



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

MINUTES
Open Meeting
Monday, June 24, 2019

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

Also Present Were:

Barry Corey	Counsel for the Commission/Council
Donna Tobias	Recording Secretary, Human Resources
Aurora Hernandez	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
Lt. Robert Zuniga	Department Representative, Pima County Sheriff's
Lt. Denise Strang	Pima County Sheriff's Department
Captain Sean Stewart	Pima County Sheriff's Department
Captain Joshua Anderson	Pima County Sheriff's Department
Hazele Trish Bagley	Pima County Sheriff's Department
Mr. Alatorre	Representative/Counsel for the Appellant
Rosalie Romero	Appellant

The Open Meeting of the Pima County Merit System Commission was called to order by Mr. Fink, Chair, at 9:00 a.m. All persons in attendance were asked to state their names for the record.

Item C. Approval of Minutes

Open Meeting Minutes of April 15, 2019
Open Meeting Minutes of April 24, 2019
Executive Session Minutes of April 15, 2019

ACTION: David Freund made a motion to accept the Open Meeting minutes listed above as item C. Mike Hellon seconded the motion. Motion passed unanimously.

Item D. Appeal Hearing

Discussion and Action:

Rosalie Romero v Pima County Sheriff's Department
Disciplinary Demotion

Page 2

Mr. Fink 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 Mr. Alatorre, Attorney for the Appellant.

Mr. Jurkowitz, Deputy County Attorney, made an opening statement. Mr. Alatorre, Attorney for the Appellant, made an opening statement.

Witnesses, Lt. Robert Zuniga, Pima County Sheriff Department and Rosalie Romero, Appellant, were sworn in by Barry Corey, Counsel to the Commission.

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

Respondent's Exhibit # 1: Pima County Merit System Appeal Form dated April 24, 2019

Respondent's Exhibit # 6: Notice of Demotion dated April 9, 2019, Bates Nos. 565-567

Respondent's Exhibit # 8: Notice of Intent to Demote dated February 26, 2019, Bates Nos. 568-570

Respondent's Exhibit # 10: Memorandum form Appellant to Lt. Zuniga dated November 21, 2018, Bates No. 183 (Except for handwritten notes on bottom)

Respondent's Exhibit # 13: Letter of Reprimand dated March 30, 2018, Bates Nos. 104-106

Respondent's Exhibit # 15: Notice of Suspension dated May 25, 2016, Bates Nos. 112-114

Respondent's Exhibit #16: Letter of Reprimand dated March 2, 2016, Bates Nos. 119-121

Mr. Fink asked all parties if they had any preliminary matters they wished to discuss and there were none

Respondent's First Witness: Hazele Trish Bagley, Pima County Sheriff's Department was sworn in by Barry Corey, Counsel to the Commission, provided testimony in this hearing.

Mr. Jurkowitz moved to admit Respondent's Exhibit # 4, discussion ensued.

Respondent's Exhibit # 4: Pima County Sheriff's Department Policy and Procedure 4 II- General Procedures was admitted without objection.

Respondent's first Witness continues testimony.

Mr. Jurkowitz, moved to admit Respondent's Exhibit # 11: discussion ensued.

Mr. Fink rules to admit Respondent's Exhibits 11 and 12.

Respondent's Exhibit # 11: Inmate Demarcus Jackson documents, Bates Nos. 576-590, 592 was admitted with objection.

Respondent's Exhibit # 12: Demonstrative Exhibit, Bates No. 882 was admitted with objection.

The Commission recessed at 10:41a.m. and re-convened at 10:54 a.m.

Respondent's First Witness: Hazele Trish Bagley continued to provide testimony.

Mr. Alatorre moved to admit information from a minute entry from the City of Tucson Public Access web site and discussion ensued.

Appellant's Exhibit A: a minute entry from the City of Tucson Public Access web site was admitted without objection.

The Commission recessed for lunch at 12:09 p.m. and re-convened at 1:10 p.m.

Respondent's First Witness: Hazele Bagley continues to provide testimony.

Ms. Bagley was excused and reminded of the Rule by Barry Corey, Attorney for the Commission.

Respondent's Second Witness: Lt. Denise Strang, Pima County Sheriff's Department was sworn in by Barry Corey, Attorney for the Commission and provided testimony in this hearing.

Mr. Jurkowitz, moved to admit Respondent's Exhibit # 14 for admission. Discussion ensued and Mr. Fink denied the admission.

Lt. Strang was excused and reminded of Rule by Barry Corey, Attorney for the Commission.

The Commission recessed for a break at 2:30 p.m. and reconvened at 2:39 p.m.

Respondent's Third Witness: Captain Sean Stewart, Division Commander, Pima County Sheriff's Department was sworn in by Barry Corey, Attorney for the Commission and provided testimony in this hearing.

Mr. Jurkowitz moved to admit Respondents Exhibit # 17 and discussion ensued.

Respondent's Exhibit #17: Promotion Memorandum dated March 5, 2015, Bates No. 163 was admitted without objection.

Mr. Fink asked that an original green copy of Appellants Exhibit A be provided as soon as possible.

Captain Stewart released subject to recall, reminded of the Rule by Barry Corey, Attorney for the Commission.

Mr. Fink made a motion to recess the Open Meeting. Mr. Freund seconded the motion. Motion passed unanimously. The Commission recessed at 4:15 p.m. to continue on Tuesday, June 25, 2019 at 9:00 a.m.

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

Minutes approved on July 22, 2019.