Continuation of Michael Flaminio v. Pima County Sheriff’s Department

Commission Members Present:
   Mike Hellon, Chair
   David Freund, Vice-Chair
   Sami Hamed

All persons in attendance were asked to state their names for the record.

Paul Loucks          Counsel for the Commission
Bryson Buckley       County Attorney for the Respondent
Jaclyn Foltz-Bralj   Paralegal, Pima County Attorney’s Office
Ellen Brown          Pima County Attorney’s Office
Jonathan Hildebrand  Paralegal, Pima County Attorney’s Office
Sergeant Andrew Reidy Department Representative
Javier Alatorre      Attorney for Appellant
Michael Flaminio     Appellant
Sergeant Andrew Smith Pima County Sheriff’s Department
Sergeant Mary Scott  Pima County Sheriff’s Department
Captain Scott Lowing  Pima County Sheriff’s Department
Trina Bergen         Recording Secretary

The Open Meeting of the Pima County Merit System Commission was called to order at 9:00 a.m. by Mr. Hellon, Chair.

Respondent’s Second Witness: Sgt. Andrew Smith returned and Mr. Hellon reminded Sgt. Smith that he is still under oath and Sgt. Smith agreed. Sgt. Smith continued his testimony.

Sgt. Smith concluded his testimony and was reminded of the rule and excused.

Break at 9:56 a.m. and reconvened 10:06 a.m.

Respondent’s Third Witness: Sgt. Mary Scott returned and Mr. Loucks reminded of her oath. She continued to provide testimony.

Sgt. Scott was excused and reminded of the rule.

Respondent’s Fourth Witness: Captain Scott Lowing, Pima County Sheriff’s Department, was sworn in by Paul Loucks, Counsel to the Commission, provided testimony in this hearing.

Break at 11:14 a.m. and reconvened at 11:36 a.m.

Respondent’s Fourth Witness: Captain Lowing continued to provide testimony in this hearing.

Cpt. Lowing was excused; Mr. Loucks reminded the witness that the rule had been invoked.

Break at 1:30 p.m. and reconvened at 1:36 p.m.

Mr. Alatorre asked the commissioners to move a finding that the termination was improper and not justified. He believed the Department has not met its burden of proof. They have to prove they
have reasonable justified action for what they did. There is no objective standard. Mr. Hellon replied it was the obligation of the commission to determine whether the discipline was justified. Discussion ensued.

The attorneys and commissioners agreed to begin closing and deliberations the next day and to start at 9:30 a.m.

Mr. Hellon recessed the hearing at 1:42 p.m.

The minutes were prepared by the Recording Secretary. Minutes approved on May 25, 2022.

/s/ Mike Hellon, Chair