



LAW ENFORCEMENT CERTIFICATION BOARD

REGULAR MEETING

DATE: Thursday, September 12, 2024

TIME: 9:00 AM

LOCATION: Western New Mexico University
1000 W. College Ave.
Silver City, NM 88061

MEETING MINUTES

I. OPENING

A. Roll Call

- The meeting was called to order at 9:06 a.m. Law Enforcement Certification Board Operations Officer Laura Escarcida conducted roll call confirming the in-person attendance of members: Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green. Board Members Joseph Walsh, and Carly Huffman attended virtually. Board Members Sheriff Adan Mendoza and Vice-Chair Chief Summer Mirabal were absent. A quorum was established.
- Member Cody Roders Benavidez moved to designate Member Chief Romero to chair the meeting as the vice-chair was absent and the chair position is vacant. Member Julie Ball seconded the motion.

B. Approval of Agenda

- Member Cody Roders Benavidez moved to approve the agenda. Member Dr. Green seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.

C. Approval of Minutes from June 13, 2024, Meeting

- Member Joseph Walsh moved to approve the minutes from the June 13, 2024 meeting. Member Julie Ball seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.

D. Welcome from Dr. Gilbert Najjar, Western New Mexico University Law Enforcement Satellite Academy Director

II. REPORTS

A. Report from Interim CEO / LEA Director Sonya K. Chavez

- NMLEA Director Sonya K. Chavez provided a staffing update related to the Law Enforcement Certification Board Chief Executive Officer position and NMLEA internal positions and personnel changes. Information was relayed to Board members regarding the NMLEA BPOT class #208 and initiatives by the basic and advanced bureaus of the academy, as well as a legislative push for retirement changes effecting

commissioned law enforcement officers employed by the NMLEA. Director Chavez further advised the Board of the NMLEA's intent to move forward with satellite academy compliance audits. Member Ball inquired into status on the designation of office space for the LEC Office, how the LECB budget may be impacted due to staff vacancies, and retirement contribution percentage questions for commissioned staff. Chief Romero reflected on his experience working for the NMLEA and encouraged members to reach out to legislators to support changes to the retirement tier for commissioned staff.

B. Updates from Rule Making Working Groups

1) Misconduct Rules Working Group

2) Certification Qualifications and Issuance Rules Working Group

- Member Cody Rogers Benavidez and Member Julie Ball reported on the status of working groups.

III. PUBLIC COMMENT

- There were no requests for public comment.

IV. NEW BUSINESS

A. Ratification and Approval of Pending Certifications

1) Law Enforcement Officers (Exhibit A)

- Member Chief Thomas Romero (ret.) entertained a motion to approve the ratification of pending certifications as listed in Exhibit A. Member Ball inquired into whether Director Chavez or CEO Calder reviewed and verified that individuals met certification qualifications, Director Chavez confirmed. Member Joseph Walsh moved for approval of the ratification of pending certifications as listed in Exhibit A. Member Chief Toadlena-Pablo seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Rodgers Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.

2) Public Safety Telecommunicators (Exhibit B)

- Member Chief Thomas Romero (ret.) entertained a motion to approve the ratification of pending certifications as listed in Exhibit B. Member Ball inquired into whether Director Chavez or CEO Calder reviewed and verified that individuals met certification qualifications, Director Chavez confirmed. Member Carly Huffman moved for approval of the ratification of pending certifications as listed in Exhibit B. Member Cody Rogers Benavidez seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Rodgers Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.

B. Discussion on Academy Application Processes and Improvements

- Director Chavez called upon NMLEA Deputy Director Brian Coss to present on this item. DD Coss informed the Board that the NMLEA has shifted its academy application review process requiring satellite academies to provide the NMLEA with

complete academy application packets rather than sat-application packets previously required.

C. Discussion on Compromised block tests/LEOCE tests

- Director Chavez updated on the discovery of academy block tests and the LEOCE test being compromised for both law enforcement training and public safety telecommunicator training, efforts to rewrite tests, and investigation into test leak.

