



**LAW ENFORCEMENT CERTIFICATION BOARD
REGULAR MEETING**

DATE: Thursday, September 21, 2023

TIME: 9:00 AM

LOCATION: New Mexico Law Enforcement Academy
4491 Cerrillos Road
Santa Fe, NM 87507



Draft Meeting Minutes

Not official minutes and are subject to approval by the public body.

I. ORIENTATION AND IN-SERVICE TRAINING

The first portion of the meeting was a joint training for members of both the Law Enforcement Standards and Training Council and the Law Enforcement Certification Board. The training is only informational, and no action items or votes took place during the training portion. The training portion was conducted by Deputy Attorney General Joseph Dworak and Interim NMLEA Director Benjamin Baker. The following topics were covered:

- A. Introductions
- B. Overview of the Law Enforcement Standards and Training Council and the Law Enforcement Certification Board
 - 1) Predecessor Law Enforcement Academy Board, House Bill 68 & Senate Bill 19, Updated Law Enforcement Training Act, Powers and Duties, Membership and Structure, Temporary Application of LEAB Rules, Relationship with the Department of Public Safety and the Law Enforcement Academy, Membership and Structure
- C. Legal Primer
 - 1) Certification and Discipline – Due Process, Rulemaking – State Rules Act, Open Meetings Act, Inspection of Public Records Act, Governmental Conduct Act

II. BOARD CALL TO ORDER & AGENDA APPROVAL

Deputy Attorney General Joseph Dworak called the meeting to order at 12:14 pm.

LECB Misconduct Staff Manager Laura Escarcida conducted roll call, confirming the in-person attendance of members Chief Toadlena-Pablo, Chief Thomas Romero (Ret.), Mr. Joseph Walsh, Ms. Cody Rogers Benavidez, Ms. Julie Ball, and Mr. John Solomon. Board Members Sheriff Adan Mendoza, Chief Summer Mirabal, Ms. Carly Huffman, and Dr. Bobbie Green were absent. A quorum was established.

Approval of Agenda – Member Rogers Benavidez made a motion to approve the September 21, 2023, LECB Agenda; seconded by Joseph Walsh; none opposed. Motion to approve the September 21, 2023, passed unanimously.

III. REPORTS

- A. Staff Reports
 - 1) Staffing Update

NMLEA Interim Director Benjamin Baker and LECB Misconduct Staff Manager Laura Escarcida provided staffing update related to the Law Enforcement Certification Office

(LECO), current FTE, Chief Executive Officer (CEO), newly created positions, and status of hiring.

2) Disciplinary Matters Summary

NMLEA Interim Director Benjamin Baker provided a disciplinary matters summary.

IV. PUBLIC COMMENT

There were no requests for public comment received and no public comments made.

V. NEW BUSINESS

A. Election of Vice-Chair

Discussion as to statutory appointment of a Chair which is currently vacant and interest in electing a Vice-Chair. No Board elections occurred during this meeting.

B. Adoption of Annual OMA Resolution

Discussion as to statutory requirements, review of former Boards' OMA Resolution and OAG's drafting of proposed resolution. No motion made.

C. Discussion of CEO Appointment Process

Designation of Acting Director Role

- 1) Member Chief Thomas Romero (Ret.) made a motion to authorize the New Mexico Law Enforcement Academy Director to make decisions reserved for the LECB CEO until the CEO position is appointed, seconded by member John Solomon. None in opposition. Motion passed unanimously.
- 2) Discussion related to the creation of an LECB hiring committee consisting of member Chief Thomas Romero (Ret.), member Mr. Joseph Walsh, and LECO staff manager Laura Escarcida who will begin working on the CEO job description.

D. Ratification and Approval of Pending Certifications

- 1) Law Enforcement Officers (Exhibit A) and Public Safety Telecommunicators (Exhibit B)
Chief Thomas Romero (Ret.) made a motion to ratify and approve certifications in both Exhibit A and Exhibit B, seconded by member Joseph Walsh. None in opposition. Motion passed unanimously.

VI. DISCIPLINARY MATTERS

The meeting may be closed to the public during this portion of the agenda pursuant to the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(1), (3) and/or (7). Closed session is limited to discussion of the matter(s) identified in the motion and any final action will take place after, on the record and in open session.

Chief Thomas Romero (Ret.) moved that the Board enter into Closed Session pursuant to the Open Meetings Act exceptions for discussion of items related to certification, disciplinary proceedings, or pending litigation as listed on the agenda. Motion to enter Closed Session seconded by member Joseph Walsh. Voted unanimously. Motion passed.

LECB Misconduct Staff Manager Laura Escarcida conducted roll call, confirming the in-person attendance of members Chief Toadlena-Pablo, Chief Thomas Romero (Ret.), Mr. Joseph Walsh, Ms. Cody Rogers Benavidez, Ms. Julie Ball, and Mr. John Solomon. Board Members Sheriff Adan Mendoza, Chief Summer Mirabal, Ms. Carly Huffman, and Dr. Bobbie Green were absent. A quorum was established.

Entered closed executive session at 1:32 pm.

Open Session began at 2:55pm. The matters discussed in closed session were limited only to those specified in the motion for closure and no votes for official action were taken.

A. Notice of Immediate Suspension Response

- 1) Patrick Maes, Case #23-037 – Las Vegas Police Department
- 2) Joshua Deleon, Case #23-014 – Albuquerque Police Department

Respondent Patrick Maes and Respondent Joshua Deleon did not appear at the meeting to provide a response to the Notice of Immediate Suspension. Chief Thomas Romero (Ret.) made a motion to issue summary suspensions of the law enforcement certifications for Patrick Maes and Joshua Deleon, seconded by member Chief Erin Toadlena-Pablo. None opposed. Motion carries unanimously.

B. Proposed Settlements

- 1) Arron Garcia, Case #21-045 – Roswell Police Department
- 2) Nicholas Pereyra, Case #22-056 – Hobbs Police Department

Member Cody Rogers Benavidez made a motion to approve settlements as proposed related to the LECB matters of Arron Garcia (case #21-045) and Nicholas Pereyra (case #22-056), seconded by member Joseph Walsh. None opposed. Motion passed unanimously.

C. Recommended Dismissals

- 1) Leon Gallegos, Case #23-011 – Rio Arriba County Sheriff's Office
- 2) Edward Chavez, Case #22-071 – Santa Rosa Police Department
- 3) Victor Duran, Case #23-026 – Valencia County Sheriff's Office

Member Joseph Walsh made a motion to accept the recommended dismissals for LECB matters of Leon Gallegos (case #23-011), Edward Chavez (case #22-071), Victor Duran, (case #23-026), seconded by member Julie Ball. None opposed. Motion passed unanimously.

D. Litigation

No motion or votes for official action were taken.

VII. ANNOUNCEMENTS

A. Next Meeting

No motion made. A poll will be generated and sent to LECB members containing several dates to identify a date for the Board's next meeting.

B. Member Announcements

No member announcements.

VIII. ADJOURNMENT

LECB meeting was adjourned at 3:04pm.