



LAW ENFORCEMENT CERTIFICATION BOARD
REGULAR MEETING

DATE: Wednesday, December 13, 2023

TIME: 9:00 AM

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



Meeting Minutes

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

I. OPENING

A. Roll Call

Interim CEO and NMLEA Director Sonya K. Chavez called the meeting to order at 9:19 am.

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

B. Approval of Agenda

Sheriff Adan Mendoza made a motion to approve the agenda. Mr. Joseph Walsh seconded. None opposed. Motion passed unanimously.

C. Approval of Minutes from September 21, 2023, Meeting

Ms. Cody Rogers-Benavidez made a motion to approve the minutes from September 21, 2023, Meeting. Mr. John Solomon seconded. None opposed. Motion passed unanimously.

II. REPORTS

A. Introduction of LEA Director Sonya K. Chavez

1) Staffing Update

An update was provided by LEA Director Sonya K. Chavez. She informed the Board that the Law Enforcement Certification Board ("LECB") was funded for 12 positions, and 4 are currently filled. The LECB is currently operating with a 67% vacancy rate. Since the last LECB meeting, they onboarded a State Investigator and an offer of employment for a Business Operations Specialist, which was declined. LECB intends to move forward with hiring a temporary contract employee until additional positions are filled.

III. PUBLIC COMMENT

Requesting to be heard by the Board, appeared Rachel Feldman with Individual SOS. She indicated that she has been appointed by the Governor to serve on the New Mexico Law Enforcement Standards and Training Council. Her comment included discussion into vacancy rates within the law enforcement and public safety telecommunication professions, initiatives for the 2024 legislative session, curriculum modernization, and efforts to gain more females in Law Enforcement.

IV. OLD BUSINESS

A. Election of Vice-Chair

Ms. Carly Huffman made a motion to nominate Chief Summer Mirabal for Vice-Chair. Dr. Bobbie Green seconded. Chief Summer Mirabal accepted the nomination. None opposed. Motion to elect Chief Summer Mirabal as Vice-Chair passed unanimously.

B. Adoption of Annual OMA Resolution

AAG Emily Bowen presented the proposed LECB 2024 Open Meetings Act Resolution. Mr. Joseph Walsh made a motion to adopt LECB 2024 Open Meetings Act Resolution as proposed. Ms. Cody Rogers Benavidez seconded. None opposed. Motion passed unanimously.

V. NEW BUSINESS

A. Selection of Regular Meeting Dates for 2024

Interim CEO Sonya Chavez and Staff Manager Laura Escarcida presented proposed dates for holding LECB regular board meeting in 2024. Proposed 2024 dates were March 14, June 13, September 12, and December 12. Mr. Joseph Walsh asked that the proposed date of March 13, 2024, be moved to March 21, 2024. Board members agreed 2024 LECB regular meeting dates will be set for March 21, June 13, September 12, and December 12. Sheriff Mendoza discussed the possibility of holding future meetings at locations throughout the state to build better community relationships and for fairness of Board members who are frequently having to travel to Santa Fe to attend meetings. The Board agreed to hold the March 21, 2024 meeting in Las Cruces, NM and will discuss future locations at the next meeting. No motions made.

B. Proposed job description for the Board's Chief Executive Officer position

Member Joseph Walsh presented to the proposed Chief Executive Officer job description drafted by himself and Member Tom Romero, with the assistance of LECB staff. Board members approved the description with one modification to add the salary range. Members instructed LECB staff to post the position immediately with a cutoff date for application submission between January 5 and January 10, 2024, and asked all application packets be supplied to Board members after the closing date. Members agreed that applicant interviews should take place during the next regular Board meeting scheduled for March 21, 2024. Mr. Joseph Walsh made a motion to move forward with the approval of the proposed CEO Job Description and instructions for posting the position. Mr. John Soloman seconded. None opposed. Motion passed unanimously.

C. Discussion of Future Rulemaking Priorities and Timeline

AAG Dworak provided information related to the LECB's responsibilities related to rulemaking, timelines, and the statutory provision allowing current rules to remain until new rules are amended or repealed by the LECB. No motions made.

D. Creation of Rulemaking Working Group

Rulemaking working groups were recommended to focus on the areas of certification and misconduct. Ms. Julie Ball and Ms. Cody Rogers Benavidez volunteered to assist rules associated with the misconduct process. Ms. Carly Huffman and Mr. John Solomon volunteered to assist with rules associated with the issuance of certifications and qualifications for certification. Mr. John Walsh made a motion to create work groups comprised of members Ball, Rogers Benavidez, Huffman and Solomon and the groups shall be bifurcated as suggested into two groups. Seconded by Sheriff Adan Mendoza. None opposed. Motion passed unanimously.

E. Ratification and Approval of Pending Certifications

1) Law Enforcement Officers (Exhibit A)

Sheriff Mendoza made a motion to approve and ratify Law Enforcement Officer Certifications as presented in Exhibit A to the agenda. Mr. Walsh seconded. None opposed. Motion passed unanimously.

2) Public Safety Telecommunicators (Exhibit B)

Ms. Carly Huffman made a motion to approve and ratify Public Safety Telecommunicator Certifications as presented in Exhibit B of the agenda. Mr. John Solomon seconded. None opposed. 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.

Mr. Joseph Walsh made a motion that the Board enter Closed Session pursuant to the *New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(1), (3) and/or (7)*. Motion to enter Closed Session seconded by member Dr. Bobbie Green. None opposed. Motion passed unanimously.

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

Entered closed executive session at 10:42 a.m.

