

PINAL COUNTY LAW ENFORCEMENT MERIT COUNCIL

January 12, 2015

Pinal County Board of Supervisors Room

Florence, AZ

COUNCIL MEMBERS PRESENT:

Patrick Melvin, Chairman
Tom Hollenbach, Council Member
Mark Hawthorne, Council Member
Thomas Ramsdell, Council Member
Frank Reyes, Council Member

OTHERS PRESENT:

Donna Aversa, Counsel to the Law Enforcement Merit Commission
Cynthia Grant, Assistant to the Clerk of the Law Enforcement Merit Commission
Yvette Patterson, Attorney for Respondent
Denis Fitzgibbons, Attorney for the Appellant
Fred Neyrmeyer, Appellant
Detective Joey Cruz
Ben Perry
Sgt Luis Vargas
Deputy Scott Bagwell
Detective Amy Bagwell

1. **Call to Order.** The Chairman called the meeting to order at 8:50 a.m.
2. **Roll Call and Confirmation of Quorum.** All Council Members were present.
Patrick Melvin, Chairman
Tom Hollenbach, Council Member
Mark Hawthorne, Council Member
Thomas Ramsdell, Council Member
Frank Reyes, Council Member
3. **Executive Session.** Tom Ramsdell made a motion to go into Executive Session for legal advice pursuant to A.R.S. Sec. 38-431.03(A)(3), seconded by Tom Hollenbach and passed unanimously.
4. **Reconvened.** At 9:22 a.m., the meeting reconvened and Chairman Melvin reminded all present of the confidentiality of Executive Session.
5. **Business - Consideration of Possible Action Regarding the Appeal of Termination of Fred Nehrmeier**
 - A. **Introduction.** Respondent is the Pinal County Sheriff's Office (PCSO) represented by Deputy County Attorney Yvette Patterson. Also present for

PCSO is Det. Joey Cruz. Appellant is Fred Nehrmeyer represented by attorney Denis Fitzgibbons.

- B. Preliminary Motions.** Ms. Patterson presented PCSO's Motion In Limine to exclude certain witnesses. Mr. Fitzgibbons responded. The Council determined that witnesses, testimony and exhibits would be allowed at this time; however reserved the right for Council to disallow as the hearing progressed.
- C. Witnesses Sworn In.** At 9:53 a.m., Chairman Melvin administered the oath to all witnesses present and advised them they would be contacted when needed for testimony and were excused until that time.
- D. Opening Statements.** At 9:55 a.m., the parties presented their opening statements. Respondent's Attorney Patterson presented opening statements for the County. Appellant's Attorney Fitzgibbons presented opening statements for the Appellant.
- E. Respondent's Witnesses and Exhibits.** Attorney Patterson called the following witnesses and the Council admitted the following exhibits:
 - i. **Deputy Scott Bagwell.** Deputy Bagwell provided testimony.
 - ii. **Exhibits.** Respondent's Exhibits 1, 11, 12, 14, 15, 16, 17, and 19 were admitted into evidence.
 - iii. **Recess.** At 11:50 a.m., the Council recessed for lunch and reconvened at 12:55 p.m.
 - iv. **Deputy Bagwell** resumed his testimony.
 - v. **Exhibits.** Respondents Exhibit 3 was admitted into evidence. Appellant's Exhibit 1 was admitted into evidence.
 - vi. **Recess.** At 3:07 p.m., Council recessed for a break and reconvened at 3:18 p.m.
 - vii. **Deputy Bagwell** completed his testimony and was excused at 4:40 p.m.
 - viii. **Exhibits.** Respondent's Exhibit 25 and Appellant's Exhibit 5 were introduced.
- F. Recessed for the Day.** At 5:03 p.m., Council recessed until 8 a.m. the following morning.

APPROVED this 25 day of February, 2015.


Patrick Melvin, Chairman
Pinal County Law Enforcement Merit Council

PINAL COUNTY LAW ENFORCEMENT MERIT COUNCIL

January 13, 2015

Pinal County Board of Supervisors Room

Florence, AZ

COUNCIL MEMBERS PRESENT:

Patrick Melvin, Chairman
Tom Hollenbach, Council Member
Mark Hawthorne, Council Member
Thomas Ramsdell, Council Member
Frank Reyes, Council Member

OTHERS PRESENT:

Donna Aversa, Counsel to the Law Enforcement Merit Commission
Cynthia Grant, Assistant to the Clerk of the Law Enforcement Merit Commission
Yvette Patterson, Attorney for Respondent
Denis Fitzgibbons, Attorney for the Appellant
Fred Neyrmeyer, Appellant
Detective Joey Cruz
Ben Perry
Sgt Luis Vargas
Deputy Scott Bagwell
Detective Amy Bagwell