D. Discussion of Legal Representation and possible action to retain legal representation

- New Mexico Department of Justice, Director Blaine Moffatt, discussed his agency's position as legal counsel to public bodies and the Board's ability to seek alternative legal counsel as their own discretion if the Board is not satisfied with services.
- Director Chavez discussed circumstances where the NMDOJ and the Department of Public Safety does not have the ability to provide general legal advice to Board contractors or members. Member Cody Rogers Benavidez made a motion to give the Director authority retain legal counsel for hearing officers at the Director/CEO's discretion. Member Joseph Walsh seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, and none opposed, motion carried unanimously.

E. Request for Exception to the Application Requirements under NMAC 10.29.10.10(B) by NM Department of Information Technology, Director Michael Rohrbacher

- NM Department of Information Technology, Director Michael Rohrbacher presented on his agency's request for the Board to allow an exception under NMAC 10.29.10.10(B), as two employees have exceeded the one-year allowance to operate without a certification. Member Carly Huffman moved to accept request to allow exception. The motion was not seconded, and the motion died for lack of a second to the motion. No other action was taken on this item.

V. ADMISSION APPEALS & DISCIPLINARY MATTERS

The meeting may be closed to the public during this portion of the agenda pursuant to the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(1), (3) and/or (7). Closed session is limited to discussion of the matter(s) identified in the motion and any final action will take place after, on the record and in open session.

- Member Chief Thomas Romero (ret.) entertained a motion to move into closed session pursuant to the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(1), (3) and/or (7). Member Julie Ball moved to go into closed session Member Joseph Walsh seconded. LECB Operations Officer Laura Escarcida conducted roll call confirming the in-person attendance of members: Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green. Board Members Joseph Walsh, and Carly Huffman attended virtually. Board Members Sheriff Adan Mendoza and Vice-Chair Chief Summer Mirabal were absent. A quorum was

established.

- Members returned from open session at 2:47 pm. Members present: Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green. Board Members Joseph Walsh, and Carly Huffman attended virtually. Board Members Sheriff Adan Mendoza and Vice-Chair Chief Summer Mirabal were absent. A quorum was established.

A. Admission Appeals

2) Justin Dean, Case #24-071(A) – Taos County Sheriff’s Office

- Application Justin Dean requested to be heard by the Board and was provided notice to appear but failed to show. Member Dr. Green moved to uphold the rejection and denial of admission. Member Julie Ball seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.

3) Joseph Hernandez, Case #24-073(A) – Albuquerque Police Department

- Applicant Joseph Hernandez requested to be heard by the Board and was provided notice to appear but failed to show. Member Cody Rogers Benavidez moved to uphold the rejection and denial of admission. Member Joseph Walsh seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.

B. Updates related to Director actions on Admission Appeals

1) Gino Evans, Case #24-043(A) – Albuquerque Police Department

- Member Julie Ball moved to uphold the rejection and denial of admission. Member Erin Toadlena-Pablo seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.

2) Jordan Tapia, Case #24-048(A) – Clayton Police Department

- Member Julie Ball moved to uphold the rejection and denial of admission. Member Dr. Bobbie Green seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.

C. Disciplinary Case Updates / Media Requests

1) Christopher Smelser, Case #22-066 – Las Cruces Police Department

- No action taken.

2) Harold Medina, Case #24-083 – Albuquerque Police Department

- No action taken.

D. Proposed Settlements

1) David Neil, Case #24-013 – New Mexico State Police

- Member Cody Rogers Benavidez moved to accept the voluntary relinquishment of Respondent's law enforcement certification. Member Joseph Walsh seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.
- 2) Jordan McGee, Case #24-012 – Bernalillo County Sheriff's Office
 - Member Dr. Bobbie Green moved to accept the proposed settlement agreement for a five-day suspension of Respondent's law enforcement certification. Member Julie Green seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and no opposed, motion carried unanimously.
 - 3) Steven King, Case #24-014 – New Mexico State Police
 - Member Cody Rogers Benavidez moved to accept the proposed settlement agreement for a three-day suspension of Respondent's law enforcement certification. Member Julie Ball seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and no opposed, motion carried unanimously.
 - 4) Juan De La Rosa, Case #23-068 – Santa Fe Police Department
 - Member Joseph Walsh moved to accept the settlement agreement as proposed by the Director agreeing to a voluntary relinquishment of Respondent's law enforcement certification. Member Cody Rogers Benavidez seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.
 - 5) Anthony Segura, Case #23-072 – Santa Fe Sheriff's Office
 - Member Julie Ball recused herself from discussion of this matter. Member Joseph Walsh moved to reject the proposed settlement agreement with a 90-day suspension and instead cause to be offered a counter of a 180-day suspension. Member Erin Toadlena-Pablo seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion. Member Julie Ball abstained from voting. Motion carried.
 - 6) Robert Shuttleworth, Case #24-036 – Farmington Police Department
 - Member Julie Ball moved to reject the settlement agreement as proposed and instead counter with a 30-month suspension. Member Erin Toadlena-Pablo seconded. Member Dr. Bobbie Green seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.
 - 7) Nicholas Lujan, Case #24-004 – Albuquerque Public School Police Department
 - Member Carly Huffman moved to accept the proposed 18-month suspension. Member

