

NEW MEXICO LAW ENFORCEMENT ACADEMY

REGULAR BOARD MEETING

May 29, 2019

9:09 a.m.

New Mexico Law Enforcement Academy

4491 Cerrillos Road

Santa Fe, New Mexico 87507

REPORTED BY: Jan A. Williams, RPR, NM CCR 14

BOARD MEMBERS PRESENT

New Mexico Attorney General Hector  
Balderas, Chairman

Thomas Romero, Vice Chairman

Sheriff Adan Mendoza

Chief Greg E. Toya

Sergeant Hollie Anderson

Rick Tedrow, Esq.

Connie Monahan

BOARD MEMBERS ABSENT

Chief Tim Johnson

ALSO PRESENT

Brian Coss, Deputy Director

Joseph M. Dworak, Esq.

Monica Medrano, Case Manager

John Kreienkamp, Esq.

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P R O C E E D I N G S

ITEM NO. 1: ROLL CALL

1  
2  
3 A.G. BALDERAS: Good morning. I want to  
4 welcome our new Board Members. And I now hereby call  
5 this meeting to order.

6 The first item on our agenda at 9:09 is our  
7 roll call from Monica. If you would please call roll.

8 MS. MEDRANO: Honorable Hector Balderas.

9 A.G. BALDERAS: Present.

10 MS. MEDRANO: Robert Tedrow.

11 MR. TEDROW: Present.

12 MS. MEDRANO: Chief Tim Johnson.

13 (No response.)

14 MS. MEDRANO: Sheriff Adan Mendoza.

15 SHERIFF MENDOZA: Present.

16 MS. MEDRANO: Chief Greg Toya.

17 CHIEF TOYA: Present.

18 MS. MEDRANO: Chief Thomas Romero.

19 CHIEF ROMERO: Present.

20 MS. MEDRANO: Sergeant Hollie Anderson.

21 SERGEANT ANDERSON: Present.

22 MS. MEDRANO: Ms. Connie Monahan.

23 MS. MONAHAN: Present.

24 A.G. BALDERAS: Thank you, Monica. It looks  
25 like we have a quorum.

## 1 ITEM NO. 2: APPROVAL OF AGENDA

2 A.G. BALDERAS: We now go from Item 1 to Item  
3 2 on our agenda. Everyone should have an agenda in  
4 their binders. Item 2 is now the approval of the  
5 agenda.

6 I would also ask that you take a quick look  
7 at it and make sure that there are no errors. And I  
8 would ask of any one of the Board members a motion to  
9 approve the agenda when you're comfortable.

10 MR. TEDROW: Mr. Chair, Rick Tedrow. I move  
11 to approve the agenda as printed.

12 A.G. BALDERAS: Thank you, Board Member  
13 Tedrow. Is there a second?

14 CHIEF ROMERO: Mr. Chair, I second the  
15 motion.

16 A.G. BALDERAS: Great. There is a motion and  
17 a second to approve the agenda Item 2. All in favor  
18 say aye.

19 (The Board Members voted unanimously.)

20 A.G. BALDERAS: Are there any opposed?  
21 Great. The motion passes. Item 2 of the agenda is  
22 now approved.

## 23 ITEM NO. 3: APPROVAL OF MEETING MINUTES

24 A.G. BALDERAS: Item No. 3 is a little more  
25 tedious. It is the approval of the meeting minutes.

1 These minutes are from September 5th of 2018. We  
2 distributed those minutes earlier to the Board  
3 members. And these minutes are always placed on the  
4 LEA Board website as well for public viewing.

5 But if there are any corrections -- and I  
6 wouldn't imagine there are considering we have a new  
7 flock of Board Members. But in any event you should  
8 confirm those minutes and then second if there are no  
9 changes to it. I'll also entertain a motion to  
10 approve the minutes.

11 CHIEF ROMERO: Mr. Chair, I make a motion to  
12 accept these minutes from the September 5, 2018, Board  
13 meeting.

14 A.G. BALDERAS: Thank you, Board Member  
15 Romero. There is a motion to approve the minutes. Is  
16 there a second?

17 SHERIFF MENDOZA: Mr. Chair, I'll second  
18 that.

19 A.G. BALDERAS: Thank you, Board Member  
20 Mendoza. There is a motion and a second to approve  
21 the minutes from September 5, 2018. All in favor say  
22 aye.

23 (The Board Members voted unanimously.)

24 A.G. BALDERAS: Is there any opposition? The  
25 motion passes to approve the minutes.

## 1 ITEM NO. 4: BOARD ORIENTATION

2 A.G. BALDERAS: I want to welcome all our  
3 phenomenal new Board Members. We have decided to put  
4 a brief orientation together for you. I think this  
5 will be helpful not only in governance, but we want to  
6 maximize your experience and leadership in your  
7 careers. And that reflects on the Board service.

8 So I want to yield to counsel, Joe Dworak, to  
9 give you just a brief orientation and information that  
10 may be helpful so that we can be as efficient and  
11 effective a Board as possible. Counselor.

12 MR. DWORAK: Attorney General, Members of the  
13 Board, I'll be doing a brief presentation just to  
14 familiarize yourself with some of the statutory and  
15 regulatory obligations of the Board.

16 This is a PowerPoint. Hopefully it's not too  
17 lengthy. So it's fairly straightforward. But it will  
18 be behind you on the screens.

19 So as the Attorney General said, my name is  
20 Joseph Dworak. I'm currently the Litigation Director  
21 of the Attorney General's Office. I'm transitioning  
22 from Board counsel to John Kreienkamp, who is an  
23 Assistant Attorney General also in our office. But  
24 I'll be advising the Board today.

25 So this is the overview of what we're going



1 to go over in this in-service. We'll talk a little  
2 bit about the Open Meetings Act, which is the next  
3 Item on your agenda, an OMA resolution.

4 I'll certainly answer any questions from the  
5 Board during this presentation. We're also available  
6 after the meeting to answer any questions.

7 We'll briefly be going over the Law  
8 Enforcement Training Act, which is the statute that  
9 governs the Law Enforcement Academy Board. We'll  
10 discuss the legal representation from our office. And  
11 then we'll briefly be going over the disciplinary  
12 process and the attorney privilege that exists with us  
13 as Board counsel.

14 So as you all may be aware, there are nine  
15 Board Members. They are dictated by statute. Each  
16 position on the Board requires specific criteria to be  
17 satisfied. And those are listed on the slide. The  
18 terms are four years or less, they need to be  
19 staggered by statute. And a quorum is five Members of  
20 the Board.

21 And this is pulled directly from the Board  
22 statute which is 29-7-1 to Section 13. And so all of  
23 this language comes from there, if you're interested  
24 in reading a little bit more of the law.

25 Some of the main duties of the Board is to

1 develop and implement a training program for both  
2 telecommunicators and law enforcement officers in the  
3 state. Additionally, the Board should prescribe  
4 qualifications for instructors and training for these  
5 officers.

6 The Board itself can promulgate laws, which  
7 is what we call rule promulgation. Those rules can  
8 govern the operation and training at the Academy. And  
9 then also any rules to enforce and implement the  
10 Board's statutes. So that includes the disciplinary  
11 process, training criteria, things of that nature.

12 This is pretty significant. The rules  
13 themselves are State laws. They have the same force  
14 and effect as a statute passed by the legislature. So  
15 it's important to follow a very specific process.

16 There's a public comment period as well as  
17 notice that's required. And when the Board first goes  
18 through a rulemaking process, our office will provide  
19 another primer on that process so that we ensure that  
20 the Board follows the statutory requirements to  
21 promulgate rules.

22 Also significantly the Board is responsible  
23 for discipline. That includes suspensions,  
24 revocations, and denials of certifications to law  
25 enforcement officers in the state as well as

1 telecommunicators.

2           And we'll be dealing with that during the  
3 disciplinary portion of the second half of the meeting  
4 today. And we'll talk a little bit more about that  
5 during that closed session period to answer questions.

6           And then lastly also but very significant,  
7 the Board has the authority to approve or disapprove  
8 the appointment of the Law Enforcement Academy  
9 Director. The appointment itself is made by the DPS  
10 Cabinet Secretary with the approval or disapproval of  
11 the Board.

12           The Board rules are found in 10.29.1 to Part  
13 10. You'll also hear them referred to as regulations  
14 or code. It's all the same thing. It's part of the  
15 New Mexico Administrative Code. And these are the  
16 laws that the Board can adopt on its own or change on  
17 its own. It doesn't require the legislature to act.

18           So some of the main parts of the Board's  
19 rules include requirements for meetings, including its  
20 process for setting meetings, calling meetings,  
21 noticing meetings. It provides for disciplinary  
22 procedures for certification and discipline of  
23 officers and telecommunicators.

24           It also sets forth the basic qualifications  
25 for admission into the Academy and, as we mentioned

1 earlier, in more detail the training standards and  
2 requirements for certification.

3 So the Attorney General's Office, you may  
4 wonder why we're here. Obviously the Attorney General  
5 himself sits on the Board and is a chair of the Board  
6 by statute. But our office itself provides general  
7 counsel.

8 That's done through our Open Government  
9 Division. We represent and provide counsel to about  
10 80 different state boards and commissions as well as a  
11 few small agencies. And we provide independent legal  
12 advice. So even though the Attorney General sits on  
13 the Board as chair in a policy capacity, our  
14 attorney-client relationship is with the nine members  
15 of this Board.

16 Things that our division does is we  
17 obviously, in representing the public bodies, we work  
18 with them to comply with OMA and IPRA to some  
19 capacity. And then we also provide services in some  
20 other areas, which I won't get into. But they're  
21 listed there.

22 The other division that is involved in this  
23 Board is the division that I'm currently the director  
24 of, which is the Litigation Division. And that  
25 division provides separate services to this Board

1 through administrative prosecution.

2 So every time a law enforcement officer or a  
3 telecommunicator is disciplined, it's done through an  
4 administrative civil process. And the Administrative  
5 Prosecutor is an Assistant Attorney General in the  
6 Litigation Division in our office. And those are some  
7 of the other responsibilities that each of the  
8 divisions have as well as working with state boards  
9 and commissions.

10 And our role is actually defined in statute.  
11 It's at the top of that slide, 8.5.2(C). It provides  
12 the obligation of the Attorney General's Office to  
13 prosecute and defend all actions against boards and  
14 commissions in the state.

15 Okay. So the role of John and myself, or at  
16 least me today and John in the future, is like I said  
17 before, that we provide independent legal advice to  
18 the members of the public body. We also can advise  
19 staff of the agency that the public body is attached  
20 to, so in this case it's DPS, if they're acting in an  
21 agency capacity to the Board.

22 So once the permanent Director is appointed  
23 or any of the other staff at the Academy, we can  
24 assist them if they are assisting the Board in an  
25 agency role.

1           Also the Hearing Officers that do  
2 disciplinary hearings for the Board, we provide legal  
3 advice to them as well. We also draft legal documents  
4 for the Board, formal memorandums, other legal  
5 documents.

6           And we represent the public body, the Academy  
7 Board, if the Board is defending one of its actions in  
8 court. Our role is not an oversight role and we don't  
9 have a policy role. It's simply independent legal  
10 advice, similar to that of a contracted law firm.

11           Okay. So the next portion of this is just to  
12 briefly cover the disciplinary process. And I know we  
13 will get into this in the second half of the meeting.

14           A license or certification in this instance  
15 with the Academy is a protected property interest.  
16 And there is due process protection granted to it  
17 under both the Federal and the State Constitution.

18           And what that means is that, before this  
19 Board can take action on a law enforcement officer's  
20 certification, we have to provide them a right. First  
21 is a Notice of Contemplated Action. And then the  
22 right to have a hearing, including the opportunity to  
23 question witnesses and to present evidence in the  
24 defense of the allegations.

25           The burden of proof is on the State and the

1 Board as part of the prosecution. And it's a  
2 preponderance of the evidence standard. So it's a  
3 lower standard obviously than that in the criminal  
4 context, which you all are very familiar with. But  
5 that quote is an example of what a preponderance of  
6 the evidence means in the Board's rules.

7 We do see some officers before the Board that  
8 are not represented by an attorney, although they have  
9 a right to. And we just highlight this because, you  
10 know, we are expected to ensure that they are treated  
11 fairly when they're going through the process. And so  
12 as Board counsel, we do consider that as part of our  
13 role as well during the disciplinary process in  
14 hearings.

15 A big key take-away of this is hopefully not  
16 a surprise. But the Board is obligated to remain  
17 neutral in these disciplinary proceedings. Conflicts  
18 of interest need to be noted and avoided.

19 So individuals that you may have a personal  
20 relationship with should be disclosed to the Board's  
21 counsel. And then we will advise whether or not it's  
22 something that requires an individual Board Member to  
23 recuse themselves or whether the conflict is an issue  
24 or not.

25 Okay. So the role of the Administrative

1 Prosecutor -- he's not here today. But we have one  
2 currently. We'll probably have two that work with the  
3 Board. And they have a very different role than the  
4 Board counsel. The Board counsel obviously sits in  
5 these meetings.

6 The Administrative Prosecutor from our office  
7 only prosecutes these administrative cases. And the  
8 Administrative Prosecutor receives these referrals  
9 from the Board or the Director to administratively  
10 prosecute these cases and takes it as a request to  
11 prosecute.

12 The prosecutor drafts what we consider a  
13 charging document which is called a Notice of  
14 Contemplated Action, which provides notice and a  
15 statement of the individual's right to hearing.

16 And we follow the legal residuum rule. And  
17 this is important for the prosecutor to know but also  
18 the Board. And that is, unlike in a criminal context,  
19 this body can consider hearsay evidence. But the  
20 legal residuum rule provides that the Board's decision  
21 needs to be based at least on some non-hearsay  
22 evidence.

23 The Administrative Prosecutor should not be  
24 contacting the Board or Board counsel about specific  
25 disciplinary cases because it can create an ex parte



1 communication which is similar to that of a judge. So  
2 two parties before a judge would also not contact the  
3 judge directly without the other party being included.

4 Are there any questions on that? There are  
5 only I think one or two more slides. Okay.

6 This is the disciplinary process that this  
7 Board follows. And we'll go into a little bit more  
8 detail on this or answer more questions during the  
9 closed session.

10 But as you all are aware, the LEA-90 is a  
11 complaint form that agencies submit to the Academy  
12 Director. The Director will review these complaints  
13 and determine whether or not an investigation is  
14 warranted.

15 If it is, the Director sends out a Notice of  
16 Investigation that provides the officer or  
17 telecommunicator an opportunity to respond either in  
18 writing or in person. They can do either.

