



**PIMA COUNTY
MERIT SYSTEM COMMISSION
OPEN MEETING MINUTES OF SEPTEMBER 16, 2021**

**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	Pima County Attorney's Office
Ellen Brown	Pima County Attorney's Office
Laureen Pew	Pima County Attorney's Office
Sergeant Andrew Reidy	Department Representative
Javier Alatorre	Attorney for Appellant
Michael Flaminio	Appellant
Trina Bergen	Recording Secretary

The Open Meeting of the Pima County Merit System Commission was called to order by Mr. Hellon, Chair, at 9:34 a.m.

Mr. Alatorre asked for clarification of Exhibits that were admitted. Discussion ensued.

Bryson Buckley, County Attorney for the Respondent, gave his closing argument.

Break at 10:02 a.m. and reconvened at 10:04 a.m.

Javier Alatorre, Attorney for the Appellant, gave his closing argument.

The Commission deliberated and each Commissioner explained the reasoning for their decision.

Paul Loucks read the standards under which the Commission operates.

ACTION: Mr. Hamed made a Motion that the Pima County Law Enforcement Commission modify the decision of Sheriff Chris Nanos in the case of Michael Flaminio and modify the decision from a termination to it being a suspension without pay for 10 days. Mr. Loucks stated this is a Merit System Commission and not a Law Enforcement Merit System Commission.

ACTION: Mr. Hamed amended his Motion to the discipline of Mr. Flaminio be modified from a termination to a ten-day retroactive suspension and that he be given back pay and reinstated to his position as a Corrections Officer with the Pima County jail. Mr. Freund asked if there was a second. Discussion ensued. Mr. Hellon moved the Motion failed for lack of a Second.

ACTION: Mr. Freund made a counter Motion and moved that the Commission find the Appellant Flaminio knew or should have known that his conduct could have resulted in disciplinary action but the appeal of Correction Officer Flaminio be sustained and that he be reinstated to his position of employment with the Pima County Sheriff's Department with full back pay except for a suspension without pay for a period of two weeks for the reason that there was evidence that the

employee engaged in improper conduct, there is evidence to support evidence imposition of some disciplinary action. The Appointing Authority failed to establish that there was just cause for the action imposed.

Mr. Hamed requested the motion include a note that the Apodaca charge is not the same as well. Discussion ensued.

Mr. Freund withdrew his previous motion and restated his Motion.

ACTION: Mr. Freund moved that Commission find the Appellant Flaminio knew or should have known that his conduct could have resulted in disciplinary action and based on the testimony presented and evidence submitted, the Commission voted to sustain the Appeal of Michael Flaminio and that Termination be revoked and that his discipline be modified such that he serve a two-week retroactive suspension (i.e., without pay) with all other back pay for the reason that in the sole discretion of the Commission the discipline imposed was too severe as to incident involving inmate Lester and the Appointing Authority failed to establish there was just cause for discipline as to the incident involving inmate Apodaca. Mr. Hamed second the Motion. On a roll call vote the Motion passed 2-1, with Mr. Hellon dissenting. The Appellant and his representative were present at the meeting.

Mr. Hellon adjourned the Open Meeting. The Commission adjourned at 12:22 p.m.

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

/s/ Mike Hellon, Chair