



Arizona Peace Officer Standards and Training Board

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

MINUTES OF THE FEBRUARY 15, 2023 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on February 15, 2023, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present (in person):

Sheriff Mark Dannels, Cochise County Sheriff's Office, Chairman
Detective Benjamin Cook, Pinal County Sheriff's Office
Detective Joseph Krajcer, Tempe Police Department
Deputy Director Ken Hunter, Arizona Department of Public Safety
Assistant Attorney General John Johnson, representing Attorney General Kris Mayes
Mr. Randy Schoch, Public Member
Chief Chris Vasquez, Eloy Police Department

Members Present (via online video/telephone conferencing):

Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office
Sheriff Doug Schuster, Mohave County Sheriff's Office
Ms. Leesa B. Weisz, Public Member

Members Absent:

Professor Kevin Robinson, Arizona State University

Staff in Attendance (in person):

Matt Giordano, Executive Director
Sean Donegan, Deputy Director
Michele Blanco, Compliance Specialist
Richard Bradshaw, Compliance Specialist
William Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Mike Giammarino, Compliance Program Administrator
Mark Post, Compliance Specialist
Mike Puente, Training Specialist
Michael Rodriguez, Training Specialist
Rita Mae Schaefer, Administrative Assistant
Tim Shay, Compliance Specialist
Sandy Sierra, Executive Assistant
Dave Toporek, Compliance Specialist
Lori Wait, Training Program Administrator
Dale Wyman, Digital Media Specialist

Assistant Attorneys General:

Mark Brachtl

Gino Duran

Seth Hargraves

A. Call to Order

Chairman Dannels called the meeting to order at 10:03 a.m. and asked Deputy Director Hunter to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- New Board Member Randy Schoch was introduced. Randy was appointed to fill the public member position on the Board.
- Roll Call was taken. Ten Board members are present, seven are here in person and three are participating via telephone/video conferencing. The position of large city Chief of Police is still vacant.
- Assistant Attorney General Seth Hargraves is the Independent Legal Advisor for all the final action cases.
- A plaque was presented to Ms. Jamie Kelly for her years of service as a member of the AZPOST Board. A plaque was also presented to former Deputy Director Ben Henry for his years of service as an AZPOST staff member; Ben was selected by Governor Katie Hobbs to serve as the Director for the Arizona Department of Liquor Licenses and Control. Both Ben and Jamie did phenomenal jobs, they will be greatly missed.
- Assistant Attorney General Gino Duran will also be leaving AZPOST. He was selected as the Deputy Director for the Arizona Department of Liquor Licenses and Control. This is his last meeting and he too will be greatly missed.

C. Executive Director's Report

Matt Giordano, Executive Director

- IADLEST, in conjunction with the National Sheriff's Association and the Bureau of Justice, are working on a project to create national curriculum for constitutional policing. I was asked to be a panel member for this project.
- The AZPOST Annual Report for 2022 was sent to all Board members and is posted on our website. It is important for the Board and our partner agencies to see what has transpired at AZPOST in the last year. We also completed the 6-month update of our Strategic Plan.
- Last year a new proposed annual qualification for handguns was discussed. The Basic Training Unit has been working hard on this proposed change and prepared a PowerPoint and video presentation to showcase the changes. We hope to bring this to the Board at the March meeting.
- Met with the Governor's new Public Safety Policy Advisor. It was a good meeting and I look forward to working with her.
- Met with Attorney General Kris Mayes and had a great discussion on AZPOST, as well as our relationship with the Attorney General's Office. I am really excited and look forward to working with her.
- Attended the following meetings the past month: PCLEA Meeting in Apache Junction, PANT Meeting in Sedona, East Valley Chief's Meeting and the NAFFA Criminal Justice Community Breakfast in Mesa.

Chairman Dannels inquired about the new proposed Polygraph Bill. Executive Director Giordano stated the bill passed the MAPS Committee, but is being pulled from future committee meetings. There are a lot of questions regarding this bill and it does not look like it has the momentum to move forward. He will continue to monitor the bill and inform the Board of any changes.