19 And then at that point, after the response or  
20 even if they don't respond, the Director will issue a  
21 recommendation with one of the three following  
22 options: They'll recommend formal discipline and send  
23 the matter to the Administrative Prosecutor.

24 The Director can negotiate a pre-NCA  
25 settlement. So that's an administratively negotiated

1 settlement. We also call it stipulated agreement.  
2 Ultimately that needs to be approved by the Board  
3 before it's executed or final.

4 And then finally the Director can issue a  
5 recommendation to dismiss the case. Sometimes, after  
6 they see both sides of the story, they realize that  
7 there was no discipline warranted or no violation that  
8 occurred.

9 These are the three options. Ultimately it's  
10 the Board's final say in what happens. So the  
11 Director cannot take unilateral action.

12 So the prosecutor will draft a Notice of  
13 Contemplated Action which we already talked about. It  
14 provides a statement of general evidence that is being  
15 used to justify the discipline as well as a list of  
16 the specific statutory or regulatory violations found  
17 against the officer.

18 Often it's tied into a lack of good moral  
19 character. But also there will be dishonesty that's  
20 looped into that or other actions that impair their  
21 ability to function as a certified officer in the  
22 state.

23 The officer has a short time to request a  
24 hearing. There are three of these hearings that are  
25 on the Board's agenda for this morning. And it's a

1 full evidentiary hearing with a transcript and  
2 exhibits and a record for the Board to review, which I  
3 know we sent last week to the Board.

4 The hearing is conducted by a Hearing  
5 Officer, we've mentioned this already, advised by  
6 Board counsel. And they have full legal authority to  
7 conduct the hearing and develop the case.

8 The Hearing Officer will draft a Hearing  
9 Officer report, that's also something that you were  
10 provided with, with proposed findings of fact and a  
11 recommended decision. That decision is limited to  
12 whether or not a violation occurred.

13 Ultimately the Board issues the final  
14 conclusions of law and the discipline. The Hearing  
15 Officer only says whether or not the allegations were  
16 sustained.

17 Okay. This is just a little bit more about  
18 the disciplinary process. Monica Medrano serves as  
19 the case manager or the LEA-90 case manager or the  
20 hearing clerk that we sometimes refer to.

21 The Respondent has an opportunity to come to  
22 the Board meeting, if they would like, although the  
23 matter is closed. And so they are not given an  
24 opportunity to present any further evidence at that  
25 time.

1           And then the Board counsel will draft a final  
2 order from the Board, which we'll talk about.

3 Ultimately these decisions are appealable to district  
4 court. And the Board counsel would defend the Board's  
5 decision, the final order, if it's appealed to court.

6           Okay. So the very last slide -- and I think  
7 John can talk more about this in future meetings, if  
8 there are questions. But this just explains a little  
9 bit more about our role as attorneys with this Board  
10 and the attorney-client privilege that we hold with  
11 the nine Members of the Board.

12           I think the key-take away is that this  
13 privilege exists among the Board members. It would be  
14 like a couple sharing one attorney or a company  
15 sharing one attorney. You know, something that you  
16 say to us is privileged, but only in the context of  
17 the rest of the Board, if it's related to legal advice  
18 or legal communication.

19           And part of that -- and it's tied in with the  
20 Governmental Conduct Act -- is that communications, if  
21 they're legal-related communications, privileged  
22 communications, Board Members are asked not to  
23 disclose that; because you can waive the privilege.  
24 And you shouldn't do that without consent of a  
25 majority of the Board.

1           So similar to that of a lawyer, if you had  
2 been working with a lawyer on an issue or a district  
3 attorney's office, if you're working on prosecuting a  
4 case and you're sharing privileged communication.

5           That's the extent of our brief in-service  
6 today. The plan is that in future meetings John can  
7 also supplement this training with additional  
8 information on the Governmental Conduct Act,  
9 Inspection of Public Records Act, Open Meetings Act,  
10 or any other issues that may come before the Board.

11           So I will stand for any questions now, if  
12 there are any, or we can take them as we go as they  
13 pop up. Okay. Thank you.

14           A.G. BALDERAS: Thank you, Counselor.

15           ITEM NO. 5: ADOPTION OF OPEN MEETINGS ACT RESOLUTION

16           A.G. BALDERAS: We're now ready to move  
17 beyond Board orientation, Item 4, to Item 5, Adoption  
18 of Open Meetings resolution. There should be a packet  
19 under Item 5 in your binder.

20           We do this annually, not only from a policy  
21 point, but from a leadership point. And I'll ask if  
22 you can briefly take a look at it. If you've already  
23 reviewed it before the meeting, I'll also entertain a  
24 resolution to adopt the Open Meetings Act criteria.

25           MR. DWORAK: Chairman, Members of the Board,

1 the requirement to adopt an Open Meetings Act  
2 resolution annually comes from the language of the  
3 Open Meetings Act, which provides that every public  
4 body in the state, so at every level in the state, not  
5 just the state but also municipal and local public  
6 bodies, they have to determine annually what  
7 constitutes reasonable notice for it.

8 And what's reasonable may differ from public  
9 body to public body. It is required that at a minimum  
10 every public body satisfies certain notice  
11 requirements, including posting agendas to the website  
12 72 hours prior to the meeting, as well as either  
13 publishing or posting notice in a publicly accessible  
14 location. That's often satisfied through publication  
15 in a newspaper of general circulation. And that's  
16 incorporated in this resolution.

17 So every year or at any time really, if there  
18 was an interest, you could amend the conditions or  
19 requirements of notice. But this captures the process  
20 that the Board has done at least for the last few  
21 years and will satisfy its requirement under OMA to  
22 determine what constitutes reasonable notice.

23 A.G. BALDERAS: Are there any questions from  
24 the Board? Since there are no questions, I'll  
25 actually entertain a motion to pass the Open Meetings

1 Act resolution.

2 CHIEF ROMERO: Mr. Chair, I make a motion to  
3 accept the 2019 resolution for the Open Meetings Act.

4 A.G. BALDERAS: Thank you, Board Member  
5 Romero. There is a motion to approve the Open  
6 Meetings Act resolution. Is there a second?

7 CHIEF TOYA: Mr. Chair, I second that motion.

8 A.G. BALDERAS: Thank you, Board Member Toya.  
9 There is now a motion and a second to approve Item  
10 No. 5, adoption of the Open Meetings Act. All in  
11 favor say aye.

12 (The Board Members voted unanimously.)

13 A.G. BALDERAS: Are there any opposed to this  
14 motion? The motion passes to adopt the act.

15 ITEM NO. 6: ELECTION OF VICE CHAIRMAN

16 A.G. BALDERAS: I now move to a procedural  
17 item on Item No. 6, the election of Vice Chairman. I  
18 generally like to defer to the Board to open  
19 nominations. It's not too time-consuming, but the  
20 Vice Chairman is an important role.

21 In the event that I am unable to make a  
22 meeting, the Vice Chair would then conduct a meeting  
23 to ensure that we're on schedule. Are there any  
24 motions or nominations for a Vice Chairman at this  
25 time?

1 CHIEF ROMERO: Mr. Chair, I would be  
2 interested in serving.

3 A.G. BALDERAS: Thank you, Board Member  
4 Romero, for expressing interest in serving as Vice  
5 Chair. Any other interest in serving for Board  
6 Members? Is there a nomination?

7 MR. TEDROW: Mr. Chair, I would nominate  
8 Mr. Romero as Vice Chairman.

9 A.G. BALDERAS: Thank you, Board  
10 Member Tedrow, for being so generous. Is there a  
11 second?

12 CHIEF TOYA: Mr. Chair, I'll second that  
13 motion.

14 A.G. BALDERAS: Great. There is a motion and  
15 a second for Board Member Romero to serve as Vice  
16 Chair of this Board. All in favor say aye.

17 (The Board Members voted unanimously.)

18 A.G. BALDERAS: Is there any opposition? The  
19 motion passes.

20 Congratulations on your nomination for  
21 successful election as Vice Chair.

22 ITEM NO. 7: CHAIRMAN'S REPORT

23 A.G. BALDERAS: I will now move to Item 7,  
24 the Chairman's report. I'd like to share a little bit  
25 of context but more importantly a set of priorities I



1 think that will be a very fruitful priorities area,  
2 where the Board Members can fully participate and also  
3 lend your experience in what you bring to the Board.

4 First and foremost, over the past four years,  
5 I have had the pleasure of working with the Board and  
6 the Academy staff to not only make the Board  
7 effective, but for me it was very important to set a  
8 high level of accountability.

9 When I first became Chairman, there was some  
10 strife, whether it was litigation or Board meetings  
11 were dominated by conflict rather than deliberation.

12 And for me it was very important that, among  
13 a priority list, the general public have not only full  
14 access to meetings, but gather a sense, even through  
15 news stories, that the Board was very, very productive  
16 and also available for the statutory mission that you  
17 were all recently reading.

18 So how do we do that? Well, one of the  
19 priorities was to ensure that this Board set a high  
20 level of accountability, that conflicts of interest  
21 didn't distract, that litigation itself wasn't a drag  
22 on this Board.

23 And I'm very proud, over the past four years,  
24 to have kept this Board litigation free and as  
25 deliberative and open to the public for some of the

1 most complex challenges that you, communities, law  
2 enforcement, and citizens are facing now in New  
3 Mexico.

4           So we will continue to do that. We will  
5 staff this Board in a way that lends confidence in the  
6 high standards of accountability as point one. And  
7 that we also set a tone at the top that is bestowing  
8 confidence, whether you're a community in Deming or  
9 the City of Albuquerque, that you know that this Board  
10 is focused on setting the highest levels of  
11 accountability.

12           And I welcome your feedback, contribution,  
13 and ethical discourse along the way as we work  
14 together in the next four years.

15           Second is the balance to train officers and  
16 give them the highest and most important tools  
17 critical in our communities. And also that discipline  
18 be fair, swift, and effective.

19           I guess one principle that I was proud of,  
20 and I want to continue leading the way, is that there  
21 is no distinction between officer safety and community  
22 safety. That seemed to be for me a false choice or a  
23 distractive debate when, in fact, for me making sure  
24 that community safety and officer safety are one and  
25 the same; whether we lose a life as an average

1 civilian or an officer in the line of duty, that that  
2 is ultimately one life too many to lose.

3 And so the second principle is to deliver the  
4 highest level of training but also keeping cognizant  
5 that we are also concerned about enhancing community  
6 safety. And I'm sure that you'll contribute to that  
7 ongoing discussion as we move forward in the meetings  
8 that we have throughout the year.

9 Finally, a third goal of mine that I would  
10 love to not only guide but stay focused on is this  
11 Board's oversight role to consistently review LEA  
12 curriculum, to ensure that it's the best  
13 state-of-the-art and constantly evolving curriculum,  
14 but more importantly recognizing that we have a  
15 culturally diverse state, geographically very  
16 distinct; and that every community, whether it is the  
17 community of Clayton or even Santa Fe, that we have an  
18 obligation to be effective in our oversight duty to  
19 make sure that our law enforcement officers have an  
20 evolving curriculum.

21 So those are kind of the three principles  
22 that we set out as goals for the Board four years ago.

23 And then finally I would like to recognize  
24 and thank our Secretary Shea here who is in attendance  
25 and our new leadership on the Board.

1           And then also I want to send a special thanks  
2 out. If you haven't met them, they are really the  
3 backbone in addition to our staff. Ms. Medrano and  
4 Ms. Williams seem to be a solidifying force. And I  
5 want to thank them as well because they have kept us  
6 out of trouble for four years and definitely on track.

7           ITEM NO. 8: DIRECTOR'S REPORT

8           A.G. BALDERAS: I'll now move to Item No. 8.  
9 Our acting Director Coss will give a brief report for  
10 the Board's consideration.

11           MR. COSS: Good morning, Mr. Chairman,  
12 Members of the Board. It's a privilege and an honor  
13 to address the new members of the Law Enforcement  
14 Academy Board.

15           As an introduction for those whom I have not  
16 yet met, my name is Brian Coss. I am the Deputy  
17 Director of the Law Enforcement Academy. In April of  
18 this year, I entered my 40th year in public safety.  
19 Specifically I have about 16 years of direct  
20 experience here at the New Mexico Law Enforcement  
21 Academy.

22           On behalf of the New Mexico Department of  
23 Public Safety Deputy Secretary and New Mexico Law  
24 Enforcement Academy interim Director, Dr. August Fons,  
25 I am proud to be part of a group of 13 dedicated,

1 motivated, and skilled individuals who comprise the  
2 New Mexico Law Enforcement Academy.

3 In addition, we're also proud to serve the  
4 citizens of New Mexico and the nine satellite regional  
5 academies authorized by this Board, in addition to  
6 8,000 plus New Mexico certified officers and  
7 telecommunicators who serve statewide in 193 agencies.

8 As this Board is assembled for the first  
9 time, there are many opportunities to continue to  
10 build upon a proven legacy implemented by our previous  
11 Board Members.

12 I'd like to publicly thank you, Mr. Chairman,  
13 for your leadership and guidance.

14 I'd also like to thank former New Mexico Law  
15 Enforcement Academy Director Stephan Marshall and past  
16 Board Members Chris McCall, Pete Kassetas, Darren  
17 Soland, Dr. Elisabeth Miller, Wesley Waller, Scot Key,  
18 Jaime Quezada, and Kelly Burnham.

19 This group selflessly served the citizens of  
20 New Mexico and the law enforcement and  
21 telecommunicator community honorably. And we thank  
22 them for their dedication and service.

23 I think as we begin it might be helpful for  
24 this new Board to know the current Law Enforcement  
25 Academy mission statement.

1           The New Mexico Law Enforcement Academy will  
2 strive to serve the State of New Mexico with ideas and  
3 innovations shaped more by experience and the rule of  
4 law than by emotion, more by best practices than  
5 politics, and more by intellect than impulse.

6           In doing so, we strive to responsibly serve  
7 the public safety community, the New Mexico Law  
8 Enforcement Academy Board, and the citizens of the  
9 State of New Mexico by providing exceptional training  
10 opportunities while enforcing the statutory or  
11 administrative laws and responsibilities entrusted to  
12 the organization by demonstrating the character and  
13 competence demanded of the profession in the 21st  
14 century.

15           This statement, along with our core values of  
16 character, competence, compassion, commitment, and  
17 comprehensive teamwork, continue to guide our daily  
18 activities.

19           With the recent appointment of the Board and  
20 the urgency to hold a meeting, our staff working with  
21 the Attorney General's Office staff have put together  
22 this meeting with limited time.