Open Session began at 3:34 pm. 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) Brad Lunsford, Case #23-037 – Las Cruces Police Department

Respondent's Attorney Luis Robles appeared on behalf of the Respondent and contested the immediate suspension of Brad Lunsford's law enforcement officer certification. Sheriff Adan Mendoza made a motion to issue a Summary Suspension and requested the Director to expedite the investigation. Mr. John Solomon seconded. Mr. Joseph Walsh and Ms. Rogers opposed. Dr. Green recused. Motion passes.

B. Default Actions

1) Christopher Romero, Case # 22-059 – Albuquerque Police Department

2) Christopher Romero, Case #23-013 – Albuquerque Police Department

Sheriff Adan Mendoza in reference to Case #22-059 and #23-013 to motioned for Revocation. Dr. Green seconded the motion. None opposed. Motion passed unanimously.

3) Brandy Malone, Case #23-002 – Dona Ana County Sheriff's Office

Sheriff Adan Mendoza made a recommendation for default revocation. Mr. Joseph Walsh seconded the motion. Dr. Bobbie Green recused. None opposed. Motion passes unanimously.

- 4) Jorge Carrasco, Case #22-064 – Hobbs Police Department
Chief Mirabal made a motion to revoke certification. Sheriff Adan Mendoza seconded the motion. None opposed. Motion passes unanimously.
- 5) John Valdez, Case #22-086 – Los Lunas Police Department
Chief Mirabal made a motion to revoke certification. Dr. Bobbie Green seconded the motion. Ms. Cody Rogers Benavidez recused. None opposed. Motion passes unanimously.
- 6) Brittany Burkhalter, Case #22-080 – Portales Police Department
Ms. Huffman made a motion to accept default revocation. Mr. Solomon seconded the motion. None opposed. Motion passed unanimously.
- 7) Anthony Sanford, Case #22-079 – Portales Police Department
Sheriff Mendoza made a motion for revocation. Mr. Solomon seconded the motion. None opposed. Motion passed unanimously.

C. Hearing Officer Reports

- 1) Justin Burke, Case #22-070 – New Mexico State Police
Mr. Walsh moved for revocation. Dr. Green seconded. Ms. Ball recused. None opposed. Motion passed unanimously.

D. Proposed Settlements

- 1) Isaac Martinez, Case #22-034 – Cuba Police Department
Sheriff Mendoza made a motion to accept the settlement agreement suspending certification for 180-days. Mr. Walsh seconded the motion. None opposed. Motion passed unanimously.
- 2) Steven Rosser, Case #22-082 – Roswell Police Department
Mr. Walsh moved to accept the settlement agreement suspending Officer Rosser's certification for 30 hours. Mr. Solomon seconded the motion. None opposed. Motion passed unanimously.
- 3) Miguel Flores, Case #22-052 – New Mexico State Police
Mr. Walsh moved to accept the settlement suspending Respondent's certification for 90 days. Sheriff Mendoza seconded the motion. None opposed. Motion passed unanimously.
- 4) David Jaramillo, Case #22-069 – New Mexico State Police
Mr. Walsh moved to reject the proposed settlement agreement and submit a counteroffer to Respondent for a 180-day suspension. Dr. Green seconded. None opposed. Motion passed unanimously.
- 5) Jacob Lee Miller, Case #22-072 – Tatum Police Department
Sheriff Mendoza made a motion to dismiss. Mr. Walsh seconded the motion. Ms. Ball opposed. Motion passed.
- 6) Christopher Martinez, Case #22-054 – Albuquerque Police Department
Mr. Walsh moved to approve the proposed settlement suspending Respondent's certification for 40 hours. Dr. Green seconded. None opposed. Motion passed unanimously.

7) Bryan Cabriales, Case #22-026 – Carlsbad Police Department

Mr. Walsh moved to reject the settlement agreement suspending Respondent's certification for 18 months and instead counter with a suspension of 10 months. Dr. Green seconded. None opposed. Motion passed unanimously.

8) Briana Tower, Case #23-045 – Isleta Police Department

Sheriff Mendoza made a motion to dismiss. Dr. Green seconded. None opposed. Motion passed unanimously.

9) Matthew Strandy, Case #22-084 – Gallup Police Department

Sheriff Mendoza made a motion to reject the proposed settlement agreement and counter with a 24-month suspension. Mr. Walsh seconded. None opposed. Motion passed unanimously.

10) Christopher Smelser, Case #20-066 – Las Cruces Police Department

Sheriff Mendoza made a motion to reject the proposed settlement agreement and move to hearing. Ms. Ball seconded. Ms. Rogers abstained. Dr. Green recused. None opposed. Motion passed unanimously.

E. Recommended Dismissals

1) Hector Baca, Case #22-019 – New Mexico State Police

Mr. Walsh moved to accept the Administrative Prosecutor's Motion to Dismiss. Mr. Solomon seconded. None opposed. Motion passed unanimously.

2) Eden Flores, Case #22-020 – Dona Ana County Sheriff's Office

Chief Mirabal made a motion to dismiss. Sheriff Mendoza seconded. None opposed. Motion passed unanimously.

F. Litigation Updates

1) D-101-CV-2022-01960 Israel Castruita

2) D-101-CV-2023-00119 Rafael Labastida

3) D-101-CV-2023-01140 Skotchdopole v. Brian Coss, et al.

4) D-101-CV-2022-02044 John Bonet

5) D-101-CV-2022-02087 Miguel Rodriguez

a) Mr. Walsh moved to issue a Notice of Contemplated Action. Sheriff Mendoza seconded. None opposed. Motion passed unanimously.

VII. CLOSING

A. Next Meeting

To be held March 21, 2024 in Las Cruces, New Mexico.

B. Member Announcements

No member announcements.

C. Adjourn

Mr. Walsh made a motion to adjourn. Ms. Huffman seconded. None opposed. Motion passed unanimously. Meeting adjourned at 3:51pm.