICO seizures by AZ law enforcement agencies and approved by the courts to be dedicated to AZ POST for training only. Two of the nine recommendations involved funding for AZ POST; which is a good sign. Between the governor's office and legislative knowledge the word is out about our funding problems with the CJEF funding.
- Attended the West Valley Chief's Meeting last week and several weeks ago attended the AZ County Attorney and Sheriff's Association Meeting and met with seven new elected sheriffs. This was a great opportunity to exchange information with them and offer our assistance after their transition.

Chairman Mascher took this opportunity to acknowledge Commander Mark Genz from the Cochise County Sheriff's Office for his 43 years of public service. He will be retiring December 30, 2016. Commander Genz was in attendance at today's meeting at the invitation of Sheriff Dannels. Chairman Mascher also wished everyone a Merry Christmas and thanked staff for all their hard work this past year. He then asked Commander Genz to lead everyone in the Pledge of Allegiance.

Sheriff Dannels discussed the Peace Officer Employment Study Committee and stated rural counties have concerns on some issues, but everyone on the committee supported AZ POST and the training for law enforcement in the state. Some of the concerns the rural counties have are with some of the mandates and penalties that the committee is trying to push forward; some members are opposed to this. They will continue having conversations about this and he will keep the Board posted on any developments.

Chairman Mascher acknowledged Senate President Steve Yarborough who was in attendance at today's meeting.

**D. Review, Discussion and Possible Action on Notice of Terminations Involving Training Deficiencies**

*Jack G. Lane, Executive Director*

- Lately AZ POST has been receiving termination reports from agencies when an employee is terminated based solely on a training deficiency, meaning they could not qualify with their firearm or they did not meet their mandated AZ POST training. In these particular cases, it has always been the standard that any time we receive a termination report we present those cases to the Board and let the Board decide what type of action to move forward on. On these particular cases, if they are solely based on training deficiencies our audit process would capture that. If an individual tried to gain employment someplace else, then they would have to obviously make up the missing training or make up the firearms qualification. What staff is asking for is for the Board to consider allowing staff to administratively close these types of cases, where we confirm that they are just based on training deficiencies, instead of bringing those cases to the Board.

Chief Rodbell moved to allow AZ POST staff the ability to close out termination reports that are submitted relating to misconduct that was exclusively related to training deficiencies, seconded by Sheriff Dannels, motion carried unanimously.

- Executive Director Lane took this opportunity to thank the Board for their support and also to thank staff for their support and hard work.

**E. Final Action Cases:**

1. #15-161- Alexander J. Roy – Sierra Vista Police Department

The Board considered arguments from Assistant Attorney General Michael Saltz and Michael Storie, attorney for Alexander Roy. Sergeant Aparicio made a motion to reject the Motion for Reconsideration, motion failed due to lack of a second. After a short discussion, Sergeant Aparicio again made a motion to reject the Motion for Reconsideration on the Board's decision to revoke the certification of Alexander J. Roy, seconded by Chief Rodbell, motion carried unanimously.

2. #16-158 - Richard T. Allen – Chandler Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Director Ryan, motion carried unanimously.

3. #15-006 - Steven J. Armstrong – Mohave County Sheriff’s Office  
The Board considered comments from Assistant Attorney General Seth Hargraves. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for 18 months from December 23, 2014 to June 22, 2016, seconded by Sergeant Aparicio, motion carried unanimously.
4. #16-048 - Joseph M. Lanzo – Phoenix Police Department  
The Board considered comments from Assistant Attorney General Michael Saltz and Kathryn Baillie, attorney for Joseph M. Lanzo. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for six months from March 26, 2016 to September 26, 2016, seconded by Mr. Brown, motion carried unanimously.
5. #15-157 - David M. Mowry– AZ Department of Public Safety  
*Colonel Milstead recused himself from this case.* The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Rodbell, motion carried unanimously.
6. #15-048 - Randall D. Nice – Pima County Sheriff’s Department  
The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sheriff Dannels, motion carried unanimously.
7. #16-105 - James Nottingham – Goodyear Police Department  
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sheriff Dannels, motion carried unanimously.
8. #15-112 - Oscar Ramos Jr. – Tucson Police Department  
*Sergeant Andreacola recused himself from this case.* The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Brown made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Hall, motion carried unanimously.
9. #16-144 - Peter J. Smith – Gilbert Police Department  
*Colonel Milstead recused himself from this case.* The Board considered comments from Assistant Attorney General Michael Saltz, Compliance Specialist Ted Brandon and Peter J. Smith. Mr. Brown made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for six months from August 27, 2016 to February 27, 2017, seconded by Chief Hall, motion carried unanimously.

10. #15-119 - Vincent Valenzuela – Tucson Police Department  
*Sergeant Andreacola recused himself from this case.* The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for three months from September 10, 2015 to December 10, 2015, seconded by Chief Rodbell, motion carried unanimously.
11. #16-052 - Virgilio N. Marshall – Tucson Police Department  
*Sergeant Andreacola recused himself from this case.* The Board considered comments from Compliance Manager Mark Perkovich. Mr. Paul Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Aparicio, motion carried unanimously.
12. #16-121 - Matthew D. Moon – Pima County Sheriff's Department  
The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Chief Rodbell, motion carried unanimously.
13. #15-121 - Stephen K. Wiley – Phoenix Police Department  
The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Hall, motion carried unanimously.

#### **F. New Charging Cases:**

1. #16-126 - Ricardo A. Garcia – AZ Department of Public Safety  
*Colonel Milstead recused himself from this case.* The Board considered comments from Compliance Specialist Ted Brandon. Chief Rodbell made a motion to **Initiate Proceedings**, seconded by Chief Hall, motion carried unanimously.
2. #16-112 - Scott A. Cushing – Tucson Police Department  
*Sergeant Andreacola recused himself from this case.* The Board considered comments from Compliance Specialist Cathy Hawse. Director Ryan made a motion to **Initiate Proceedings**, seconded by Mr. Brown, motion carried unanimously.
3. #16-151 - Daniel G. Riley – Phoenix Police Department  
This case was tabled.
4. #16-152 - John R. Pedraza – Phoenix Police Department  
This case was tabled.

#### **H. Adjourn**

Chairman Mascher adjourned the meeting at 11:39 a.m.

Dated: December 22, 2016

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Sandra L. Sierra, Recording Secretary

Minutes approved as written.

Dated: January 18, 2017

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Sheriff Scott Mascher, Chairman