23           I would be remiss if we didn't acknowledge  
24 the efforts of Ms. Monica Medrano, our LEA-90 case  
25 manager. Without her working through this holiday

1 weekend, this meeting simply would not have been  
2 possible.

3 As you all know, you were very recently  
4 appointed. And it was a very short time frame, a  
5 condensed time frame for sure. So we appreciate her  
6 help in getting us to where we're at.

7 Given these considerations we have worked  
8 diligently to ensure that this meeting is as  
9 organized, accurate, and complete as possible.

10 For context I would respectfully present the  
11 following information, highlighting the activities  
12 that have taken place here at the Law Enforcement  
13 Academy and satellite academies since our last Board  
14 meeting on September 5, 2018, in Las Cruces.

15 On May 22, 2019, we held our annual Fallen  
16 Officer Memorial here at the New Mexico Law  
17 Enforcement Academy. This annual event is dedicated  
18 to honoring, as the Chairman said, the 209 police  
19 officers who have died in the line of duty and their  
20 families. These officers have given their lives for  
21 each of us.

22 This event is coordinated by Ms. Layla Reyes  
23 with the New Mexico Law Enforcement Academy with the  
24 help of her staff. This event again was a tremendous  
25 success.

1           While we are fortunate not to have lost an  
2 officer in 2018, we did have one historical  
3 nomination. And that was Officer Andrew Dominguez  
4 with the Alamogordo Police Department, whose end of  
5 watch was January 4, 2011.

6           Additionally, we have phase one of the New  
7 Mexico Law Enforcement Academy firearms range  
8 improvement project nearing completion.

9           We have constructed a new 100-yard 30 point  
10 range and completed some restoration projects on the  
11 remaining 300-yard, 100-yard, and 50-yard ranges; and  
12 the first of its kind, at least for us, a dedicated  
13 100-yard FX or Simunition or marking cartridges and  
14 less lethal or bean bag or wooden baton round type  
15 range.

16           We have completed the programming and  
17 schematics for phase II range improvements and are  
18 awaiting capital outlay funding from the New Mexico  
19 Legislature.

20           Phase II will include the construction of a  
21 10,000-square foot structure, consisting of four  
22 classrooms and storage rooms, a common kitchen and  
23 dining hall, restrooms, and office space; as well as  
24 installing electric turning target systems on all the  
25 ranges. It will be a state-of-the-art training



1 facility and one of the finest in the State of New  
2 Mexico.

3 Moving towards our police officer graduates,  
4 since this Board last convened, the New Mexico Law  
5 Enforcement Academy has graduated 92 officers. The  
6 New Mexico Law Enforcement Academy, through the CBW or  
7 certification by waiver of previous training program,  
8 has graduated 52 officers.

9 New Mexico State Police Academy graduated 15  
10 officers, Hobbs Academy has graduated 21 officers, San  
11 Juan Academy has graduated 18 officers, Albuquerque  
12 Police Department Academy has graduated 36 officers,  
13 and the Central New Mexico Community College has  
14 graduated 18 officers, for a total of 252 officers.

15 Public Safety Telecommunicator graduates.  
16 Ms. Ashley Lopez is our public safety telecommunicator  
17 coordinator. And she has done an exceptional job in  
18 professionalizing our dispatch training and the  
19 training programs. We recognize her and all the  
20 professional telecommunicators as the first first  
21 responders they truly are.

22 Ms. Lopez has also facilitated utilizing  
23 communication command posts for reality-based training  
24 scenarios for the New Mexico Law Enforcement Academy  
25 and for the New Mexico State Police, which is actually

1 occurring as we speak out at the Penitentiary of New  
2 Mexico, their Old Main. There are live scenarios  
3 going on out there. And this adds a communication  
4 component to that, trying to keep the reality-based  
5 training as realistic as possible.

6 This is the first of our training program.  
7 And it merges telecommunicators with law enforcement  
8 in a training environment and has shown exceptional  
9 results.

10 The New Mexico Law Enforcement Academy Public  
11 Safety Telecommunicator Training Program has graduated  
12 103 telecommunicators, the San Juan Academy Public  
13 Safety Telecommunicator Training Program has graduated  
14 five telecommunicators, and the Hobbs Academy Public  
15 Safety Telecommunicator Training Program has graduated  
16 six telecommunicators, for a total of 114 statewide  
17 telecommunicators.

18 There are currently seven regional basic  
19 training satellite academies scheduled to graduate  
20 within the next several weeks, which naturally will  
21 produce many more police officer graduates.

22 The New Mexico Law Enforcement Academy is  
23 committed to continually evaluating and, when  
24 possible, improving the services we offer. As the  
25 Chairman mentioned, there are many cases where the Law

1 Enforcement Academy, with the help of this Board,  
2 already meet or exceed best practices for the  
3 profession we always seek to improve.

4 As part of this commitment, we are conducting  
5 a comprehensive review and updating of the Basic  
6 Training Curriculum. This process has been in the  
7 works for about six months now.

8 And Basic Training Bureau Chief Fred Jasler  
9 is working with curriculum design specialists at  
10 Central New Mexico Community College to ensure we are  
11 current with best practices within the law enforcement  
12 profession and industry.

13 As part of this comprehensive review, we have  
14 compared our Basic Training Curriculum to the National  
15 Bureau of Justice Statistics Census of Law Enforcement  
16 Academies. In doing so, we have identified a few  
17 areas in which we could improve in our basic training  
18 and in our CBW or cert by waiver programs.

19 Soon we'll be requesting this Board to  
20 consider a rule change, revising 10.29.9, the police  
21 officer section of the New Mexico Administrative Code;  
22 and 10.29.6, the certification by waiver training  
23 section within the New Mexico Administrative Code. We  
24 do so to align ourselves to either meet or exceed the  
25 current national best practices and standards.

1           Our Advanced Training Bureau Bureau Chief's  
2 position and administrative support staff positions  
3 had been vacant for several months during this  
4 reporting period. Even so the Bureau was able to  
5 advertise, host, or conduct a total of 68 courses  
6 since the Board last met, for a total of 712 hours of  
7 Advanced, Specialized, Instructor level, or In-Service  
8 training.

9           The Bureau is now being supervised by Bureau  
10 Chief Keith Elder. And he has processed over 400  
11 course curriculum accreditations since we last met and  
12 continues to process an average of about 24 Advanced  
13 level certifications per month. That's a lot of paper  
14 to push on any given day.

15           Our records training and data management  
16 system. We're very pleased with the progress that's  
17 being made in the implementation of our new data  
18 management system.

19           The Acadis Readiness Suite Document and  
20 Training Academy Management software program has  
21 caused us to improve our documentation and process  
22 requirements to meet or exceed best practices and  
23 professional industry standards.

24           This process has caused some change in our  
25 business practices. And, of course, we all know all

1 too well that at times change is difficult. While the  
2 majority of the agencies have adapted well and are  
3 excited for the changes, there are a small number of  
4 agencies who are struggling. We're continuing to work  
5 with them.

6 With the Board's guidance, we will continue  
7 to transition our statewide agencies and satellite  
8 academies to the new system. While this change can be  
9 difficult, communications, patience, and technical  
10 expertise by our staff will continue to guide our  
11 stakeholders through this transitional process.

12 We would also like to ask for the patience  
13 from our agencies in this process. This transition  
14 has primarily been on the shoulders of Ms. Layla  
15 Reyes. And we could not have made the progress  
16 without her help.

17 As you can imagine, trying to implement a  
18 statewide system which encompasses all law enforcement  
19 agencies, each officer and telecommunicator, the  
20 satellite academies, plus the data cleanup and export  
21 from an antiquated legacy system with millions of data  
22 points can present some unique challenges. And it  
23 has.

24 If there are any questions about the system  
25 or process, please contact Ms. Reyes. She will be

1 happy to help.

2           Disciplinary matters. Our disciplinary  
3 agenda is full today. Since we were able to last seat  
4 a quorum of this Board, we have a number of cases  
5 backlogged. I would anticipate this backlog to  
6 stabilize within the next several Board meetings.

7           We currently have about 105 cases in the  
8 queue. Several are pending further investigation or  
9 awaiting criminal dispositions and a few are pending  
10 some formal hearings. They are in various stages of  
11 this process.

12           It's not that we have received an additional  
13 number. It's just that the Board hasn't been able to  
14 meet for a period of time. And each Board meeting  
15 usually has about 20 or so disciplinary cases per  
16 meeting. So as you can see, if we miss two Board  
17 meetings, the number comes up pretty quickly.

18           In conclusion, it's the beginning of summer.  
19 We are about to start a new CBW class next week. I  
20 keep throwing around these acronyms like you know what  
21 they're going to mean. I apologize. Certification by  
22 waiver of previous training class next week. And a  
23 new Basic Academy is scheduled to start in July.

24           The satellites are going full steam. The  
25 disciplinary cases will always come in. And sometimes

1 it's easy to get discouraged. It's a never-ending  
2 cycle of training, rules hearings, meetings, and  
3 seeking public involvement.

4 Sometimes it's hard to keep focused on the  
5 goals. But my staff, who do an excellent job, is  
6 always here to remind me that in the end the New  
7 Mexico Law Enforcement Academy and our nine satellite  
8 academies train cops and telecommunicators.

9 We make them better, smarter, and safer than  
10 they would be. We make them more responsive to their  
11 community needs. We provide them with the necessary  
12 skill set to honorably serve. And that, ladies and  
13 gentlemen, is truly a privilege and an honor.

14 Once again I'm looking forward to working  
15 with this Board and for your support and guidance.  
16 You have accepted a position which at times can be  
17 demanding and stressful, making decisions that will  
18 weigh heavily on your conscience.

19 You will be traveling the state dealing with  
20 the various meetings and rules hearings on top of your  
21 normal everyday lives and professions. You don't do  
22 it for the money because we know you don't get paid.  
23 You don't do it for the glory. You do it all for the  
24 simple reason that the State of New Mexico needs you.

25 I thank you. And I stand for any questions

1 you may have.

2 A.G. BALDERAS: Are there any questions of  
3 the Deputy Director or comments? Thank you, Deputy  
4 Director, for your report.

5 I do want to make a brief correction and  
6 recognize Deputy Secretary Fons who is here as well.

7 I believe you are the interim Director. And  
8 I want to make that clarification, because I know this  
9 Board will be active in working both with you, the  
10 Deputy Director of the LEAB, and also the Secretary  
11 and the Deputy Secretary in terms of reforms or  
12 improvements. I want to welcome you. And thank you  
13 for also serving.

14 DIRECTOR FONS: Thank you, sir.

15 ITEM NO. 9: PUBLIC COMMENT

16 A.G. BALDERAS: We now move to Item No. 9.

17 And I want to welcome Mr. Mechels for public  
18 comment as well as Mr. St. Cyr who are from the  
19 community and would like to present to the Board.

20 We generally are as engaging as we want. I  
21 don't believe either one of the commenters would  
22 resist if there are questions from the Board as you  
23 speak. But I will defer to our community members.

24 Mr. Mechels, you now have the floor.

25 Welcome.



1           MR. MECHELS: Mr. Chairman, new Members of  
2 the Board, welcome. I'm so glad to see some new  
3 faces. Part of the reason I'm glad to see some new  
4 faces is because the old faces were primarily doing a  
5 lot of things I would suggest were contravening the  
6 interests of the State of New Mexico.

7           First off, before I begin, I sent most of  
8 you, with your email addresses, a copy of this. I  
9 will be giving a copy to the Board's secretary.

10           It's The Role of the Board, DPS, and Police  
11 Training. It lays out a timeline of the history of  
12 the Board. You should all have this in your email at  
13 this point.

14           The issue I would like to raise to you this  
15 morning is the certifications. Mostly, as far as I  
16 can tell from your agenda, you're here today to  
17 certify police officers.

18           And I'm here to tell you that you probably  
19 shouldn't do this unless you get a better lowdown on  
20 the certification process. Because what you have been  
21 led to believe is just simply not true. And again  
22 this will address a lot of the concerns.

23           So to show you just how pervasive the  
24 problems are with the certification, I'm going to hold  
25 this up as an example. This is a certification of a

1 police officer.

2 This particular officer worked for the  
3 Attorney General. I got this through an IPRA request.  
4 And what I notice is that -- I encourage you to look  
5 at it. Is that, on the top line, it gives a citation.

6 This certifies that it "Meets the  
7 requirements of the laws of 1979, Chapter 7, Sections  
8 42 through 49." That's just paper except that it's  
9 not true. There is no laws 1979, Chapter 7, Sections  
10 42 through 49. That is simply false.

11 Look for yourself. I looked yesterday,  
12 because I didn't recognize that. It's just that it's  
13 been false and it's been false for a very long time in  
14 spite of the fact that it is signed by the Chairman of  
15 the Board and in spite of the fact it is signed by  
16 Mr. Coss. It is still simply false.

17 I'm saying look at this stuff. You're Board  
18 Members. The past Board just rubber-stamped  
19 everything that was brought to them. It was basically  
20 a Pete Kassetas Board and they just stamped  
21 everything. The whole Board was packed by the  
22 Governor and they just stamped everything that came to  
23 them.

24 Don't do that. Do your job for the citizens  
25 of New Mexico. Look at this stuff critically. That

1 is just false. And they've been certifying officers  
2 for this -- every officer in the state that has that  
3 language has a certification that is just false.

4 There is no such law.

5 The other thing I would point out to you  
6 which is troublesome and needs explanation is this  
7 particular certification is dated 15 March 2019. It's  
8 signed again. This is a certified officer. This  
9 officer is actually being brought to the Board today  
10 for certification.

11 If the officer has already been certified,  
12 how come the officer is now brought to you for  
13 certification? The answer is because this again is  
14 false. This officer wasn't certified. The most they  
15 can do is a temporary certification.

16 This is from the files of the Attorney  
17 General in response to an IPRA, a certification of an  
18 officer. It just is false. That officer is not  
19 certified. The most they can have is a temporary  
20 certification.

21 This certification and many other  
22 certifications from around the state need to be  
23 questioned. The certification process that they're  
24 using doesn't follow the requirements of the statutes  
25 and it doesn't follow the requirements of the NMACs.

1           They have just been doing a lot of stuff  
2 that's not in the law. And it is time for this new  
3 Board to ask some questions before you do any more  
4 certifications. Or you're just going to be stacking  
5 more illegal certifications upon those already  
6 illegally certified.

7           And with that I would say please read the  
8 paper I pointed out, which you should have in an  
9 email. And do not certify this stuff without getting  
10 some clear information about what's going on, because  
11 they have not been honest about the certification  
12 process for a very long time.

13           And I hope this new Board does a much better  
14 job than the past Board, which was just rubber  
15 stamping everything they were brought. Thank you.  
16 Questions?