1. **Call to Order.** The meeting was called to order at 8:10 a.m.
2. **Roll Call and Confirmation of Quorum.** All Council Members were present.
Patrick Melvin, Chairman
Tom Hollenbach, Council Member
Mark Hawthorne, Council Member
Thomas Ramsdell, Council Member
Frank Reyes, Council Member
3. **Business – Continuation of Hearing Regarding the Appeal of Termination of Fred Nehrmeier**
 - A. **Respondent's Witnesses and Exhibits.** Attorney Patterson continued with presentation of witnesses. She called the following witnesses and the Council admitted the following exhibits:
 - i. **Ben Parry.** Mr. Parry provided testimony.
 - ii. **Executive Session.** Tom Ramsdell made a motion to go into Executive Session for legal advice pursuant to A.R.S. Sec. 38-431.03(A)(3), seconded by Tom Hollenbach and passed unanimously.

- iii. **Reconvened.** At 9:28 a.m., the meeting reconvened and Chairman Melvin reminded those present of the confidentiality of executive sessions.
- iv. **Ben Parry** completed his testimony and was excused.
- v. **Sgt. Luis Vargas.** Sgt. Vargas provided testimony and was excused.
- vi. **Det. Amy Bagwell.** Det. Bagwell provided testimony and was excused.
- vii. **Det. Joey Cruz.** Det. Bagwell provided testimony.
- viii. **Recess.** At 11:49 a.m., the Council recessed for lunch and reconvened at 1:01 p.m.
- ix. **Det. Cruz** resumed his testimony.
- x. **Recess.** At 2:28 p.m., the Council recess for a break and reconvened at 2:43.
- xi. **Det Cruz** resumed his testimony.
- xii. **Executive Session.** Council Member Hawthorn moved for executive session pursuant to ARS Sec. 38-431.03(A)(3), seconded by Council member Hallenbach.
- xiii. **Reconvened.** At 3:55 p.m., the meeting reconvened and Chairman Melvin reminded those present of the confidentiality of executive sessions.
- xiv. **Det. Cruz** competed his testimony and was excused at 4:44 p.m.
- xv. **Chief Steve Henry.** Chief Henry provided testimony.

B. Recessed. The Council recessed until 8 .am., January 26, 2015.

APPROVED this 25 day of February, 2015.



Patrick Melvin, Chairman
Pinal County Law Enforcement Merit Council

PINAL COUNTY LAW ENFORCEMENT MERIT COUNCIL
January 26, 2015
OLD BOARD OF SUPERVISORS HEARING ROOM
31 North Pinal Street, Administration Building A
Florence, AZ

COUNCIL MEMBERS PRESENT:

Patrick Melvin, Chairman
Tom Hollenbach, Council Member
Mark Hawthorne, Council Member
Thomas Ramsdell, Council Member
Frank Reyes, Council Member

OTHERS PRESENT:

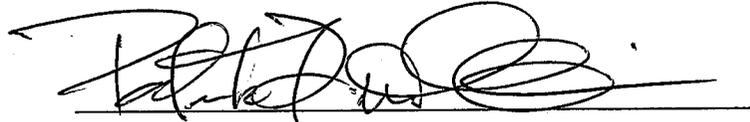
Donna Aversa, Counsel to the Law Enforcement Merit Commission
Cynthia Grant, Assistant to the Clerk of the Law Enforcement Merit
Commission
Yvette Patterson, Attorney for Respondent
Denis Fitzgibbons, Attorney for the Appellant
Fred Neyrmeyer, Appellant
Detective Joey Cruz

1. **Call to Order.** The meeting was called to order at 8:23 a.m.
2. **Roll Call and Confirmation of Quorum.** All Council Members were present.
Patrick Melvin, Chairman
Tom Hollenbach, Council Member
Mark Hawthorne, Council Member
Thomas Ramsdell, Council Member
Frank Reyes, Council Member
3. **Business – Continuation of Hearing Regarding the Appeal of Termination of Fred Nehrmeier**
 - A. **Respondent's Witnesses and Exhibits.** Attorney Patterson continued with presentation of witnesses. She called the following witnesses and the Council admitted the following exhibits:
 - i. **Chief Henry.** Chief Henry completed his testimony and was excused
 - ii. **Respondent called no further witnesses and rested its case.**
 - B. **Appellant's Witnesses and Exhibits.** Attorney Fitzgibbons called the following witnesses and the Council admitted the following exhibits into evidence.