D. Consent Agenda

Detective Cook made a motion to accept the Consent Agenda. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on January 18, 2023.
2. Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, requests the Board accept their request to permanently relinquish their Arizona peace officer certification:

2021-122	Robert C. Wenderoth	Maricopa Police Department
2022-162	Jesus M. Salomon-Hull	Tohono O’odham Nation Police Department
2022-171	Orlando A. Galvez	Huachuca City Police Department
2022-219	Cody L. Lutz	Scottsdale Police Department
2022-226	David R. Enteman	Maricopa County Sheriff’s Office
2022-227	Frederick J. Sevilla II	Maricopa County Sheriff’s Office
2023-001	Darryl I. Schmidt	Goodyear Police Department
2023-008	Joshua A. Dillenbeck	Prescott Police Department

E. Review, Discussion and Possible Action on a Hualapai Nation Police Department Petition pursuant to A.A.C. R13-4-105(D) for Applicant Isaiah Shaw.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Hualapai Nation Police Department petition for Applicant Isaiah Shaw. Applicant Shaw, when he was in high school, transported drugs for another friend; this occurred over 15 years ago when he was 15 years of age. Chief Bruce Pankow, Hualapai Nation Police Department, addressed the Board to request that the petition be granted

Ms. Weisz made a motion that the Board grant the Hualapai Nation Police Department’s petition on Applicant Isaiah Shaw based 13-4-105(D), juvenile indiscretion. The motion was seconded by Chief Vasquez and passed unanimously.

F. Final Action Cases:

1. 2021-068 – Christopher S. Haynes – Maricopa County Sheriff’s Office
Mr. Johnson (AAG) and Detective Cook recused themselves from this case. The Board heard oral argument on the Administrative Law Judge’s Decision from Attorney General Gino Duran, attorney for the Arizona Peace Officer Standards and Training Board and from Thomas Griffin, attorney for Mr. Haynes. Mr. Griffin stated Pinal County Sheriff Mark

Lamb would like to address the Board. Assistant Attorney General Seth Hargraves provided legal advice to the Board and recommended that the Board not allow additional testimony, as Sheriff Lamb had not testified during the administrative hearing. This could also be viewed as a violation of the Open Meeting Law because the case was not agendaized to show that additional testimony would be allowed. Chairman Dannels polled all Board members inquiring if they would like to hear Sheriff Lamb's statement. All Board members indicated they would. Assistant Attorney General Hargraves asked that his advisement be included in the record.

After review of the Administrative Law Judge's Decision, consideration of arguments made by the parties, including follow-up questions and legal advice, consideration of a statement made by Pinal County Sheriff Mark Lamb, and deliberation by the Board, Chief Vasquez made a motion to accept the Administrative Law Judge's Findings of Fact and Conclusions of Law. The motion was seconded by Ms. Weisz and passed unanimously. Chief Vasquez then made a motion to revoke Mr. Haynes' peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

2. 2022-037 – Joseph E. Borquez – Pima County Sheriff's Department

The Board considered comments from Assistant Attorney General Gino Duran, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Deputy Director Hunter made a motion to accept the proposed consent agreement for a 24-month suspension of Mr. Borquez's peace officer certification. The suspension shall be in effect beginning March 5, 2022, and ending March 5, 2024. The motion was seconded by Ms. Weisz and passed unanimously.

3. 2021-126 – Michael D. Rosenberger – AZ Department of Liquor Licenses and Control

Deputy Director Hunter recused himself from this case. The Board considered comments from Assistant Attorney General Gino Duran, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement; and from Steve Serbalik, attorney for Mr. Rosenberger. After review of the proposed consent agreement, consideration of arguments made by the parties, including follow-up questions and legal advice, Sheriff Schuster made a motion to accept the proposed consent agreement for a 24-month suspension of Mr. Rosenberger's peace officer certification. The suspension shall be in effect beginning April 15, 2021, and ending April 15, 2023. The motion was seconded by Detective Cook and passed by a vote of 9-1. One nay vote was recorded for Detective Krajcer.

4. 2022-129 – Aaron K. Lipsky – Surprise Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case; he also stated that the date of occurrence was incorrectly listed on the case overview. Chief Vasquez made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Lipsky's peace officer certification. The motion was seconded by Deputy Director Hunter and passed unanimously.

G. New Charging Cases:

1. 2021-225 – Robert T. Szelewski Jr. – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case; a short video was also presented. After review of the case overview and video, consideration of arguments made by the parties, including follow-up questions, and deliberation by the Board, Chief Vasquez made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Deputy Director Hunter and passed by a vote of 8-2. Two nay votes were recorded for Mr. Johnson (AAG) and Ms. Weisz.

2. 2022-192 – Aldo S. Ortega – Surprise Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings against Mr. Aldo's peace officer certification. The motion was seconded by Detective Krajcer and passed unanimously.

3. 2022-080 – Cameron A. Douglas – Scottsdale Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Douglas' peace officer certification. The motion was seconded by Detective Cook and passed unanimously.

H. Future Agenda Items

There are no items to add.

I. Adjournment

The meeting was adjourned at 11:28 a.m.