17           A.G. BALDERAS: Any questions of Mr. Mechels?  
18 Thank you for your input, Mr. Mechels. I'll also have  
19 the Deputy Director look into what reference you're  
20 talking about. This is the first time I've heard of  
21 what you're presenting. So we welcome those  
22 documents, if you want us to look at them.

23           MR. MECHELS: Yes. I'll give the secretary a  
24 copy of these.

25           A.G. BALDERAS: Thank you, Mr. Mechels.

1           We would like to welcome Mr. Peter St. Cyr,  
2 an open government activist and professional. You  
3 also have the floor. We have a lot of discipline  
4 cases. But take as much time, five, six minutes.  
5 That's generally our rule of thumb. We want to  
6 welcome you here to participate.

7           MR. ST. CYR: Thank you, Chairman Balderas  
8 and Members of the Board, for having me. I definitely  
9 do not need five or six minutes.

10           I wanted to congratulate you all for adopting  
11 the Open Meetings Act resolution this morning. I had  
12 a chance to read through it. And it's something that  
13 needs to happen every year by statute and to take a  
14 really good look at it.

15           The one thing that I would encourage you, as  
16 a brand-new Board and new Members, is to maybe take it  
17 to the next level. Open government provides the  
18 public an opportunity to come and to help inform,  
19 shape, and direct public policy.

20           You know, real government impacts on our  
21 communities happen at these kind of Board meetings, at  
22 rulemaking hearings. The State laws and the  
23 legislature are the bigger issues. But the real  
24 impacts on the street happen right here. And so the  
25 more that we can engage citizens by having the

1 meetings open would be good.

2 And one way to open it up to more than just  
3 three or four members of the public and to take it to  
4 the next level is to maybe broadcast it on Facebook  
5 and livestream the videos. And so that more people  
6 could at least watch it and see what's going on.

7 And I know that Board Members can call in,  
8 you know, to a telephone line. And I don't think that  
9 you can have the public be calling in. But Carlsbad  
10 is far away from Santa Fe and Albuquerque, a six-hour  
11 drive. And, you know, it's really hard for people to  
12 come.

13 But I think being able to watch it and  
14 knowing that the meetings are open and the discussions  
15 are robust is going to do a couple of things. It will  
16 really help to build trust.

17 And right now, with trust in the government  
18 at a very low level, the more that, you know, we can  
19 engage the public and encourage them again to inform,  
20 shape, and direct public policy, the better. And it's  
21 pretty easy I think to mount a camera and do the  
22 Facebook livestream. There are a lot of different  
23 options available.

24 I know that the new rules in the Senate that  
25 were adopted in 2017, all those meetings are

1 videotaped and archived now, all their committee  
2 meetings. And so that's a good thing too. So that  
3 people can go back and look and see.

4           Again I think that the more that meetings are  
5 open, the better chance we have at boosting trust.  
6 And when people see that policies are  
7 evidence-based -- I was really happy to hear the  
8 Director talk about updating the data.

9           Because the new public records are not on  
10 printed papers, they are in electronic files and in  
11 the data. And eventually, you know, the public is  
12 going to need to have access to all that data that you  
13 are, you know, putting into datasets.

14           You were talking about millions of points of  
15 data. In the State of Washington, you can go online  
16 and they have all their dataset catalogs online. The  
17 governor had a cabinet meeting that was broadcast on  
18 YouTube and I watched it. They have over a billion  
19 lines, a billion rows, of data online for people to  
20 search, sort, and download at their own convenience.

21           You know, this is not related to law  
22 enforcement. But my family is having to decide where  
23 we're going to put my mom in assisted living. And we  
24 went and visited three or four different facilities.

25           And they all told us they were number one in

1 the world and that our mom would be well served there.  
2 I thought Albuquerque? Three number ones in  
3 Albuquerque? Impossible.

4 So I wanted to look at the inspection  
5 reports. And you can't really find them online. In  
6 the State of Washington, you go there and they have  
7 their data in catalogs up and online. And it was easy  
8 for me to do it on Christmas Eve at midnight. And I  
9 didn't have to wait 15 days for an IPRA to come back.

10 So I would encourage you to continue to make  
11 sure that the staff is putting more data online, that  
12 more of your records are online automatically. It  
13 will take the burden off of staff having to search for  
14 the records and provide them 15 days later or to give  
15 Mr. Mechels the opportunity to go online and get the  
16 information packets that you all have ahead of the  
17 meeting rather than having to wait until after the  
18 meeting.

19 So when he comes to a meeting like this, that  
20 he has the same ability to have the relevant sections  
21 out of those packets you have today. So that, when he  
22 is trying to inform, shape, and direct public policy  
23 with you all, he has the information before the  
24 meeting without having to do an IPRA for that.

25 And so the other thing that I recall from the



1 last Board group was they referred a lot of things to  
2 subcommittees. And subcommittees can be, you know, an  
3 important tool in making sure the right people are  
4 involved and, you know, it's a little bit more robust  
5 and you can get work done.

6 When they come back, it needs to be more than  
7 a rubber stamp. There needs to be a public discussion  
8 of what was happening in those subcommittees. So that  
9 would make open government advocates happy.

10 And again welcome to the Board. If you ever  
11 have any questions about what should be open or not --  
12 of course, you know, you have the Attorney General's  
13 legal staff. But we're also open from a public  
14 perspective. So feel free to call me at any time.  
15 Any questions?

16 A.G. BALDERAS: Any questions for  
17 Mr. St. Cyr?

18 MS. MONAHAN: I didn't catch your last name.

19 MR. ST. CYR: It's St. Cyr.

20 A.G. BALDERAS: And we encourage you to stay  
21 as involved with us as well and we appreciate the  
22 advisement as well. And also the progress is not only  
23 very dependent on subject matter experts. But as you  
24 know, there is an infrastructure crisis throughout New  
25 Mexico.

1           And so the evolution of data and, more  
2 importantly, integrating law enforcement organizations  
3 with other members of the community is a top priority.  
4 And I want to also thank you for highlighting that.

5           But I also commend some of the past staff who  
6 really are inheriting the equivalent of infrastructure  
7 that is not only antiquated and outdated but, as you  
8 know, no one has ever put real funding and  
9 infrastructure behind transparency.

10           So you even recognize that the struggle with  
11 data might be online, but it's not in a searchable  
12 form. And I, who has prosecuted probably more  
13 political corruption than any individual ever elected,  
14 have struggled with the same lack of information in  
15 some of these government organizations.

16           So I want to commend you and welcome you. I  
17 hope to see you at every meeting moving forward.

18           MR. ST. CYR: Okay. And if I can't, maybe  
19 I'll be watching online.

20           A.G. BALDERAS: You know, that's a great  
21 idea. I don't know if anyone here qualifies as a  
22 millennial. But we do need to get some social media  
23 action. So we'll take that under advisement also.  
24 Thank you.

25           ITEM NO. 10: RATIFICATION OF CERTIFICATIONS FOR LAW

## 1 ENFORCEMENT OFFICERS

2 A.G. BALDERAS: We have two more phases  
3 really. First will be the certification phase and  
4 then the discipline phase of the meeting.

5 We are now moving to Item No. 10,  
6 ratification of certifications for law enforcement  
7 officers.

8 In the next section, the ratification of  
9 certification for law enforcement officers will be  
10 facilitated by Deputy Director Coss. And we will  
11 approve officers by exhibit.

12 There was a little bit of question raised in  
13 public comment. But I also defer to you, Deputy  
14 Director, if you want to go a couple minutes into the  
15 certification integrity or if there are any questions  
16 from the Board on what that is. Obviously, for these  
17 documents and certifications to take legal effect,  
18 they require oversight and our approval.

19 But I welcome any questions from the Board or  
20 if you want to weigh in on the reliability and  
21 integrity of the process. If not, I'll defer to you,  
22 either way.

23 DEPUTY DIRECTOR COSS: I would be more than  
24 happy, Mr. Chairman, to answer any questions the Board  
25 may have.

1           It is an arduous process to become State  
2 certified. It begins with an application for  
3 admission and certification, which is fairly lengthy.  
4 It usually is around 35 or 40 pages by the time it's  
5 complete.

6           It has all the statutory requirements such as  
7 U.S. citizen, current and valid driver's license,  
8 evaluated by a psychologist to be free from any  
9 emotional conditions or mental conditions that may  
10 preclude them from their performance of their job, and  
11 a complete physical including probably more  
12 comprehensive blood work than most.

13           It is a comprehensive process on the front  
14 end. And then the training requirements are all  
15 articulated well within both the statute as well as  
16 the New Mexico Administrative Code, specifically  
17 10.29.9.

18           And those are the elements that we and each  
19 of the satellite academies need to conform to. Some  
20 satellite academies will exceed those minimum number  
21 of hours. But at a baseline they must meet that  
22 baseline minimum number of hours.

23           A.G. BALDERAS: Are there any questions on  
24 that process? The majority of the Board is certified  
25 in some capacity. I know we have a few citizen

1 members. But I welcome any questions.

2 We have also included a list of the names and  
3 certifications in Exhibit 10. And so as we review  
4 these, we will do them by category. But you're all  
5 welcome to raise any questions.

6 DEPUTY DIRECTOR COSS: And just so the Board  
7 is aware, the question that Mr. Mechels brought up, I  
8 will be glad to look into that. This is the first  
9 time hearing of this as well. So I'll be glad to look  
10 into it.

11 A.G. BALDERAS: Thank you. So let's start I  
12 guess, Deputy Director, with Exhibit A.

13 DEPUTY DIRECTOR COSS: Thank you, sir. So  
14 agenda Item No. 10, Exhibit A. In this case I would  
15 request a vote to table Exhibit A until the next  
16 meeting.

17 A.G. BALDERAS: Great. I'll entertain a  
18 motion to table Exhibit A, which is 18-0225-P through  
19 19-0019-P. Is there a motion to table?

20 CHIEF TOYA: Mr. Chair, I'll make a motion.

21 A.G. BALDERAS: Thank you. There is a motion  
22 to table Exhibit A. Is there a second to table this?

23 CHIEF ROMERO: Mr. Chairman, I second.

24 A.G. BALDERAS: There is a motion to table  
25 with a second. Before we vote, is there a particular

1 discussion we should have for this Exhibit A?

2 DEPUTY DIRECTOR COSS: There is, sir.  
3 Specifically the last item in the Board's list,  
4 19-0019-P for Cutter. There was a clerical error,  
5 that the last two digits should be 16, not 19. That's  
6 all.

7 A.G. BALDERAS: Okay. There is a motion and  
8 a second to table with a brief explanation. All in  
9 favor say aye.

10 (The Board Members voted unanimously.)

11 A.G. BALDERAS: Any opposed? The motion  
12 passes just to table Exhibit A due to a clerical  
13 error. And the motion passes. That will be tabled.  
14 We can now go to Exhibit B.

15 DEPUTY DIRECTOR COSS: Thank you,  
16 Mr. Chairman. Mr. Chairman, Members of the Board, for  
17 Exhibit B, Certification Nos. 18-0226-P through  
18 18-0273-P, stating that these individuals have met all  
19 the requirements for certification and request the  
20 Board ratify their certification.

21 A.G. BALDERAS: Thank you, Deputy Director.  
22 I would now entertain a motion to pass Exhibit B,  
23 18-0226-P ending in 18-0273-P. I'll entertain a  
24 motion to pass Exhibit B.

25 CHIEF ROMERO: Mr. Chairman, I make a motion

1 to approve Exhibit B.

2 A.G. BALDERAS: There is a motion to pass  
3 Exhibit B. Is there a second for consideration?

4 SERGEANT ANDERSON: Mr. Chairman, I'll  
5 second.

6 A.G. BALDERAS: Thank you for that second.  
7 There is a motion and a second to pass Exhibit B,  
8 18-0226-P through 18-0273-P. All in favor say aye.

9 (The Board Members voted unanimously.)

10 A.G. BALDERAS: Any opposition to this  
11 motion? There are no nays. The motion passes to move  
12 Exhibit B for certification.

13 DEPUTY DIRECTOR COSS: Thank you,  
14 Mr. Chairman. Members of the Board, I would now like  
15 to offer Exhibit C for consideration for ratification,  
16 beginning with Certification No. 18-0276-P and on your  
17 list ending with 18-0293-P.

18 A.G. BALDERAS: I'll entertain a motion to  
19 pass Exhibit C, 18-0276-P through 18-0293-P. Is there  
20 a motion?

21 CHIEF TOYA: Mr. Chairman, I'll make a  
22 motion.

23 A.G. BALDERAS: Thank you for that motion.  
24 Is there a second for that motion?

25 SHERIFF MENDOZA: Mr. Chair, I'll second the

1 motion.

2 A.G. BALDERAS: Thank you for that second.  
3 There is a motion and a second to pass Exhibit C as  
4 stated. All in favor say aye.

5 (The Board Members voted unanimously.)

6 A.G. BALDERAS: Any in opposition? Thank  
7 you. The motion to pass Exhibit C is moved.

8 We now move to Exhibit D.

9 DEPUTY DIRECTOR COSS: Thank you,  
10 Mr. Chairman. Members of the Board, I now present  
11 Exhibit D for your consideration for ratification,  
12 Certification Nos. 18-0294-P through 18-0300-P.

13 A.G. BALDERAS: I'll entertain a motion to  
14 pass Exhibit D.

15 SERGEANT ANDERSON: Mr. Chairman, I'll make a  
16 motion to pass.

17 A.G. BALDERAS: Thank you for that motion.  
18 Is there a second to the motion to pass Exhibit D?

19 CHIEF ROMERO: Mr. Chairman, I second.

20 A.G. BALDERAS: Thank you for that second.  
21 All in favor to move Exhibit D, 18-0294-P through  
22 18-300-P, all in favor say aye.

23 (The Board Members voted unanimously.)

24 A.G. BALDERAS: Any in opposition to that  
25 motion? The motion does pass to move Exhibit D



1 forward.

2 DEPUTY DIRECTOR COSS: Thank you,  
3 Mr. Chairman. Members of the Board, I now present  
4 Exhibit E for consideration for ratification,  
5 beginning with Certification Nos. 18-0301-P through  
6 18-0322-P.

7 A.G. BALDERAS: Thank you for that  
8 presentation. I'll now entertain a motion to pass  
9 Exhibit E. Is there a motion?

10 CHIEF ROMERO: Mr. Chairman, I move we pass  
11 Exhibit E as presented.

12 A.G. BALDERAS: Thank you, Board Member  
13 Romero. Is there a second to move Exhibit E?

14 CHIEF TOYA: Mr. Chairman, I'll second that  
15 motion.

16 A.G. BALDERAS: Thank you for that second.  
17 We now have a motion and a second to move passage of  
18 Exhibit E, 18-0301-P through 18-0322-P. All in favor  
19 say aye.