Julie Ball seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Rodgers Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion and none opposed, motion carried unanimously.

8) Matthew Martinez, Case #23-057 – Torrance County Sheriff’s Office

- Member Joseph Walsh moved to accept the proposed 3-year suspension of his law enforcement certification. Member Julie Ball seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Rodgers Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.

9) Matthew Davis, Case #24-047 – Rio Rancho Police Department

- Member Cody Rogers Benavidez moved to accept the proposed settlement agreement. Member Carly Huffman seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Rodgers Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.

10) Andres Perez, Case #24-044 – Otero County Sheriff’s Office

- Member Julie Ball moved to accept the settlement agreement. Member Joseph Walsh seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Rodgers Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.

11) Kevin Keiner, Case #23-005 – New Mexico State Police

- Member Joseph Walsh moved to accept the 90-day suspension as proposed. Member Cody Rogers Benavidez seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Rodgers Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.

E. Default Actions

1) Michael Edmunds, Case #23-070 – Cuba Police Department

- Member Cody Rogers Benavidez moved to accept the Director’s recommendation for a default denial of certification. Member Julie Ball seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Rodgers Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.

2) Ryan Olguin, Case #23-067 – Mora County Sheriff’s Office

- Member Carly Huffman moved to accept the Director’s recommendation for a default revocation. Member Cody Rogers Benavidez seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Rodgers Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.

F. Recommended Dismissals and Declinations

1) Buster Whitley, Case #24-037 – Los Lunas Police Department

- Member Cody Rogers Benavidez moved to dismiss the LEA-90. Member Julie Ball seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.

2) Joe Lucero-Gonzales, Case #23-066 – Santa Rosa Police Department

- Member Joseph Walsh moved to dismiss the LEA-90 based upon it being improvidently issued. Member Cody Rogers Benavidez seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.

3) Jason Gage, Case #22-017 – Santa Rosa Police Department

- Member Cody Rogers Benavidez moved to dismiss the LEA-90. Member Dr. Bobbie Green seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.

G. Hearing Officer Reports

1) Martin Trujillo, Case #20-066 – Rio Arriba County Sheriff's Office

- Member Julie Ball recused herself from discussion. Member Dr. Bobbie Green moved to accept the Director's recommendation for revocation. Member Erin Toadlena-Pablo seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion. Member Julie Ball abstained from voting. Motion carried.

H. Litigation Matters

1) D-101-CV-2022-02087 Miguel Rodriguez

2) D-101-CV-2023-01140 Skotchdopole v. Brian Coss, et al.

3) D-101-CV-2024-00351 Justin Burke

4) D-101-CV-2024-00106 Brad Lunsford

5) D-101-CV-2022-01960 Israel Castruita

6) D-101-CV-2023-00119 Rafael Labastida

7) D-101-CV-2022-02044 John Bonet

- No action was taken on the above-listed matters.

VI. CLOSING

- A. Next Meeting: December 12, 2024 – Albuquerque Police Department Satellite Law Enforcement Academy – Albuquerque, NM
- B. Member Announcements
 - No member announcements made.
- C. Adjourn
 - Member Cody Rogers Benavidez moved to adjourn. Member Chief Erin Toadlena-Pablo seconded. Members Chief Erin Toadlena-Pablo, Chief Thomas Romero (ret.), Cody Roders Benavidez, Julie Ball, Dr. Bobbie Green, Joseph Walsh, and Carly Huffman voted in favor of the motion, none opposed, motion carried unanimously.
 - Meeting adjourned at 3:06 pm.