

**PINAL COUNTY LAW ENFORCEMENT MERIT COUNCIL
FEBRUARY 24, 2014 AT 8:30 A.M.
HEARING ROOM
31 N. Pinal St, Administration Building A, Florence, Arizona**

COUNCIL MEMBERS PRESENT:

Chairman Patrick Melvin
Council Member Tom Ramsdell
Council Member Mark Hawthorne
Council Member Frank Reyes

OTHERS PRESENT:

Kate Baker, Counsel to the LEMC
Marcialee Rhoten, Assistant to the Clerk of the Merit Commission
Patrick Camuñez, Pinal County Attorney
Lieutenant Tamatha Villar, Pinal County Sheriff's Office Agency Representative
Neil Landeen, Attorney for Appellant
Andrew Wikstrom, Appellant

1. Call to Order

The meeting was called to order at 8:42 a.m.

2. Business

Council Member Ramsdell made a motion to approve minutes from January 21, 2014 meeting, to include the correction of Council Member Hawthorne's last name. Council Member Reyes seconded the motion, carried unanimously 4:0.

Respondent's attorney asked to reschedule tomorrow's hearing to 9:00 a.m.; approved by Chairman Melvin.

3. Roll Call and Confirmation of Quorum

Chairman Patrick Melvin, Council Member Ramsdell, Council Member Hawthorne, and Council Member Reyes were present. Quorum confirmed.

4. Appeal Hearing of Andrew Wikstrom

Chairman Melvin called the agenda item for the Appeal of Termination by Andrew Wikstrom as the Appellant. The Respondent Agency is Pinal County Sheriff's Office. The Hearing of Appeal of Termination of Andrew Wikstrom began. Attorney Patrick Camuñez represented Pinal County Sheriff's Office. Mr. Wikstrom was present and was represented by Attorney Neil Landeen.

A. Pre-hearing Matters

(i) **Motion**

Appellant requested and was granted exclusion of witnesses.

B. Exhibits

(i) Respondent's exhibits R1-R42 were entered.

(ii) Appellant's exhibits A1-A63 were entered.

Exhibits entered on record by Chairman Melvin.

C. Opening Statements

Respondent provided an Opening Statement.

Appellant provided an Opening Statement.

D. Witnesses and Exhibits:

(i) Respondent called witness Sgt. Pat Ramirez of the Pinal County Sheriff's Office who is sworn in at 8:56 a.m. Exhibits R-6; R-8; R-7; R-10; R-9; R-11; R-13; R-20; R-22; R-21. Cross-examination by Attorney Neil Landeen included exhibits R-20 and R-11.

Recess at 10:15 a.m.

Reconvened at 10:28 a.m.

Cross-examination continued, followed by a brief redirect and questions from the Council. Sgt Ramirez excused at 10:37 a.m.

(ii) Respondent called witness Lieutenant Tammy Villar of the Pinal County Sheriff's Office. Lt. Villar was sworn in by Chairman Melvin at 10:38 a.m. Exhibits R-19; R-21; R-20; R-6. Cross-examination included exhibits A-58; A-5; R-11; R-21, followed by questions from the Council. Lt. Villar excused at 11:42 a.m.

The hearing adjourned for lunch at 11:45 a.m. and re-convened at 12:45 p.m., at which time the Chairman requested to move expeditiously. The Chairman inquired whether the Findings of Fact and Conclusion of Law could be ready by Thursday to which both parties' counsel responded in the affirmative.

(iii) Respondent called witness Sgt. Doug Peobles of the Pinal County Sheriff's Office. Sgt. Peobles sworn in by Chairman Melvin at 12:51 p.m. Exhibits R-25; R- 6. Cross-examination included A-62, followed by a brief redirect and a brief re-cross of the witness to include A-25. Sgt. Peobles excused at 1:28 p.m.

Chairman Melvin called for a recess at 1:30 p.m. in order to contact witnesses and ask if they are able to appear early. Council reconvened at 1:40 p.m.

(iv) Respondent called witness Deputy Joey Hogan with the Pinal County Sheriff's office, who was sworn in by Chairman Melvin at 1:40 p.m. Exhibits R- 27. Cross-examination included exhibit A-33, followed by redirect, re-cross, and questions from the Council. Deputy Hogan was excused at 2:15 p.m.

(v) Respondent called witness Deputy Kenneth Lee of the Pinal County Sheriff's Office who was sworn in by Chairman Melvin at 2:16 p.m. Exhibits R-35; A-38. Cross-examination included exhibit R-33, followed by redirect including exhibits R-27 and A-45, re-cross including R-45 and questions from the Council. Deputy Lee excused at 2:48 p.m.

The Council adjourned at 2:50 p.m.

Marcialee Rhoten, Assistant to the Clerk
Of the Law Enforcement Merit Council

Patrick Melvin, Chairman