

**PINAL COUNTY LAW ENFORCEMENT MERIT COUNCIL
MARCH 3, 2014 AT 9:00 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
Marciale 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, Appellant's Counsel
Andrew Wikstrom

1. Call to Order.

The meeting was called to order at 8:47 a.m.

2. Roll Call and Confirmation of Quorum.

Chairman Patrick Melvin, Council Member Ramsdell, Council Member Hawthorne, and Council Member Reyes were present. A quorum was confirmed.

3. Business

Council Member Hawthorne made a motion to approve edited minutes from January 21, 2014 meeting, seconded by Council Member Ramsdell, the motion was passed unanimously.

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.

8:57 am Council Member Ramsdell motioned to go into executive session, Council Member Hawthorne seconded the motion and executive session commenced at 8:57 a.m.

9:04 a.m. The Council reconvened.

A. Charges

1. Use of Force:
Motion to not sustain Charge 1 made by Council Member Hawthorne,
seconded by Council Member Ramsdell,
carried unanimously 4-0.
2. Reporting Use of Force:
Motion to not sustain Charge 2 made by Council Member Ramsdell,
seconded by Council Member Hawthorne,
carried unanimously 4-0.
3. Failing to Participate or Giving Misleading Statements or Misrepresenting or Omitting
Material Information:
Motion to not sustain Charge 3 made by Council Member Hawthorne,
seconded by Council Member Reyes,
carried unanimously 4-0.
4. Insubordination:
Motion to not sustain Charge 4 made by Council Member Ramsdell,
seconded by Council Member Hawthorne,
carried unanimously 4-0.
5. Insubordination:
Motion to not sustain charge 5 made by Council Member Ramsdell,
seconded by Council Member Reyes,
carried unanimously 4-0.
6. Untruthfulness or Knowingly Making False or Misleading Statements:
Motion to not sustain charge 6 made by Council Member Hawthorne,
seconded by Council Member Ramsdell,
motion is divided 2-2; with Chairman Melvin and Council Member Reyes in
disagreement of the motion.
7. Any Act On or Off Duty Which Brings Discredit to the Office:
Motion to not sustain Charge 7 made by Council Member Hawthorne,
seconded by Council Member Reyes,
carried unanimously 4-0
8. Unsatisfactory Work Performance/Incompetence:
Motion to not sustain Charge 8 made by Council Member Ramsdell,
seconded by Council Member Hawthorne,
carried unanimously 4-0.

Council findings: 7 charges are NOT sustained, 1 charge is undetermined.

Chairman Melvin called for motion of Just Cause. Council Member Ramsdell's made a motion that the LEMC has not found just cause for Mr. Wikstrom's discipline, seconded by Council Member Hawthorne. Motion passed with three ayes (Chairman Melvin, Council Members Ramsdell and Hawthorne) and one nay (Council Member Reyes).

Council Member Ramsdell motioned that the council revoke the discipline for Andrew Wikstrom on the basis of the charges being arbitrary and capricious, seconded by Council Member Hawthorne. Motion passed with three ayes (Chairman Melvin, Council Members Ramsdell and Hawthorne) and one nay (Council Member Reyes).

Chairman Melvin asked for motion to terminate the hearing of Andrew Wikstrom.

Council Member Hawthorne made a motion to terminate hearing, seconded by Council Member Ramsdell.

Council Member Ramsdell made a motion to go into executive session for purposes of obtaining legal advice, seconded by Council Member Reyes.

Council Member Hawthorne retracted his motion to terminate the hearing in order to convene for executive session. Executive session began at 10:12 a.m.

The hearing reconvened at 10:19 a.m. Chairman Melvin requested both parties draft a brief requesting back pay and submit the brief in five days.

Council Member Hawthorne made a motion to conclude the hearing, seconded by Council Member Ramsdell, carried unanimously.

Council adjourned at 10:21 a.m.

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

Patrick Melvin, Chairman