

**PINAL COUNTY LAW ENFORCEMENT MERIT COUNCIL**  
**February 25, 2015 AT 8:00 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  
Council Member Tom Hollenbach

**OTHERS PRESENT:**

Donna Aversa, Counsel to the Merit Council  
Krishna Fick, Assistant to the Clerk of the Merit Council  
Yvette Patterson, Deputy Pinal County Attorney  
Neil Landeen, Attorney for Appellant  
Miguel Ayala, Appellant  
Joey Cruz, Pinal County Sheriff's Office

1. **Call to Order** -- The meeting was called to order at 8:00 A.M.
  
2. **Roll Call and Confirmation of Quorum** -- All members present.

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

3. **Business** -- Consideration and possible action regarding the appeal of the 40 hour suspension of Miguel Ayala.
  - A. **Opening Statements.** Pinal County and Appellant each made an opening statement to the Council.
  
  - B. **Respondent's Witnesses and Exhibits.** Attorney Patterson called:
    - i. **Det. Joey Cruz.** Det. Cruz testified under oath.
    - ii. **Exhibits.** Respondent's Exhibits 1-14 were admitted.

- iii. **Recess.** The Council recessed for a break at 9:30 a.m. and reconvened at 9:45 a.m.
- iv. **Det. Cruz** completed his testimony.
- v. **Sgt. Robert Monashefsky.** Sgt. Monashefsky testified under oath, completed his testimony and was dismissed at 10:37A.M.
- vi. **Det. Michael Benedict.** Det. Benedict testified under oath. He completed his testimony and was dismissed at 10:55 a.m.
- vii. **Lt. Darrel Hale.** Lt. Hale, Southern Regional Supervisor and Livestock Officer, Arizona Department of Agriculture, testified telephonically under oath. He completed his testimony and was dismissed at 11:19 a.m.
- viii. **Recess.** The Council recessed for a break 11:20 a.m. and reconvened at 11:31 a.m.
- ix. **Chief Deputy Steve Henry.** Chief Henry testified under oath. He completed his testimony and was dismissed at 1:06 p.m.
- x. **Respondent rested its case.**
- xi. **Recess.** The Council recessed for a lunch break at 1:06 p.m. and reconvened at 2:10 p.m.

**C. Appellant's Witnesses and Exhibits.** Attorney Landeen called:

- i. **Mike Duffy.** Mr. Duffy provided testified under oath. He completed his testimony and was dismissed at 2:59 p.m.
- ii. **Exhibits.** Appellant's Exhibits 1-22 were admitted.
- iii. **Recess.** The Council recessed for a break at 3:00 p.m. and reconvened at 3:05 p.m.

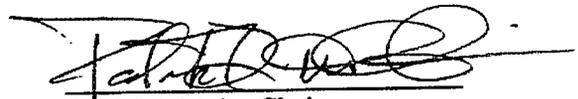
**4. Other Business. Review, discussion and possible approval of minutes --** Upon motion by Council Member Hawthorne, seconded by Council Member Hollenbach, the Minutes (regarding the Hearing on the Nehrmyer Appeal) were unanimously adopted for:

Monday, January 12, 2015;  
 Tuesday, January 13, 2015;  
 Monday, January 26, 2015; and,  
 Wednesday, February 11, 2015.

**5. Recess.** The Council recessed for the day to resume at 8:30 the next day.



Krishna Fick, Assistant to the Clerk  
 Of the Law Enforcement Merit Council



Patrick Melvin, Chairman

**PINAL COUNTY LAW ENFORCEMENT MERIT COUNCIL**  
**February 26, 2015 AT 8:00 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  
Council Member Tom Hollenbach

**OTHERS PRESENT:**

Donna Aversa, Counsel to the Merit Council  
Krishna Fick, Assistant to the Clerk of the Merit Council  
Yvette Patterson, Deputy Pinal County Attorney  
Neil Landeen, Attorney for Appellant  
Miguel Ayala, Appellant  
Joey Cruz, Pinal County Sheriff's Office

1. **Call to Order** -- The meeting was called to order at 8:34 a.m.
2. **Roll Call and Confirmation of Quorum** -- All members present.

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

3. **Business** -- Continuation of consideration and possible action regarding the appeal of the 40 hour suspension of Miguel Ayala.

**A. Appellant's Witnesses.** Attorney Landeen called:

- i. **Sgt. David Hausman.** Sgt. Hausman testified under oath. He completed his testimony and was dismissed at 9:50 a.m.
- ii. **Recess.** The Council recessed for a break at 9:51 a.m. and reconvened at 9:58 a.m.

**B. Executive Session For Legal Advice.** Upon a motion by Council Member Hollenbach, seconded by Council Member Ramsdell, to go into executive session for legal advice with the attorney for the Council pursuant to A.R.S. Sec. 38-431.03(A)(3), the Council unanimously voted to go into executive session.

**C. Reconvened.** At 10:05 a.m., the Council reconvened and the Chairman reminded those present that executive sessions are confidential pursuant to Arizona statute.

**D. Appellant's Witnesses.** Attorney Landeen continued with witnesses and called:

- i. **Deana Boudrieau.** Ms. Boudrieau testified under oath. She completed her testimony and was dismissed at 10:22 a.m.
- ii. **Cheryl Gower.** Ms. Gower testified under oath. She completed her testimony and was dismissed at 10:29 a.m. Miguel Ayala was sworn in by Chairman at 10:30 A.M. He was questioned by Appellant. End of questions from Appellant at 11:40 A.M.
- iii. **Recess.** The Council recessed for lunch at 11:45 A.M. and reconvened at 12:42 p.m.
- iv. **Appellant Deputy Miguel Ayala.** Dep. Ayala testified under oath. He completed his testimony and was dismissed at 1:34 pm.
- v. **Appellant rested its case.**

**E. Closing Arguments.** Respondent and Appellant made closing arguments to the Council. Closing arguments were completed at 2:16 p.m.

**F. Executive Session for Legal Advice.** Upon a motion by Council Member Reyes, seconded by Council Member Hawthorne, to go into executive session for legal advice with the attorney for the Council pursuant to A.R.S. Sec. 38-431.03(A)(3), the Council unanimously voted to go into executive session.

**G. Reconvened.** At 2:30 p.m., the Council reconvened and the Chairman reminded those present that executive sessions are confidential pursuant to Arizona statute.

**H. Deliberation.** The Chairman called for the deliberation of the six charges presented. The Council addressed the Charges by grouping them into a discussion of Charges 1 -4 related to incident 1 and Charges 5-6 related to Incident 2.

- i. By a vote of 3:2, the Council found that the County met its burden and there was just cause related to Charges 1 – 4. Council Members Melvin,

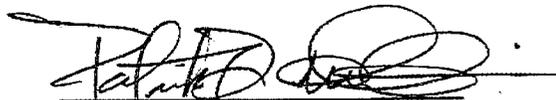
Ramsdell and Hollenbach voted in favor. Council Members Reyes and Hawthorne voted against.

- ii. By a vote of 2:3, the Council did NOT find that the County met its burden and there was just cause and related to Charges 5 and 6. Council Members Melvin and Hollenbach voted in favor. Council Members Reyes, Hawthorne and Ramsdell voted against.

I. **Adjourned.** The Chairman adjourned the meeting at 3:01 P.M.



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Krishna Fick, Assistant to the Clerk  
Of the Law Enforcement Merit Council



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Patrick Melvin, Chairman