20 (The Board Members voted unanimously.)

21 A.G. BALDERAS: Any in opposition to that  
22 motion? The motion passes to move Exhibit E forward.

23 DEPUTY DIRECTOR COSS: Mr. Chairman, thank  
24 you. We'll move on to Exhibit F for your  
25 consideration for ratification, Certification

1 Nos. 18-0323-P through 18-0341-P.

2 A.G. BALDERAS: I'll entertain a motion for  
3 Exhibit F.

4 SHERIFF MENDOZA: Mr. Chairman, I'll make a  
5 motion to pass Exhibit F.

6 A.G. BALDERAS: Thank you. There is now a  
7 motion to pass Exhibit F. Is there a second to that  
8 motion?

9 SERGEANT ANDERSON: Mr. Chairman, I'll  
10 second.

11 A.G. BALDERAS: Thank you, Board Member. We  
12 now have a motion and a second to move Exhibit F  
13 forward. All in favor say aye.

14 (The Board Members voted unanimously.)

15 A.G. BALDERAS: Any in opposition? The  
16 motion passes to move Exhibit F, 18-0323-P all the way  
17 through 18-0341-P. The motion passes with no  
18 opposition.

19 Deputy Director, Exhibit G.

20 DEPUTY DIRECTOR COSS: We now have Exhibit G  
21 to offer for consideration for ratification of their  
22 certification, Certification Nos. 18-0342-P through  
23 18-0357-P.

24 A.G. BALDERAS: I'll entertain a motion for  
25 Exhibit G.

1 CHIEF TOYA: Mr. Chairman, I'll make a motion  
2 to accept that.

3 A.G. BALDERAS: Thank you for that motion to  
4 move Exhibit G. Is there a second to that motion?

5 CHIEF ROMERO: Mr. Chairman, I'll second that  
6 motion.

7 A.G. BALDERAS: There is now a motion and a  
8 second to move Exhibit G forward. All in favor say  
9 aye.

10 (The Board Members voted unanimously.)

11 A.G. BALDERAS: Any in opposition? The  
12 motion passes to move Exhibit G, Certifications  
13 18-0342-P ending in 18-0357-P.

14 DEPUTY DIRECTOR COSS: Thank you,  
15 Mr. Chairman. We'll now move to Exhibit H for your  
16 consideration. And it begins with 18-0358-P and ends  
17 with the same.

18 A.G. BALDERAS: Is there a motion for  
19 Exhibit H?

20 CHIEF ROMERO: Mr. Chairman, I so move.

21 A.G. BALDERAS: Thank you. There is a motion  
22 for ratification of the certification in Exhibit H.  
23 Is there a second to that motion?

24 SHERIFF MENDOZA: Mr. Chair, I'll second.

25 A.G. BALDERAS: Thank you for that second.

1 There is a motion to move ratification of the  
2 certification in Exhibit H, 18-0358-P. All in favor  
3 say aye.

4 (The Board Members voted unanimously.)

5 A.G. BALDERAS: Is there any in opposition?  
6 The motion passes to move ratification for  
7 certification in Exhibit H, No. 18-0358-P.

8 DEPUTY DIRECTOR COSS: Mr. Chairman, I'll now  
9 present Exhibit I for consideration of ratification,  
10 beginning with Certification No. 18-0359-P through  
11 No. 18-0400-P.

12 A.G. BALDERAS: Thank you. I'll entertain a  
13 motion to move for ratification of certifications in  
14 Exhibit I.

15 CHIEF TOYA: Mr. Chair, I'll make the motion.

16 A.G. BALDERAS: Thank you for that motion.  
17 Is there a second to move ratification of  
18 certifications in Exhibit I?

19 SERGEANT ANDERSON: Mr. Chairman, I'll  
20 second.

21 A.G. BALDERAS: Thank you for that second.  
22 There is a motion and a second to move ratification of  
23 certifications in Exhibit I, 18-0359-P all the way to  
24 18-0400-P. All in favor say aye.

25 (The Board Members voted unanimously.)

1           A.G. BALDERAS: Any in opposition? The  
2 motion passes to move ratification of certifications  
3 in Exhibit I. The motion is passed.

4           DEPUTY DIRECTOR COSS: Thank you,  
5 Mr. Chairman. I now present Exhibit J for the Board's  
6 consideration for ratification of certifications. As  
7 you can see, we've moved into 2019, beginning with  
8 19-0001-P through 19-0018-P.

9           A.G. BALDERAS: I will entertain a motion for  
10 ratification of certifications in Exhibit J. As you  
11 know, 19-0001-P through 19-0018-P encompass  
12 illustrious law enforcement agencies and members all  
13 the way from Isleta Tribal Police to Valencia County  
14 Sheriff. I will entertain a motion to pass Exhibit J.

15           CHIEF TOYA: Mr. Chairman, I'll make a  
16 motion.

17           A.G. BALDERAS: Thank you for that motion to  
18 move Exhibit J. Is there a second to that motion?

19           CHIEF ROMERO: Mr. Chair, I'll second the  
20 motion.

21           A.G. BALDERAS: Thank you for that second.  
22 For consideration there is a motion and a second to  
23 move ratification of certifications in Exhibit J for  
24 community law enforcement agencies from Isleta Tribal  
25 Police all the way to Valencia County Sheriff's

1 Office. All in favor say aye.

2 (The Board Members voted unanimously.)

3 A.G. BALDERAS: Is there any in opposition to  
4 this? There is no opposition. It appears the motion  
5 to move Exhibit J forward for ratification and  
6 certification passes.

7 DEPUTY DIRECTOR COSS: Thank you,  
8 Mr. Chairman. We have one more, Exhibit K, for  
9 consideration of ratification for certification,  
10 Certification No. 19-0020-P ending with the same.

11 A.G. BALDERAS: Excellent. I'll entertain a  
12 motion to move ratification of certification on  
13 Exhibit K, 19-0020-P. Is there a motion?

14 SHERIFF MENDOZA: Mr. Chair, I'll move to  
15 ratify.

16 A.G. BALDERAS: Thank you for that motion for  
17 ratification of certification in Exhibit K. Is there  
18 a second to that motion?

19 CHIEF TOYA: Mr. Chair, I'll second the  
20 motion.

21 A.G. BALDERAS: Thank you for seconding the  
22 motion to move ratification of certification of  
23 Exhibit K. All in favor say aye.

24 (The Board Members voted unanimously.)

25 A.G. BALDERAS: Is there any opposition? The

1 motion passes for ratification of Certification  
2 No. 19-0020-P. We now have completed Item No. 10 on  
3 the agenda, which is the ratification of  
4 certifications for law enforcement officers.

5 ITEM NO. 11: RATIFICATION OF CERTIFICATIONS FOR  
6 PUBLIC SAFETY TELECOMMUNICATORS

7 A.G. BALDERAS: I now welcome the Deputy  
8 Director to take us to Item No. 11, ratification of  
9 certifications for public safety telecommunicators.  
10 We do have a few citizens. But for my refreshing can  
11 you tell us the distinction between a telecommunicator  
12 and other law enforcement as it relates to traditional  
13 officers.

14 DEPUTY DIRECTOR COSS: Absolutely. A  
15 telecommunicator is -- and I think I addressed it in  
16 my initial report. They truly are in my humble  
17 opinion the first first responder. These are the ones  
18 that are picking up your phone calls for help.

19 And they are the ones that are assessing that  
20 scene through only their sense of hearing in  
21 determining what the needs are, whether it's fire,  
22 whether it's law enforcement, whether it's something  
23 less, some type of social service or some type of  
24 public utility company need or whatever the case may  
25 be, whatever their emergency is.

1           They are truly the ones that initially  
2 receive these initial calls and then dispatch law  
3 enforcement out or fire or whatever the appropriate  
4 agencies are.

5           Here at the Academy they go through a  
6 three-week basic certification course, right at a  
7 little over 120 hours. I want to say it's 130 plus  
8 hours, with some distance learning that occurs in  
9 there as well.

10           And then they're put into electronic  
11 simulators simulating a CAD, their computer-aided  
12 dispatch type environment, so that they have the  
13 opportunity to practice their skills and hone their  
14 skills in a place that's safe for them to make a  
15 mistake, if that needs to happen, in the learning  
16 process.

17           So that's the process that they go through.  
18 And again we're exceptionally lucky to have Ms. Ashley  
19 Lopez setting up that program. And she has made some  
20 significant advances in our public safety  
21 telecommunicator program statewide.

22           A.G. BALDERAS: Thank you for that refresher.  
23 I now direct the Board to Item 11 in our packet as  
24 well as all the exhibits in our binders. But you have  
25 the floor. We can move forward on passage.



1           DEPUTY DIRECTOR COSS: Thank you,  
2 Mr. Chairman. So this is Exhibit A of agenda Item  
3 No. 11, request for the Board's consideration for  
4 ratification of certifications beginning with  
5 No. 18-0042-PS, signifying public safety  
6 telecommunicator, through 18-0069-PS.

7           A.G. BALDERAS: Thank you for that request.  
8 I will now entertain a motion to pass Exhibit A,  
9 18-0042-PS through 18-0069-PS. Is there a motion to  
10 move?

11           CHIEF TOYA: Mr. Chairman, I'll make a  
12 motion.

13           A.G. BALDERAS: Thank you for that motion to  
14 move passage of the ratification of certifications.  
15 Is there a second to that motion?

16           SHERIFF MENDOZA: Mr. Chairman, I'll second.

17           A.G. BALDERAS: Thank you for that second.  
18 There is now a motion to the floor to move  
19 ratification of certifications for Exhibit A. All in  
20 favor say aye.

21           (The Board Members voted unanimously.)

22           A.G. BALDERAS: Are there any in opposition?  
23 The motion does pass to move Exhibit A, 18-0042-PS  
24 through 18-0069-PS.

25           DEPUTY DIRECTOR COSS: Thank you,

1 Mr. Chairman. Members of the Board, I now offer  
2 Exhibit B for your consideration for ratification,  
3 Certification Nos. 18-0076-PST through 18-0100-PST.

4 A.G. BALDERAS: There has been a request. I  
5 will entertain a motion to move ratification of  
6 certifications for Exhibit B. Is there a motion?

7 SERGEANT ANDERSON: Mr. Chairman, I'll make  
8 the motion.

9 A.G. BALDERAS: Thank you for that motion to  
10 move items in Exhibit B. Is there a second?

11 CHIEF ROMERO: Mr. Chairman, I'll second.

12 A.G. BALDERAS: Thank you, Board Member, for  
13 that second. There is a motion and a second to move  
14 Exhibit B forward. All in favor say aye.

15 (The Board Members voted unanimously.)

16 A.G. BALDERAS: Any in opposition? The  
17 motion to move Exhibit B, 18-0076-PST through  
18 18-0100-PST, does pass. We now move to Exhibit C.

19 DEPUTY DIRECTOR COSS: Thank you,  
20 Mr. Chairman. Members of the Board, I now offer  
21 Exhibit C for your consideration for ratification of  
22 certification, beginning with Certification  
23 No. 18-0101-PST through 18-0104-PST.

24 A.G. BALDERAS: Thank you for that request to  
25 potentially move ratification of certifications for

1 Exhibit C. Is there a motion to entertain?

2 CHIEF ROMERO: Mr. Chair, I so move passage  
3 of Exhibit C.

4 A.G. BALDERAS: Thank you for that motion to  
5 move forward Exhibit C, 18-0101-PST through  
6 18-0104-PST. Is there a second to that motion?

7 CHIEF TOYA: Mr. Chairman, I'll second the  
8 motion.

9 A.G. BALDERAS: Thank you so much for that  
10 second. All in favor to move ratification of  
11 certifications for Exhibit C say aye.

12 (The Board Members voted unanimously.)

13 A.G. BALDERAS: Any opposition to this  
14 motion? There is no opposition. It appears that the  
15 motion for ratification of certifications of Exhibit C  
16 does pass. We'll move forward to Exhibit D.

17 DEPUTY DIRECTOR COSS: Thank you,  
18 Mr. Chairman. Members of the Board, I offer Exhibit D  
19 for your consideration for ratification of  
20 certification, beginning with Certification  
21 No. 18-0070-PST through No. 18-0075-PST.

22 A.G. BALDERAS: Thank you for that request.  
23 I'll now entertain a motion to move ratification for  
24 certifications in Exhibit D. Is there a motion?

25 SHERIFF MENDOZA: Mr. Chairman, I make a

1 motion.

2 A.G. BALDERAS: Thank you for that motion.  
3 Is there a second to move passage of ratification of  
4 certifications in Exhibit D?

5 SERGEANT ANDERSON: Mr. Chairman, I second.

6 A.G. BALDERAS: Thank you for that second.  
7 There is a motion to move ratification of  
8 certifications in Exhibit D on the table. All in  
9 favor say aye.

10 (The Board Members voted unanimously.)

11 A.G. BALDERAS: Any in opposition to this  
12 motion? It appears the motion for ratification of  
13 certifications in Exhibit D does pass.

14 DEPUTY DIRECTOR COSS: Thank you,  
15 Mr. Chairman. Members of the Board, I now offer  
16 Exhibit E for your consideration for ratification of  
17 certification, Certification No. 18-0105-PST ending  
18 with the same.

19 A.G. BALDERAS: Thank you for that request.  
20 Is there a motion to entertain ratification of  
21 certification for Exhibit E?

22 CHIEF ROMERO: Mr. Chairman, I so move.

23 A.G. BALDERAS: Thank you for that motion.  
24 Is there a second to that motion to pass ratification  
25 of certification in Exhibit E?

1 CHIEF TOYA: Mr. Chairman, I'll second.

2 A.G. BALDERAS: Thank you for that second.  
3 There is a motion. All in favor to move Exhibit E  
4 forward say aye.

5 (The Board Members voted unanimously.)

6 A.G. BALDERAS: Any in opposition, are there  
7 any nays? It appears that the motion and second for  
8 ratification of certification in Exhibit E,  
9 18-0105-PST, does pass. Deputy Director, we move to  
10 Exhibit F.

11 DEPUTY DIRECTOR COSS: Thank you  
12 Mr. Chairman. Members of the Board, I now offer  
13 Exhibit F for your consideration for ratification and  
14 certification, beginning with Certification  
15 No. 19-0001-PST through 19-0024-PST.

16 A.G. BALDERAS: Thank you for that request.  
17 Is there a motion to move Exhibit F for ratification  
18 of certifications?

