

PINAL COUNTY MERIT COMMISSION
December 2, 2015 AT 8:35 A.M.
HEARING ROOM
31 N. Pinal St, Administration Building A, Florence, Arizona

COMMISSIONERS PRESENT:

Chairman Tom Ramsdell
Commissioner Gilbert Cancio
Commissioner Ralph Varela

OTHERS PRESENT:

Donna Aversa, Counsel to the Merit Commission
Krishna Fick, Assistant to the Clerk of the Merit Commission
Yvette Patterson, Deputy County Attorney for Pinal County
Archie Carreon, Director at Pinal County Facilities Department
Tim Collier, Attorney for Appellant
Heather Ojeda, Appellant

1. Call to Order

The meeting was called to order at 8:35 A.M.

2. Roll Call and Confirmation of Quorum

Chairman Tom Ramsdell
Commissioner Gilbert Cancio
Commissioner Ralph Varela

3. Business – Continuation -- Consideration and possible action regarding the appeal of the termination of employment of Heather Ojeda.

A. Appellant's Witnesses and Exhibits. Attorney Collier called:

- i. **Sergio Chavez**, Electrician with Pinal County Facilities Department. Mr. Chavez testified under direct examination, and was questioned by the Commission.
- ii. **Archie Carreon**, Director at Pinal County Facilities Department. Mr. Carreon testified under direct examination, cross examination, redirect and questioned by the commission.

B. Executive Session for Legal Advice. At 9:09 a.m. Chairman Ramsdell motioned to go into executive Session for legal advice pursuant to A.R.S. Sec. 38-431.03(A)(3). It was seconded by Commissioner Varela. Passed unanimously.

- C. **Resume Open Session.** At 9:37 a.m. the Chairman called the meeting back to order and reminded those present of the confidentiality of executive sessions.
- D. **Appellant rests.**
 - i. **Appellant's Exhibits 1-12 are confirmed admitted into evidence.**
- E. **Respondent's Witnesses and Exhibits.**
 - i. **Greg Stanley**, Pinal County Manager. Mr. Stanley testified under direct examination, cross examination, redirect and questioned by the Commission.
 - ii. **Patricia Shriner**, Occupational Health Nurse. Ms. Shriner testified under direct examination, cross examination, redirect and questioned by the Commission.
- F. **Respondent's Rebuttal Witness.**
 - i. **Cathy Bohland**. Ms. Bohland testified under direct examination, cross examination.
 - ii. **Maria Fales**. Ms. Fales testified under direct examination, cross examination and questioned by the Commission.
- G. **Respondent Rests.**
 - i. **Respondent's Exhibits 1-20 are confirmed admitted into evidence.**
- H. The Chairman called for a break at 11:13 a.m. and Resumed at 11:31 a.m.
- I. **Closing Arguments.** At 11:33 a.m., Respondent and Appellant made closing arguments to the Commission.

Break for lunch at 12:18 p.m. and Resumed at 3:14 p.m.

Following the lunch break, the Commission addressed agenda item #4.

4. Review, Discussion and Approval of Minutes and Findings from the Merit Hearing regarding Denise Farrell and approve minutes for Dennis Graham for September 3rd and 4th. Chairman Ramsdell motioned to have the minutes approved. Commissioner Varela seconded it. There were no comments or discussion from the Commission and the minutes were approved 3:0. Unanimous vote.

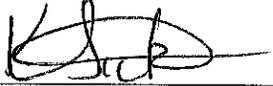
After addressing agenda item #4, the Commission resumed its hearing regarding the appeal of the termination of employment of Heather Ojeda.

- J. **Executive Session for Legal Advice.** Commissioner Cancio made a motion to go into executive session for legal advice pursuant to A.R.S. Sec. 38-431.03(A)(3). Seconded by Commissioner Varela. Passed unanimously.
- K. **Resumed Open Session.** At 3:20 p.m., 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 of the seven incidents presented. Each Commissioner was given an opportunity to address each of the seven incidents.
- M. **Roll Call Vote.** The Chairman called for a roll call vote on each of the charges.
 - i. **Charge #1.**

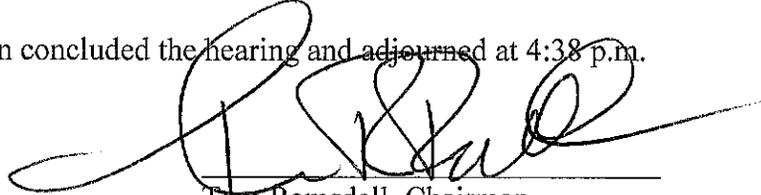
1. Chairman Ramsdell moved for a roll call vote on charge #1.
Seconded by Commissioner Cancio.
 2. Vote 3:0 that the County met its burden on charge #1 and charge #1 is affirmed.
- ii. **Charge #2.**
1. Chairman Ramsdell moved for a roll call vote on charge #2.
Seconded by Commissioner Cancio.
 2. Vote 2:1 that the County did not meet its burden on charge #2.
- iii. **Charge #3.**
1. Chairman Ramsdell moved for a roll call vote on charge #3.
Seconded by Commissioner Cancio.
 2. Vote 3:0 that the County met its burden on charge #3 and charge #3 is affirmed.
- iv. **Charge #4.**
1. Chairman Ramsdell moved for a roll call vote on charge #4.
Seconded by Commissioner Cancio.
 2. Vote 3:0 that the County met its burden on charge #4 and charge #4 is affirmed.
- v. **Charge #5**
1. Chairman Ramsdell moved for a roll call vote on charge #5.
Seconded by Commissioner Cancio.
 2. Vote 2:1 that the County did not meet its burden on charge #5.
- vi. **Charge #6**
1. Chairman Ramsdell moved for a roll call vote on charge #6.
Seconded by Commissioner Cancio.
 2. Vote 3:0 that the County met its burden on charge #6 and charge #6 is affirmed.
- vii. **Charge #7**
1. Chairman Ramsdell moved for a roll call vote on charge #7.
Seconded by Commissioner Cancio.
 2. Vote 3:0 that the County met its burden on charge #7 and charge #7 is affirmed.
- N. Executive Session.** Chairman 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 Commissioner Cancio.
- O. Resume Open Session.** At 4:26 p.m. the Chairman called the meeting back to order and reminded those present of the confidentiality of executive sessions.

P. Order. By a unanimous vote, the Commission upheld the discipline and denied the appeal. The Commission directed its counsel to prepare a draft of the findings for the Commission's review and consideration. The Commission tentatively scheduled Tuesday December 15, 2015 to review and adopt the Findings in this matter.

5. Adjourn. The Commission concluded the hearing and adjourned at 4:38 p.m.



Krishna Fick, Assistant to the Clerk
Of the Merit Commission



Tom Ramsdell, Chairman