

**PINAL COUNTY MERIT COMMISSION
OCTOBER 29, 2014 AT 9:00 A.M.
HEARING ROOM
31 N. Pinal St, Administration Building A, Florence, Arizona**

COMMISSIONERS PRESENT:

Chairman Tom Ramsdell
Commissioner Gilbert Cancio
Commissioner Richard Brinkley
Commissioner Ralph Varela
Commissioner Frances Wickham

OTHERS PRESENT:

Donna Aversa, Counsel to the Merit Commission
Krishna Fick, Assistant to the Clerk of the Merit Commission
Bryan Quesenberry, Pinal County Attorney, Respondent
Jose Cruz, Pinal County Sheriff's Office Agency Representative
Gary Husk, Appellant's attorney
Annette Lopez, Appellant

1. Call to Order

The meeting was called to order at 9:00a.m.

2. Roll Call and Confirmation of Quorum

Chairman Tom Ramsdell
Commissioner Gilbert Cancio
Commissioner Richard Brinkley
Commissioner Ralph Varela
Commissioner Frances Wickham

3. Business - Appeal Hearing of Annette Lopez

A. Witnesses Excused. Upon request of the parties, the Chairman asked the witnesses to leave the hearing room until they were called. The witnesses were admonished not to discuss this matter and further advised they would be contacted when they were needed for testimony and excused from the hearing until that time.

B. Preliminary motions: Motions in Limine

1. Witnesses

Respondent presents motion to quash the subpoena for Sheriff Babeu and to prevent several other witnesses from testifying. The Appellant argues the motion.

Commissioner Brinkley motioned to exclude Officer Mount, Sgt. Pankey, Debbie Rosane, Randy Rosane, Officer Riccomini, Officer Ballard, Officer Helsdingen, Officer Horn, Sgt. Klix, Stephanie Lopez, Leslie Ralston, Nivole Neal, Erin Lew, Agt. Antolin, Sgt. Nutter, Commander Johnson and Sheriff Babeu from testifying. Commissioner Varela seconded the motion. The motion passed with a 5:0 vote.

2. Exhibits

The Respondent presented motion to exclude exhibits 33 (p.6), 39, 40, 41, 43, 44 and 45. The Appellant argues the motion.

Executive Session for legal advice: Chairman Ramsdell motioned to go into executive session for legal advice on the motion for exclusion of exhibits at 9:56 a.m. Commissioner Varela seconded the motion.

The Commission reconvened at 10:50 a.m.

Chairman Ramsdell motioned that exhibits 39, 40, and 41 be excluded. The motion was seconded to remove the exhibits by Commissioner Brinkley. The motion passed by a 5:0 vote.

Executive Session for legal advice: Chairman Ramsdell motioned for an executive session at 11:09 a.m. to get legal advice. The motion was seconded by Commissioner Brinkley.

The Commission reconvened at 11:12 a.m.

Chairman Ramsdell motioned for exhibit 45 to be excluded and Commissioner Brinkley seconded the motion. The motion passed by a 5:0 vote. The remaining exhibits were admitted as evidence.

The Commission broke for lunch at 11:46 a.m.

The Commission reconvened at 12:20 p.m.

C. Opening Statements: The attorneys for Respondent and Appellant made their opening statements to the Commission.

D. Respondent Witnesses and Exhibits:

(i) Attorney Quesenberry called Danielle Ibanez who is sworn in at 12:20 p.m. by Chairman Ramsdell. Cross examination by Attorney Husk.

Chairman Ramsdell calls for a break at 12:58 p.m. Reconvened at 1:32 p.m.

Questions from the Commissioners. The witness was dismissed at 1:53 p.m.

(ii) Attorney Quesenberry called James Kimble who is sworn in at 1:54 p.m. by Chairman Ramsdell.

Chairman Ramsdell called for a break at 2:49 p.m. Reconvened at 3:00 p.m.

Cross examination by Attorney Husk. Redirect by Attorney Quesenberry. Questions by Commission. Witness James Kimble is dismissed at 3:35 p.m.

(iii) Attorney Quesenberry called Anthony Jones who was sworn in at 3:36 p.m. by Chairman Ramsdell. The witness was crossed examined by the Appellant. The commissioners questioned the witness and Anthony Jones was dismissed at 4:25 p.m.

Chairman Ramsdell called for a break at 4:26 p.m. Reconvened at 4:34 p.m.

(iv) Attorney Quesenberry called J.C. Queen who is sworn in at 4:34 p.m. by Chairman Ramsdell. Cross examination by Attorney Husk. Questions by Commission. Redirect by Attorney Quesenberry. Witness was dismissed at 4:54 p.m.

Recess was called at 4:54 p.m. Matter continued until the following day.