19 CHIEF TOYA: Mr. Chairman, I'll make a motion  
20 for Exhibit F.

21 A.G. BALDERAS: Thank you for that motion to  
22 move Exhibit F forward. Is there a second to that  
23 motion?

24 SHERIFF MENDOZA: Mr. Chair, I'll second.

25 A.G. BALDERAS: There is a second. So there

1 is a motion and a second to move 19-0001-PST through  
2 19-0024-PST, which is itemized as Exhibit F. All in  
3 favor say aye.

4 (The Board Members voted unanimously.)

5 A.G. BALDERAS: Is there any opposition to  
6 this request for a motion? Any nays? There are no  
7 nays. It appears that the motion and second to ratify  
8 certifications of Exhibit F does pass. Is that the  
9 last one?

10 DEPUTY DIRECTOR COSS: Thank you,  
11 Mr. Chairman. We have one more, Exhibit G.

12 Members of the Board, I offer for your  
13 consideration for ratification of certification  
14 beginning with Certification No. 19-0025-PST through  
15 13-0097-PS.

16 A.G. BALDERAS: There is a request to  
17 consider or entertain moving Exhibit G to passage.  
18 I'll entertain a motion.

19 SHERIFF MENDOZA: Mr. Chair, I'll make a  
20 motion to ratify.

21 A.G. BALDERAS: Thank you. There is a  
22 motion. Is there a second to ratify certification?

23 CHIEF TOYA: Mr. Chairman, I'll second that.

24 A.G. BALDERAS: Thank you for that second.  
25 There appears to be a motion and a second to move

1 passage of ratification of certifications in  
2 Exhibit G, which entail a cluster before us that are  
3 19-0025-PST from, for instance, Mesilla Valley  
4 Regional Dispatch Authority, all the way to Exhibit G,  
5 which ends in 13-0097-PS, which is the Isleta Tribal  
6 Police Department. All in favor say aye to this  
7 motion.

8 (The Board Members voted unanimously.)

9 A.G. BALDERAS: Any in opposition or any  
10 nays? The motion does pass to move ratification for  
11 certifications in Exhibit G. Thank you for these  
12 requests.

13 ITEM NO. 12: SCHEDULING OF 2019 BOARD MEETINGS

14 A.G. BALDERAS: We'll now go ahead and move  
15 to one of my favorite parts of the meeting. We will  
16 now be taking under advisement your input. We  
17 generally do four meetings a year.

18 I thought it's been a healthy policy to do a  
19 Santa Fe, Albuquerque, and then kind of defer to you  
20 or get feedback from you after this meeting on where  
21 do we want to take the other two Board meetings.

22 We've been as far as Hobbs. But there are a  
23 lot of rural New Mexico choices. But what I want to  
24 do at least now, because you're all very busy and it  
25 is difficult to line up schedules, I would like to ask

1 that you consider your availability for August 12th --  
2 well, the entire week.

3 And then we'll kind of nail it down through  
4 counsel as you go back and check your schedules or  
5 your demands. The week of August 12, 2019;  
6 October 14, 2019; and December 9, 2019.

7 And I also want to commend the AG staff and  
8 also DPS staff. How we nail those calendars down is  
9 almost a miracle.

10 So I want you to start with any point in that  
11 week. And I believe we're thinking Ruidoso. There is  
12 a Sheriffs' Association meet-up at that time. So we  
13 can go to Ruidoso. But I understand your demands.  
14 And we can have a discussion now about it, if there  
15 are any immediate questions.

16 SERGEANT ANDERSON: Mr. Chairman, what was  
17 the date in December again, please?

18 A.G. BALDERAS: December 9th seems to be a  
19 decent week that I ask you to consider. And if we  
20 decide to go to Ruidoso, then it would probably be --  
21 historically we do like to end that December meeting  
22 in Albuquerque.

23 And I'm also a fan of rural outreach. So I  
24 would think that the August 12th is a rural outreach  
25 week. And then I would defer to you on where you want



1 to go in rural New Mexico during the week of  
2 October 14th, if indeed, you want to be in Albuquerque  
3 in December for your grandkids' and children's  
4 shopping.

5 But we don't need to decide that today. But  
6 we would like to have these weeks discussed or, if you  
7 need us to move to a different week, because we would  
8 like to consider that at least in dialogue.

9 Did you get all the weeks that we're  
10 considering? We'll be available after the meeting as  
11 well if we need to tie those down. Any questions at  
12 this point or comments? Great.

13 We're actually to agenda Item 13. I now want  
14 to move that the Board go into executive session to  
15 discuss disciplinary matters under what has been  
16 deemed executive session pursuant to New Mexico  
17 Statutes 1978 10-15-1.

18 MR. DWORAK: Chairman, Members of the Board,  
19 at this time the Board generally goes into closed  
20 session. The Attorney General historically has  
21 recused himself during this portion because of at  
22 least the appearance of a potential conflict with  
23 disciplinary cases, where our office prosecutes some  
24 of the administrative hearings.

25 And so, if it's the will of the Board, we

1 would take a brief recess. And then we would come  
2 back and proceed with the disciplinary matters. The  
3 first one includes a petition in which the individual  
4 I think is here. So we would hear that petition  
5 before voting to go into closed session.

6 A.G. BALDERAS: Okay. So do we want a motion  
7 for us to go to break before we hit that portion?

8 MR. DWORAK: No, sir. I don't think you need  
9 a motion to take a recess. But we would need a vote  
10 after we come back from recess after the petition to  
11 go into closed session.

12 A.G. BALDERAS: Okay.

13 MR. DWORAK: So you all could just take a  
14 five or ten-minute recess now. That's fine.

15 A.G. BALDERAS: So I want to give the Board  
16 at least ten minutes. Let's take a break. And then  
17 we'll come back and we'll decide what the next phase  
18 is, whether it's the presentation or executive  
19 session.

20 So let's give us ten minutes. And we'll be  
21 back about eleven o'clock. Thank you.

22 (Recess.)

23 A.G. BALDERAS: I want to welcome everyone  
24 back from the break and congratulate you on a  
25 successful first three-quarters of the meeting.

1 I believe that we have remaining a petition  
2 that I believe we will conduct in public open setting.  
3 And then I'll defer to my Vice Chairman to take you  
4 into the discipline part of the process of the  
5 meeting.

6 Again, on behalf of my staff, also DPS, I  
7 look forward to working with you. And I'll be  
8 touching base with each one of you personally on the  
9 designation of the next three meetings.

10 And again I can't thank you enough for your  
11 commitment, your time, and accepting this very  
12 important role and responsibility. I'm looking  
13 forward to a very productive four years.

14 So I'll now defer to our new Vice Chairman.  
15 You have the floor, sir.

16 CHIEF ROMERO: Thank you, Mr. Chair.

17 ITEM NO. 13: DESHAUN EPPS

18 CHIEF ROMERO: At this time we are on agenda  
19 Item No. 13, where Mr. DeShaun Epps has requested to  
20 address the Board for consideration of reinstatement  
21 of his law enforcement certification. Is Mr. Epps  
22 present? No. Okay.

23 MR. DWORAK: Mr. Vice Chairman, Members of  
24 the Board, I would suggest moving forward with the  
25 next petition, if the individual is here. The Board

1 may hear the presentation of the petition. And the  
2 request I believe is a reinstatement request in open  
3 session.

4 The Board can choose to deliberate in open  
5 session or go into closed session, which is generally  
6 the practice of the Board. This would be a licensing  
7 or certification matter which may be discussed by the  
8 Board in closed session along with all of the other  
9 disciplinary items listed on the agenda.

10 My advice would be to go into closed session  
11 after you hear the presentation of the petition and  
12 then ask any clarifying questions, and then the Board  
13 can receive legal advice.

14 CHIEF ROMERO: All right. With that let me  
15 just ask the Deputy Director if Mr. Garcia is present?

16 DEPUTY DIRECTOR COSS: Yes.

17 ITEM NO. 14: ZACHARY GARCIA

18 CHIEF ROMERO: At this time, if there are no  
19 objections from the Board, we'll go to agenda Item  
20 No. 14, where former officer Zachary Garcia has  
21 requested to address the Board. Mr. Garcia.

22 MR. GARCIA: Hello, sir, and Board Members.  
23 I'm requesting to reopen my hearing and to set a  
24 hearing on an incident that occurred awhile back.

25 I was not aware of the hearing in the past.

1 I'm sorry. This is my first time presenting myself to  
2 a Board. And I'm kind of scared and nervous. So  
3 please forgive me.

4 So I don't know the process of how this  
5 works. But again I would like to request a hearing in  
6 my matter.

7 MR. DWORAK: Mr. Vice Chairman, if you and  
8 the Board would like, I'm happy to provide  
9 clarification in terms of the disciplinary process for  
10 the Board and why this petition is placed on the  
11 agenda in this way. And I also believe Deputy  
12 Director Coss can provide some procedural history as  
13 to how this matter came before the Board.

14 CHIEF ROMERO: Deputy Director Coss, could  
15 you enlighten the Board.

16 DEPUTY DIRECTOR COSS: I would be more than  
17 happy to, Mr. Vice Chairman.

18 Mr. Garcia, if I may, just to give a little  
19 bit more of a background to the Board, this incident  
20 dates back to 2016. And it was an incident where the  
21 Respondent, Mr. Garcia, and another individual off  
22 duty had gotten into a confrontation.

23 The matter was resolved, both parties walked  
24 away. Ultimately there was a misconduct report filed,  
25 an LEA-90, if you will. And there's been a fairly

1 recent change within the last couple years in our  
2 process for the misconduct cases.

3 In the past one of the first steps would be  
4 to issue a Notice of Contemplated Action. Well, now  
5 we're issuing a Notice of Investigation.

6 So an NCA, if you will, was issued and sent  
7 to the only mailing address that we had, which in turn  
8 turns out to be the address of his mother. And his  
9 mother had signed for it. And we didn't hear anything  
10 from the Respondent.

11 So we then moved on to an NFD, which is a  
12 Notice of Final Decision, which at that time was a  
13 default notification. And we sent notice to the same  
14 address. We had the same return of service, that come  
15 to find out his mother had signed for him. And I'll  
16 let Mr. Garcia answer.

17 But apparently there was some lack of  
18 communication between his mother and himself in  
19 receiving this information. And so, therefore, I  
20 believe that's what he is requesting, due process.  
21 Because he is stating that he did not receive notice  
22 either initially or secondarily.

23 If you have any questions that I can help  
24 clarify?

25 Was that a reasonable summation, Mr. Garcia?

1 MR. GARCIA: Yes.

2 MR. TEDROW: Mr. Chair, if I may, so this  
3 didn't go through the process where somebody  
4 interviewed -- we don't have any of that data that  
5 anyone was interviewed, that it went through anything  
6 like that?

7 DEPUTY DIRECTOR COSS: It did not have any  
8 step of the process, an oral response or something in  
9 writing. We have the original LEA-90 from the agency  
10 and the investigation of the agency. But we have no  
11 input from the Respondent himself.

12 MR. DWORAK: If I may clarify, Mr. Chair,  
13 Members of the Board, the process to ensure that due  
14 process is satisfied was followed here. The process  
15 is a little more robust since the Board adopted new  
16 rules about three years ago.

17 But simply put, as Deputy Director Coss  
18 stated, when an individual does not respond, the Board  
19 generally would just revoke the certification by  
20 default.

21 There is no current process in the Board's  
22 statute or rules for the Board to follow regarding  
23 requests to reopen a matter. So, therefore, it would  
24 just be discretionary, there's no obligation for the  
25 Board. But there's also nothing explicitly to

1 prohibit or restrict the Board from doing so.

2 So it's up to the discretion of the Board.  
3 If the Board would like to discuss this further  
4 amongst itself in closed session, you have the legal  
5 authority to do that.

6 Also, if there seemed to be consensus in  
7 short order amongst the Board, you could have that  
8 discussion in open session and take a vote.

9 Ultimately the final vote would need to be in open  
10 session. So I'm happy to answer any questions as  
11 well.

12 CHIEF ROMERO: Thank you.

13 MS. MONAHAN: The question I would have,  
14 there's no precedent, this hasn't happened before,  
15 this situation?

16 MR. DWORAK: Mr. Chairman, Members of the  
17 Board, I don't believe so. I think the normal request  
18 for petitions is someone who has had their  
19 certification revoked after a hearing.

20 Generally, Brian, I'm not sure if you're  
21 aware of having a matter reopened after a hearing was  
22 not requested.

23 DEPUTY DIRECTOR COSS: Mr. Vice Chairman,  
24 Members of the Board, I cannot recall a case where a  
25 matter was reopened. I'm not saying it hasn't. But I



1 just cannot recall in my 16 or so years.

2 SHERIFF MENDOZA: Mr. Chair, is it possible  
3 to ask the gentleman a question in references to  
4 request?

5 CHIEF ROMERO: Yes, Board Member. I believe  
6 it's appropriate for anyone that's got some questions  
7 to clarify things.

8 SHERIFF MENDOZA: Mr. Garcia, just a  
9 question. Were you aware that the certified letter  
10 was sent to you at any point?

11 MR. GARCIA: I was not aware, sir.

12 SHERIFF MENDOZA: And I notice that the date  
13 on this revocation by default was 2016. Is there a  
14 reason for the delay in the request to reopen?

15 MR. GARCIA: Since I left the Town of Taos  
16 Police Department, I did pursue a different path in my  
17 life to be out of law enforcement. So I worked for a  
18 nonprofit organization teaching kids, which I happen  
19 to love doing.

20 So during the time that I was out of law  
21 enforcement, I missed it. It was in my heart. And so  
22 I reapplied. And I was not aware of the LEA-90 until  
23 I got rehired through a department.

24 SHERIFF MENDOZA: Mr. Chairman, Mr. Garcia,  
25 what was the date that you were aware of the

1 revocation?

2 MR. GARCIA: It wasn't until I want to say  
3 either October or November this last year.

4 SHERIFF MENDOZA: Thank you.

5 CHIEF ROMERO: Do any of the other Members  
6 have questions?

7 SERGEANT ANDERSON: Yes, sir. Mr. Garcia,  
8 your separation from -- is it Taos Police Department?

9 MR. GARCIA: Yes, ma'am.

10 SERGEANT ANDERSON: Was it due to this  
11 incident?

12 MR. GARCIA: Yes.

13 SERGEANT ANDERSON: And in that separation  
14 was it voluntary or did the department dismiss you?

15 MR. GARCIA: Voluntary.

16 CHIEF TOYA: Mr. Chairman, I have a question.

17 CHIEF ROMERO: Go ahead, Chief Toya.

18 CHIEF TOYA: Mr. Garcia, was it voluntary in  
19 lieu of being suspended after the Internal Affairs  
20 case?

21 MR. GARCIA: Yes.

22 CHIEF TOYA: So instead of taking the  
23 Internal Affairs discipline, you chose to retire in  
24 Colorado; is that right?