- i. **Matt Dale.** Mr. Dale was placed under oath and provided testimony and was excused.
- ii. **Sgt. Chris Martin.** Sgt. Martin provided testimony and was excused.
- iii. **Recess for lunch.** At 11:56 a.m., the Council recessed for lunch and reconvened at 12:59 p.m.
- iv. **Sgt. Lupe Ibarra.** Sgt. Ibarra provided testimony and was excused.
- v. **Deputy Mike Hughey.** Deputy Hughey provided testimony and was excused.
- vi. **Recess for break.** At 1:50 p.m., the Council recessed for a break and reconvened at 2:02 p.m.
- vii. **Appellant Nehrmeyer.** Appellant Nehrmeyer provided testimony.
- viii. **Recess.** At 3:52 p.m., the Council recessed for a break and reconvened at 4:05 p.m.
- ix. **Appellant Nehrmeyer** resumed his testimony.

C. Recess for the day. At 5:02 Council recessed until Feb. 11

APPROVED this 25 day of February, 2015.



Patrick Melvin, Chairman
Pinal County Law Enforcement Merit Council

PINAL COUNTY LAW ENFORCEMENT MERIT COUNCIL
February 11, 2015
OLD BOARD OF SUPERVISORS HEARING ROOM
31 North Pinal Street, Administration Building A
Florence, AZ

COUNCIL MEMBERS PRESENT:

Patrick Melvin, Chairman
Tom Hollenbach, Council Member
Mark Hawthorne, Council Member
Thomas Ramsdell, Council Member
Frank Reyes, Council Member

OTHERS PRESENT:

Donna Aversa, Counsel to the Law Enforcement Merit Commission
Cynthia Grant, Assistant to the Clerk of the Law Enforcement Merit Commission
Yvette Patterson, Attorney for Respondent
Denis Fitzgibbons, Attorney for the Appellant
Fred Neymeyer, Appellant
Detective Joey Cruz

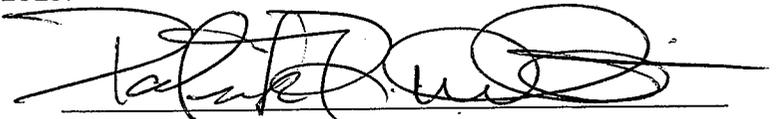
1. **Call to Order.** The meeting was called to order at 8:04 a.m.
2. **Roll Call and Confirmation of Quorum.** All Council Members were present.
Patrick Melvin, Chairman
Tom Hollenbach, Council Member
Mark Hawthorne, Council Member
Thomas Ramsdell, Council Member
Frank Reyes, Council Member
3. **Business – Continuation of Hearing Regarding the Appeal of Termination of Fred Neymeyer**
 - A. **Continuation of Appellant's Witnesses and Exhibits.**
 - i. **Appellant Neymeyer** resumed testimony.
 - ii. **Exhibits.**
 - B. **Executive Session.** At 9:35 a.m., Council Member Hollenbach made a motion to go into executive session pursuant to A.R.S. Sec. 38-431.03(A)(3) for legal advice, seconded by Council Member Ramsdell. Passed unanimously.
 - C. **Reconvened.** At 9:40, the meeting reconvened and Chairman Melvin reminded all present of the confidentiality of Executive Sessions.
 - D. **Additional Witness from Respondent.**

- E. **Dennis Hixon.** Following an offer of proof by Ms. Patterson, the Council heard an audio recording of interview given by Dennis Hixon.
- F. **Exhibits.** The Council confirmed all the exhibits presented by the parties were admitted into evidence.
- G. **Closing Arguments.** Respondent and Appellant made closing arguments to the Commission.
- H. **Recess. At 12:15, the Council recessed for lunch.**
- I. **Reconvened. At 1:10, the meeting reconvened.**
- J. **Executive Session for Legal Advice.** At 1:10, Council member Ramsdell made a motion to go into executive session for legal advice pursuant to A.R.S. Sec. 38-431.03(A)(3). Seconded by Council member Hallenbach. Passed unanimously.
- K. **Reconvened.** At 1:33, the Chairman called the meeting back to order and reminded those present of the confidentiality of executive sessions.
- L. **Deliberation.** The Chairman called for the deliberation by the Council on the charges presented.
- M. **Roll Call Vote.** The Chairman called for a roll call vote as to whether or not the Respondent met the just cause standard for each charge.
 - i. Charge #1: 3-2 Upheld
 - ii. Charge #2: 5-0 Upheld
 - iii. Charge #3: 4-1 Upheld
 - iv. Charge #4: 5-0 Upheld

The Council directed its attorney to prepare a draft of findings of facts, conclusions of law and order to be considered by the Council at the next meeting.

4. **Adjourned:** Chairman Melvin adjourned the Hearing at 1:10 p.m.

APPROVED this 25 day of February, 2015.



Patrick Melvin, Chairman
Pinal County Law Enforcement Merit Council