



**MERIT SYSTEM COMMISSION
LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

MINUTES
Open Meeting

Wednesday, April 24, 2019

Members Present:
John Fink, Chair
David P. Freund
Mike Hellon

Also Present Were:

Barry Corey	Counsel for the Commission/Council
Donna Tobias	Recording Secretary, Human Resources
Daniel Jurkowitz	Deputy County Attorney for the Respondent
Jennifer Blum	Deputy County Attorney for the Respondent
Lenora Anderson	Paralegal, Pima County Attorney's Office
Sergeant Mary Scott	Pima County Sheriff's Department
Sergeant Darrin Black	Pima County Sheriff's Department
Captain Darin Stephens	Pima County Sheriff's Department
Michael Storie	Counsel for the Appellant
CO Daniel Conrad	Appellant
Daniel Eckstrom	Observer
Captain Darin Stephens	Pima County Sheriff's Department

The Open Meeting of the Pima County Merit System Commission was called to order by John Fink, Chair, at 9:04 a.m. All persons in attendance were asked to state their names for the record.

Mr. Fink introduced the newly appointed Commissioner, Dan Eckstrom from District 2 who was attending this meeting as an observer.

Item F. Appeal Hearing

Discussion and Action:

Daniel Conrad v Pima County Sheriff's Department
Suspension

Mr. Fink, Chair, read the opening statement into the record. Mr. Fink asked if either party wished to invoke the Rule of Privilege. The Rule of Privilege which excludes witnesses was invoked by Mike Storie attorney for the Appellant.

Witnesses Sergeant Mary Scott, Pima County Sheriff's Department, Sergeant Darin Black, Pima County Sheriff's Department; and CO Daniel Conrad, Pima County Sheriff's Department, Appellant, were sworn in by Barry Corey, Counsel to the Commission.

Mr. Fink asked all parties if they had any preliminary matters they wished to discuss Jennifer Blum stated that she requested that the Commission preclude the Discipline of Joseph Cameron. Mike Storie disagreed and discussion ensued.

Mr. Fink ruled that he would allow the discipline be heard and the commission would decide how much weight it would be given. Mr. Fink asked who would bring in that exhibit and Mr. Storie stated that he would bring it in.

Mr. Fink asked if the appellant had any exhibits. Mr. Storie stated that they did not and stipulated to all of the Respondent's exhibits.

Respondent's Exhibits that were stipulated to for admission into the record for this hearing are listed below:

Respondent's Exhibit #1: Form dated January 25, 2019;

Respondent's Exhibit #2: Pima County Sheriff's Department Rules and Regulations 4.I. - Standards of Conduct;

Respondent's Exhibit #3: Pima County Sheriff's Department Rules and Regulations 7.XVII – Internal Affairs Process;

Respondent's Exhibit #4: Pima County Personnel Policy 8-119 – Rules of Conduct;

Respondent's Exhibit #5: Pima County Merit System Rule 12.1.C – Disciplinary and Other Personnel Actions;

Respondent's Exhibit #6: Timeline of Events, Bates No. 763;

Respondent's Exhibit #7: Notice of Suspension Without Pay dated January 22, 2019, Bates Nos. 013-016;

Respondent's Exhibit #8: Pre-Action Hearing Memo dated January 9, 2019, Bates No. 299;

Respondent's Exhibit #9: Notice of Intent to Suspend Without Pay dated November 30, 2018, Bates Nos. 764-767;

Respondent's Exhibit #10: Office of Professional Standards Report Investigation 18-044, Bates Nos. 072-118;

Respondent's Exhibit #11: Letter of Counseling dated November 15, 2018, Bates Nos. 017-018;

Respondent's Exhibit #12: HR/ER Grievance Investigation 18M-05, Report dated November 9, 2018 and Final Decision dated November 15, 2018, Bates Nos. 019-023;

Respondent's Exhibit #13: Letter of Reprimand dated July 18, 2018, Bates Nos. 027-029;

Respondent's Exhibit #14: Office of Professional Standards Report Investigation 18-028, Bates Nos. 128-211;

Respondent's Exhibit #15: Acknowledgment of Verbal Counseling dated February 5, 2018, Bates No. 035;

Jennifer Blum, Deputy County Attorney, made an opening statement she gave the Commission a timeline which was Respondent's Exhibit 6. Mr. Storie challenged bringing up previous discipline and discussion ensued.

Mr. Fink stated he would uphold Mr. Storie's comments on going into previous discipline in detail. Ms. Blum continued her statement.

Mike Storie, Attorney for the Appellant, made an opening statement.

Mr. Hellon asked what the appellant wanted from this appeal. Mr. Storie stated that they were asking for a Letter of Counseling but would settle for a Letter of Reprimand.

Mr. Fink stated for the record that he had a working relationship with Sergeant Scott as they both sat on the Corrections Officer's Retirement Board. He said he sat on that board as an additional duty as Chair of the Merit System Commission. He stated that it would not cause him to give any additional weight to her testimony.

Respondent's First Witness: Sergeant Mary Scott, Pima County Sheriff's Department, previously sworn in by Barry Corey, Counsel to the Commission, provided testimony in this hearing.

The Commission recessed at 10:23 a.m. and re-convened at 10:35 a.m.

Respondent's Second Witness: Sergeant Darrin Black, Pima County Sheriff's Department, previously sworn in by Barry Corey, Counsel to the Commission, provided testimony in this hearing.

The Commission recessed at 10:54 a.m. and re-convened at 11:16 a.m.

Respondent's Third Witness: Captain Darin Stephens, Pima County Sheriff's Department, previously sworn in by Barry Corey, Counsel to the Commission, provided testimony in this hearing.

Jennifer Blum stated she had no more witnesses.

Appellant's Exhibit A: ARS § 38-1104 internal investigations; employee representative; polygraph examination; exception, was admitted without objection.

ACTION: John Fink, Chair, recessed the hearing at 11:56 a.m. and noted for the record that the hearing would re-convene at 10:30 a.m. on April 25, 2019.

The digital recording of the official proceedings and the minutes were prepared by the Recording Secretary.

Minutes approved on June 24, 2019 .