25 MR. GARCIA: Well, to my recollection I did

1 go through the entire process of the investigation  
2 from the Internal Affairs.

3 CHIEF TOYA: But you didn't serve any  
4 discipline?

5 MR. GARCIA: No, sir.

6 MR. TEDROW: Mr. Chair, a follow-up on that.  
7 Do you know from your agency, was there a  
8 recommendation of termination and that's why you  
9 resigned?

10 MR. GARCIA: There was not a recommendation  
11 of termination, no.

12 MR. TEDROW: Thank you.

13 CHIEF ROMERO: Any other questions by Members  
14 of the Board? Mr. Garcia, anything else you would  
15 like to add?

16 MR. GARCIA: No, sir. My life has been  
17 consisting of law enforcement. I've been a police  
18 officer since 2001. I've done a lot of good things,  
19 I've seen a lot of bad things. I feel like my career  
20 in law enforcement is not finished. I have a lot of  
21 good left.

22 And I also feel that -- I didn't know of my  
23 revocation. And I believe I deserve due process. I  
24 know it's rare. And maybe there hasn't ever been a  
25 case where it has been reopened.

1           But I believe that maybe it has never been  
2 reopened because there's already been a hearing for  
3 that revocation. I feel like I didn't get a chance to  
4 explain myself in this particular incident. So I am  
5 asking for due process, for a hearing.

6           CHIEF ROMERO: Thank you, Mr. Garcia.

7           MR. DWORAK: Mr. Chairman, Members of the  
8 Board, if it's the will of the Board, we can go into  
9 closed session. We have provided a script to two  
10 members to facilitate that motion.

11           Just so the Board understands, if we go into  
12 closed session, we would go into closed session for  
13 all of the disciplinary items would be my advice. And  
14 then you could discuss all of them in closed session  
15 and vote upon return.

16           So Mr. Garcia wouldn't know the disposition  
17 of his petition request until after you all returned.  
18 You could go into closed session once to discuss his  
19 matter, come out, and vote; and then proceed to  
20 discuss the other items as well.

21           And just to clarify as well, any action  
22 regarding his petition would be simply to deny the  
23 petition request or, if you wanted to approve his  
24 request and set it for hearing, that would be the  
25 other option.

1 I know that was a lot. But if you want to go  
2 into closed session, you can do so now. And I would  
3 just say closed session is something that's only in  
4 the discretion of the Board. And so there is a  
5 specific process we have to follow pursuant to the  
6 Open Meetings Act.

7 It requires a motion citing the statutory  
8 authority to go into closed session as well as the  
9 subject matters to be discussed. And then it requires  
10 a roll call vote of the Board.

11 CHIEF ROMERO: At this time I would like to  
12 entertain a motion to go into closed session.

13 MS. MONAHAN: Vice Chair, I move that the  
14 Board enter into closed session as authorized by the  
15 licensing exception of the Open Meetings Act to  
16 discuss the disciplinary matters as listed on the  
17 agenda.

18 CHIEF ROMERO: Thank you. Do I have a  
19 second?

20 SHERIFF MENDOZA: Mr. Chair, before we  
21 second, are we going to go into closed session just  
22 for this specific case or for the rest of the pending  
23 disciplines?

24 CHIEF ROMERO: That would be at the  
25 discretion of the Board. What's the desire of the

1 Board?

2 SHERIFF MENDOZA: Like I said, we need to  
3 clarify the motion.

4 MR. DWORAK: So I would just clarify, if you  
5 would like to have it for this specific disciplinary  
6 matter or all disciplinary matters on the agenda?

7 MS. MONAHAN: And you're looking at me  
8 because I have the script?

9 MR. DWORAK: Because of the motion. I mean  
10 normally, just for clarification, we usually do all of  
11 them together. And I think that that's the assumption  
12 with that motion. If you all would prefer to just do  
13 one, I think that can come out in your discussion of  
14 the motion after it's seconded.

15 MS. MONAHAN: So if you need me to read it  
16 again, I would move that we do all of the disciplinary  
17 at once. Do you need me to read it again with that?

18 MR. DWORAK: No.

19 CHIEF ROMERO: So the motion is to enter into  
20 closed session as authorized by the licensing  
21 exception of the Open Meetings Act to discuss all  
22 disciplinary matters listed on today's agenda. Do I  
23 have a second?

24 SHERIFF MENDOZA: With that being said,  
25 Chairman, I'll second the motion.

1 CHIEF ROMERO: Thank you. We have a second  
2 at this time. May we have a roll call vote.

3 MS. MEDRANO: Robert Tedrow.

4 MR. TEDROW: Yes.

5 MS. MEDRANO: Sheriff Adan Mendoza.

6 SHERIFF MENDOZA: Yes.

7 MS. MEDRANO: Chief Greg Toya.

8 CHIEF TOYA: Yes.

9 MS. MEDRANO: Chief Thomas Romero.

10 CHIEF ROMERO: Yes.

11 MS. MEDRANO: Sergeant Hollie Anderson.

12 SERGEANT ANDERSON: Yes.

13 MS. MEDRANO: Ms. Connie Monahan.

14 MS. MONAHAN: Yes.

15 CHIEF ROMERO: The motion to enter into  
16 closed session carries. Let the record show that the  
17 Board shall enter into closed session at approximately  
18 11:40 a.m. this date. And we are off the record.

19 (Recess from 11:40 a.m. to 2:45 p.m.)

20 CHIEF ROMERO: It looks like we have everyone  
21 back. The Board is back in open session and on the  
22 record. The current time is approximately 2:45 p.m.

23 Let the record show that the matters  
24 discussed during the closed session were limited only  
25 to those specified in the motion for closure, but no

1 votes or official action was taken.

2 All right. At this time, going back to the  
3 agenda, we're on Item No. 13 in regards to Mr. DeShaun  
4 Epps. So do I have a motion regarding Mr. Epps at  
5 this time?

6 SHERIFF MENDOZA: Yes, Mr. Vice Chair. I  
7 will make a motion denying reinstatement of the law  
8 enforcement certification, denying that the case be  
9 reopened and upholding the revocation.

10 CHIEF ROMERO: Okay. We have a motion. Do  
11 we have a second?

12 CHIEF TOYA: Mr. Vice Chair, I'll second.

13 CHIEF ROMERO: Okay. We have a motion and a  
14 second regarding Mr. DeShaun Epps. Is there any  
15 further discussion? Seeing none, all those in favor.

16 (The Board Members voted unanimously.)

17 CHIEF ROMERO: Any opposed or nays? Okay.  
18 Seeing none, the motion carries.

19 Moving on to Item No. 14 regarding Zachary  
20 Garcia, do I have a motion?

21 MR. TEDROW: Mr. Chair, at this time I would  
22 move that the request to reopen and set a hearing for  
23 Zachary Garcia be approved.

24 MS. MONAHAN: I second that motion.

25 CHIEF ROMERO: Okay. We have a motion



1 regarding Mr. Garcia's status and we have a second.  
2 Do we have any further discussion? Seeing none, all  
3 those in favor of the motion.

4 (The Board Members voted unanimously.)

5 CHIEF ROMERO: Any opposed or nays? Seeing  
6 none, the vote is unanimous.

7 ITEM NO. 15: TOM HENNINGS CBW CERTIFICATION

8 CHIEF ROMERO: Moving on to No. 15, Tom  
9 Hennings, CBW certification, do I have a motion?

10 MR. TEDROW: Mr. Chair, I'm not sure, I  
11 didn't make notes on that one. But at this time I  
12 could make a motion to proceed with a Notice of  
13 Investigation concerning the complaint filed in No. 15  
14 on Tom Hennings concerning the CBW certification.

15 CHIEF ROMERO: Okay. We have a motion on  
16 No. 15, Mr. Hennings. Do we have a second?

17 SHERIFF MENDOZA: I'll second.

18 CHIEF ROMERO: Okay. So we have a motion and  
19 a second regarding Mr. Hennings. Any further  
20 discussion? Seeing none, all those in favor say aye.

21 (The Board Members voted unanimously.)

22 CHIEF ROMERO: Any opposed or nay? Seeing  
23 none, the vote is unanimous.

24 ITEM NO. 16: AARON ORDONEZ

25 CHIEF ROMERO: Moving on to No. 16, Aaron

1       Ordonez. Do I have a motion?

2               SHERIFF MENDOZA: Mr. Vice Chair, I make a  
3 motion for a dismissal in reference to Aaron Ordonez.

4               CHIEF ROMERO: Okay. We have a motion for  
5 dismissal on Mr. Ordonez. Do I have a second?

6               CHIEF TOYA: Second, Mr. Vice Chair.

7               CHIEF ROMERO: We have a motion and a second.  
8 Any further discussion? Seeing none, all those in  
9 favor say aye.

10               (The Board Members voted unanimously.)

11               CHIEF ROMERO: Any opposed? Seeing none, the  
12 vote is unanimous.

13               ITEM NO. 17: VANESSA STACK

14               CHIEF ROMERO: Moving on to Item 17, Vanessa  
15 Stack, do I have a motion?

16               SERGEANT ANDERSON: Mr. Vice Chair, I make a  
17 motion to dismiss.

18               CHIEF ROMERO: Okay. We have a motion to  
19 dismiss on Vanessa Stack. Do I have a second?

20               SHERIFF MENDOZA: I'll second that.

21               CHIEF ROMERO: Okay. We have a motion and a  
22 second for dismissal on Vanessa Stack. Any further  
23 discussion? Seeing none, all those in favor say aye.

24               (The Board Members voted unanimously.)

25               CHIEF ROMERO: Any opposed? Seeing none, the

1 vote is unanimous.

2 ITEM NO. 18: MAXIM ALANIZ

3 CHIEF ROMERO: Moving on to Item 18, Maxim  
4 Alaniz, do I have a motion?

5 CHIEF TOYA: Mr. Vice Chair, I'll make a  
6 motion to approve suspension for six months. I  
7 believe the date we're talking about is the date of  
8 December 15, 2018, through July 15, 2019.

9 MR. TEDROW: Was that July or June?

10 CHIEF TOYA: It was June. I'm sorry.  
11 December through June.

12 CHIEF ROMERO: Okay. So we have a motion to  
13 accept the recommendation retroactive to December 15,  
14 2018, to June 15, 2019. Do I have a second?

15 SERGEANT ANDERSON: I'll second.

16 CHIEF ROMERO: Okay. We have a motion and a  
17 second. Any further discussion?

18 CHIEF ROMERO: Seeing none, all those in  
19 favor please say aye.

20 (The Board Members voted unanimously.)

21 CHIEF ROMERO: Any opposed? Seeing none, the  
22 vote is unanimous.

23 ITEM NO. 19: ISAIAH ANAYA

24 CHIEF ROMERO: Moving on to Item 19, Isaiah  
25 Anaya, do I have a motion.

1 SERGEANT ANDERSON: Mr. Vice Chair, I make a  
2 motion to approve the six-month suspension. And the  
3 dates would be from December of 2018 to June of 2019.

4 CHIEF ROMERO: I'm sorry. Mr. Coss, did you  
5 have specific dates on that?

6 DEPUTY DIRECTOR COSS: December 15th is  
7 consistent, Mr. Vice Chair.

8 SERGEANT ANDERSON: I'll go ahead and add  
9 that date of December 15, 2018, to June 15, 2019.

10 CHIEF ROMERO: Okay. We have a motion. Do I  
11 have a second?

12 CHIEF TOYA: I second the motion, Mr. Vice  
13 Chair.

14 CHIEF ROMERO: Okay. We have a motion and a  
15 second to accept the recommendation retroactive to  
16 December 15, 2018, through June 15, 2019. All those  
17 in favor please say aye.

18 (The Board Members voted unanimously.)

19 CHIEF ROMERO: Any opposed?

20 SHERIFF MENDOZA: Mr. Chair, I would just  
21 like to state that I abstained from that vote.

22 CHIEF ROMERO: And this is on Isaiah Anaya?

23 SHERIFF MENDOZA: That is correct.

24 CHIEF ROMERO: So one abstention and  
25 unanimous otherwise.

1                   ITEM NO. 20:   ANTHONY ARMIJO

2                   CHIEF ROMERO:   Item 20 is Anthony Armijo.   Do  
3 I have a motion?

4                   SHERIFF MENDOZA:   Mr. Chair, I'll make a  
5 motion for approval of a one-year suspension in  
6 reference to Anthony Armijo.

7                   CHIEF ROMERO:   Okay. I have a motion to  
8 accept the recommendation of a one-year suspension.  
9 Do I have a second?

10                  CHIEF TOYA:   I second, Mr. Vice Chair.

11                  CHIEF ROMERO:   Okay. I have a motion and a  
12 second for Mr. Armijo. All those in agreement please  
13 say aye.

14                  (The Board Members voted unanimously.)

15                  CHIEF ROMERO:   Any opposed? Seeing none, the  
16 vote is unanimous.

17                   ITEM NO. 21:   CHARLES CONTRERAS

18                  CHIEF ROMERO:   Number 21, Charles Contreras,  
19 do I have a motion?

20                  SERGEANT ANDERSON:   Mr. Vice Chair, I make a  
21 motion to reject the settlement as drafted and set it  
22 for a hearing.

23                  CHIEF ROMERO:   Okay. I have a motion that we  
24 reject the settlement recommended and that a hearing  
25 be scheduled. Do I have a second?

1 CHIEF TOYA: I second, Mr. Vice Chair.

2 CHIEF ROMERO: Okay. We have a motion and a  
3 second. Any further discussion? Seeing none, all  
4 those in favor please say aye.

5 (The Board Members voted unanimously.)

6 CHIEF ROMERO: Any opposed? Seeing none, the  
7 vote is unanimous.

8 ITEM NO. 22: PETER CHAVEZ

9 CHIEF ROMERO: Item 22, Peter Chavez. Do I  
10 have a motion?

11 CHIEF TOYA: Mr. Vice Chair, I make a motion  
12 to accept on Peter Chavez.

13 CHIEF ROMERO: Okay. We have a motion to  
14 accept the recommendation. Do I have a second?

15 SERGEANT ANDERSON: Mr. Vice Chair, I second.

16 CHIEF ROMERO: Okay. We have a motion and a  
17 second to accept the recommendation on Peter Chavez.  
18 Any further discussion? All those in favor please say  
19 aye.

20 (The Board Members voted unanimously.)

21 CHIEF ROMERO: Any opposed? Seeing none, the  
22 vote is unanimous.

23 ITEM NO. 23: GREG ESPARZA

24 CHIEF ROMERO: Item 23, Greg Esparza. Do I  
25 have a recommendation or a motion? This is Item 23,

1 Greg Esparza.

2 MR. TEDROW: Mr. Chair, I'll make a motion  
3 that we accept the proposed pre-NCA suspension  
4 settlement agreement as presented to this Board.

5 MS. MONAHAN: Mr. Vice Chair, I second that  
6 motion.

7 CHIEF ROMERO: Okay. We have a motion and a  
8 second to accept the recommendation. Any further  
9 discussion? Seeing none, all those in favor please  
10 say aye.

11 (The Board Members voted unanimously.)

12 CHIEF ROMERO: Any opposed? Seeing none, the  
13 vote is unanimous.

14 ITEM NO. 24: KYLE GRAHAM

15 CHIEF ROMERO: Item 24, Kyle Graham. Do I  
16 have a motion?

17 MR. TEDROW: Mr. Chair, at this time I would  
18 move to table the item as presented to us on No. 24  
19 regarding Kyle Graham.

20 CHIEF ROMERO: Okay. A motion has been made  
21 to table Item No. 24 regarding Kyle Graham. Do I have  
22 a second?

23 MS. MONAHAN: I second that motion, Vice  
24 Chair.

25 CHIEF ROMERO: Okay. We have a motion and a

1 second to table this item regarding Kyle Graham. Any  
2 further discussion? All those in favor please say  
3 aye.

4 (The Board Members voted unanimously.)

5 CHIEF ROMERO: Any opposed? The vote is  
6 unanimous.

7 ITEM NO. 25: DAVID HARRIS

8 CHIEF ROMERO: The next item is Item No. 25  
9 regarding David Harris. Do I have a motion?

10 SHERIFF MENDOZA: Mr. Vice Chair, I make a  
11 motion to approve the recommended discipline for a  
12 one-year suspension for Mr. David Harris.

13 CHIEF ROMERO: Okay. We have a motion to  
14 accept the recommendation of a one-year suspension.  
15 Do I have a second?

16 SERGEANT ANDERSON: Mr. Vice Chair, I second.

17 CHIEF ROMERO: Okay. We have a motion and a  
18 second regarding Mr. David Harris. Any further  
19 discussion? Seeing none, all those in favor please  
20 say aye.

21 (The Board Members voted unanimously.)

22 CHIEF ROMERO: Any opposed? Seeing none, the  
23 votes are unanimous.

24 ITEM NO 26: JOSEPH HARRIS

25 CHIEF ROMERO: The next item is Item No. 26



1 regarding Joseph Harris. That proposed settlement has  
2 been withdrawn and, therefore, no action will be taken  
3 on this particular item.

4 ITEM NO. 27: ADAM LEM

5 CHIEF ROMERO: So we will be moving on to  
6 Item No. 27 which is Adam Lem. Do I have a motion?

7 SERGEANT ANDERSON: Yes, Mr. Vice Chairman, I  
8 would make a motion to accept the six-month  
9 suspension.

10 CHIEF ROMERO: Okay. We have a motion to  
11 accept the six-month suspension settlement. Do we  
12 have a second?

13 CHIEF TOYA: Mr. Vice Chair, I second the  
14 motion.

15 CHIEF ROMERO: Okay. We have a motion and a  
16 second regarding Mr. Lem. Any further discussion?  
17 Seeing none, all those in favor please say aye.

18 (The Board Members voted unanimously.)

19 CHIEF ROMERO: Any opposed? Seeing none, the  
20 vote is unanimous.

21 ITEM NO 28: JAMES LOGSDON

22 CHIEF ROMERO: The next item is No. 28  
23 regarding James Logsdon. Do I have a motion regarding  
24 Mr. Logsdon?

25 CHIEF TOYA: Mr. Vice Chair, I make a motion

1 to accept the four-month suspension date starting  
2 March 27 through July 27, 2019.

3 CHIEF ROMERO: Okay. We have a motion to  
4 accept a four-month suspension retroactive to  
5 March 27, 2019, through July 27, 2019. Do we have a  
6 second?

7 SERGEANT ANDERSON: Mr. Vice Chair, I will  
8 second.

9 CHIEF ROMERO: Okay. We have a motion and a  
10 second regarding Mr. Logsdon. Any further discussion?  
11 Seeing none, all those in favor please say aye.

12 (The Board Members voted unanimously.)

13 CHIEF ROMERO: Any opposed? Seeing none, the  
14 vote is unanimous.

15 ITEM NO. 29: DANIEL LOPEZ

16 CHIEF ROMERO: The next item is No. 29,  
17 Daniel Lopez. And he has also withdrawn the proposed  
18 settlement. So, therefore, we will not be taking any  
19 action on this particular agenda item as well.

20 ITEM NO. 30: JOSE D. LUJAN

21 CHIEF ROMERO: So we will be moving on to  
22 Item No. 30, Jose D. Lujan. And do we have a motion  
23 on this? And I would note for the record that Sheriff  
24 Mendoza has recused himself from this item.

25 SHERIFF MENDOZA: That's correct, Mr. Vice

1 Chair. I also recused myself from the vote.

2 CHIEF ROMERO: Thank you. Okay. So do we  
3 have a motion regarding Mr. Lujan?

4 CHIEF TOYA: Mr. Vice Chair, I move to  
5 approve the 90-day suspension.

6 CHIEF ROMERO: Okay. We have a motion to  
7 approve the 90-day suspension on Jose D. Lujan. Do I  
8 have a second?

9 SERGEANT ANDERSON: Mr. Vice Chair, I'll  
10 second.

11 CHIEF ROMERO: Okay. We have a motion and a  
12 second regarding Jose D. Lujan. Any further  
13 discussion? Seeing none, all those in favor please  
14 say aye.

15 (The Board Members voted unanimously.)

16 CHIEF ROMERO: Any opposed? Seeing none, it  
17 is unanimous.

18 ITEM NO. 31: MANNIE SANCHEZ, III

19 CHIEF ROMERO: Item No. 31 is Mannie Sanchez,  
20 III. Do I have a motion?

21 SHERIFF MENDOZA: Mr. Vice Chair, I'll make a  
22 motion to accept the recommended discipline of  
23 12 months for Mr. Mannie Sanchez, III.

24 CHIEF ROMERO: Okay. We have a motion to  
25 accept the 12-month suspension and settlement on

1 Mannie Sanchez, III. Do I have a second?

2 CHIEF TOYA: Mr. Vice Chair, I'll second that  
3 motion.

4 CHIEF ROMERO: Okay. We have a motion and a  
5 second regarding Mannie Sanchez, III. Any further  
6 discussion? Seeing none, all those in favor please  
7 say aye.

8 (The Board Members voted unanimously.)

9 CHIEF ROMERO: Any opposed? Seeing none, the  
10 vote is unanimous.

11 ITEM NO. 32: LEONARD MARTINEZ

12 CHIEF ROMERO: Moving on to Item No. 32,  
13 Leonard Martinez. And I believe also Sheriff Mendoza  
14 recused himself previously on this item?

15 SHERIFF MENDOZA: That's correct. I recused  
16 myself from any discussion and I also recused myself  
17 from the vote.

18 CHIEF ROMERO: Thank you. Do I have a motion  
19 regarding Mr. Martinez?

20 SERGEANT ANDERSON: Mr. Vice Chair, I'll move  
21 to accept the three-year suspension with a retroactive  
22 date of November 11, 2018, through November 11, 2021.

23 CHIEF ROMERO: Okay. We have a motion for a  
24 three-year suspension regarding Leonard Martinez  
25 retroactive to November 11, 2018, through November 11,

1 2021. Do I have a second?

2 MS. MONAHAN: Mr. Vice Chair, I second that.

3 CHIEF ROMERO: And we have a second. Any  
4 further discussion? Seeing none, all those in favor  
5 please say aye.

6 (The Board Members voted unanimously.)

7 CHIEF ROMERO: Any opposed? Seeing none, the  
8 vote is unanimous.

9 ITEM NO. 33: JOSEPH SHREVE

10 CHIEF ROMERO: Item No. 33 is Joseph Shreve.  
11 Do I have a motion?

12 SHERIFF MENDOZA: Mr. Vice Chair, I'll make a  
13 motion to accept the recommended discipline, 18 months  
14 suspension for Mr. Joseph Shreve.

15 CHIEF ROMERO: Okay. We have a motion to  
16 accept the 18-month suspension on Joseph Shreve. Do I  
17 have a second?

18 CHIEF TOYA: Mr. Vice Chair, I second the  
19 motion.

20 CHIEF ROMERO: And we have a second. So we  
21 have a motion and a second to accept the 18-month  
22 suspension on Joseph Shreve. Any further discussion?  
23 Seeing none, all those in favor please say aye.

24 (The Board Members voted unanimously.)

25 CHIEF ROMERO: Any opposed? Seeing none, it

1 is unanimous.

2 ITEM NO. 34: CARMELITA JAMES

3 CHIEF ROMERO: The next item up is No. 34  
4 regarding Carmelita James. Do I have a motion?

5 SERGEANT ANDERSON: Mr. Vice Chair, I'll make  
6 a motion to adopt the Hearing Officer's report and  
7 revoke the certification.

8 CHIEF ROMERO: Okay. We have a motion to  
9 adopt the Hearing Officer's report and that the  
10 certification be revoked for Carmelita James. Do I  
11 have a second?

12 SHERIFF MENDOZA: I'll second the motion.

13 CHIEF ROMERO: We have a motion and a second  
14 to accept the Hearing Officer's report that the  
15 certification be revoked. Any further discussion?  
16 Seeing none, all those in favor please say aye.

17 (The Board Members voted unanimously.)

18 CHIEF ROMERO: Any opposed? Seeing none, the  
19 votes are unanimous.

20 ITEM NO. 35: MIGUEL PORRAS

21 CHIEF ROMERO: Item No. 35, Miguel Porras, do  
22 we have a motion?

23 MR. TEDROW: Mr. Chair, I would like to make  
24 a motion that this Board has reviewed and adopts at  
25 least the findings from the Hearing Officer in the

1 formal hearing.

2 But at this time I would make a motion to  
3 dismiss based on what I believe to be a due process  
4 violation claim in the matter that has taken over  
5 seven years to get before this Board.

6 CHIEF ROMERO: Okay. We have a motion  
7 regarding Mr. Porras. Do I have a second?

8 SHERIFF MENDOZA: Mr. Chair, I second that.

9 CHIEF ROMERO: Okay. We have a motion and a  
10 second moving to dismiss against Mr. Porras for the  
11 reasons stated. Any further discussion? Seeing none,  
12 all those in favor please say aye.

13 (The Board Members voted unanimously.)

14 CHIEF ROMERO: Any opposed? Seeing none, the  
15 vote is unanimous.

16 ITEM NO. 36: VALERIE WILSON

17 CHIEF ROMERO: Item No. 36 regarding Valerie  
18 Wilson, do I have a motion?

19 SHERIFF MENDOZA: Mr. Vice Chair, I make a  
20 motion to accept the Hearing Officer's finding of  
21 facts and recommend an 18-month suspension in  
22 reference to Valerie Wilson.

23 CHIEF ROMERO: Okay. We have a motion to  
24 accept the Hearing Officer's report and that  
25 certification for Valerie Wilson be suspended for

1 18 months. Do I have a second?

2 MS. MONAHAN: Mr. Vice Chair, I second that  
3 motion.

4 CHIEF ROMERO: We have a motion and a second  
5 regarding Valerie Wilson. Any further discussion?  
6 Seeing none, all those in favor please say aye.

7 (The Board Members voted unanimously.)

8 CHIEF ROMERO: Any opposed? Seeing none, the  
9 vote is unanimous.

10 MR. DWORAK: Just one housekeeping item,  
11 Chairman, if I may. Members of the Board, there's one  
12 other item that we'll give to you in departing this  
13 meeting. And that's just a copy of our Open Meetings  
14 Act guidebook from the Attorney General's Office.

15 A further presentation on the Open Meetings  
16 Act can be provided by John at a future meeting. But  
17 one thing I would advise the Board is to avoid having  
18 conversations amongst a quorum of the Board outside of  
19 a noticed meeting. That includes email.

20 So it doesn't mean that you can't email one  
21 another necessarily. It's just you can't as a quorum,  
22 a majority of the Board, discuss policy matters  
23 related to the Board in an email because it can create  
24 a rolling quorum; and it violates the Open Meetings  
25 Act.



1           So this guidebook is part of our training  
2 that our office does throughout the state but we also  
3 provide it to boards. It's not imperative that you  
4 read through it. But it is a copy of the statute.

5           And it has some commentary and examples on  
6 parts of the Open Meetings Act. So this is State law  
7 that, as Members of the Board, you're subject to. And  
8 we can always answer questions.

9           So feel free to reach out to either of us  
10 moving forward. And then, if you have questions or  
11 requests for specific trainings at future meetings,  
12 you know, we can help facilitate that as well. Thank  
13 you.

14                           ITEM NO. 38: ADJOURNMENT

15           CHIEF ROMERO: That brings us to our final  
16 item of adjournment. Thank you all for helping me  
17 muddle through this.

18           MR. TEDROW: Mr. Chair, I have a comment that  
19 you did a fine job. And at this time I would move to  
20 adjourn.

21           CHIEF ROMERO: We have a motion to adjourn.  
22 Do I have a second?

23           MS. MONAHAN: I second that motion.

24           CHIEF ROMERO: We have a motion and a second  
25 to adjourn. Please say aye.

1 (The Board Members voted unanimously.)  
2 CHIEF ROMERO: Thank you all very much.  
3 (At 3:06 p.m. the meeting was adjourned.)  
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## REPORTER'S CERTIFICATE

1  
2  
3 I, JAN A. WILLIAMS, New Mexico CCR #14, DO  
4 HEREBY CERTIFY that on May 29, 2019, the proceedings  
5 in the above captioned matter were taken before me,  
6 that I did report in stenographic shorthand the  
7 proceedings set forth herein, and the foregoing pages  
8 are a true and correct transcription to the best of my  
9 ability.

10 I FURTHER CERTIFY that I am neither employed  
11 by nor related to nor contracted with (unless excepted  
12 by the rules) any of the parties or attorneys in this  
13 case, and that I have no interest whatsoever in the  
14 final disposition of these proceedings.  
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23 JAN A. WILLIAMS, RPR  
24 New Mexico CCR #14  
25 License Expires: 12/31/19

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