



Bernalillo County Code of Conduct Review Board (“BCCCRB”)

**Meeting Minutes For Monday, January 13, 2014 Meeting
One Civic Plaza NW, Albuquerque, New Mexico 87102**

10th Floor County Manager’s Conference Room B

Members Present:

Alan Packman, Chair, District 3
Edmund Perea, Vice-Chair, District 2
Sarita Nair, District 1
Michael Flynn, District 4
Don Bruckner, District 5

Alternate Members Present:

Catherine Howell, District 4
Peter Vredenburg, District 5

BCCRB Staff Present:

Robert D. Kidd, Compliance Officer
Rachel F. Nickels, Executive Assistant
Robert M. White, Attorney for Board

Alternate Members Absent:

Bruce Barnaby, District 3

Attendees:

Sheriff, Dan Houston, Respondent
Jerry Walz, Attorney for Sheriff, Dan Houston

Call to Order:

The CCRB meeting was called to order at 3:04p.m., by Chair, Packman.

Approval of Agenda:

Chair, Packman asked for approval of the Agenda and Vice-Chair, Perea motioned to approve which was seconded by Member, Bruckner, and approved unanimously.

Approval of Minutes:

Minutes had been reviewed by all Members present and Chair, Packman asked for approval and Vice-Chair, Perea motioned to approve which was seconded by Chair, Packman and approved unanimously.

Approval of Notice of Hearing:

Notice of Hearing had been reviewed by all Members present and Chair, Packman asked for approval and Vice-Chair, Perea motioned to approve which was seconded by Chair, Packman and approved unanimously.

Approval of Temporary Rules of Procedure:

Chair, Packman allowed five (5) minutes to comment on Temporary Rules Minutes to the audience.

Jerry Walz, Attorney for the Respondent, asked several questions regarding the constitutional requirements, due process, and wanted the Complaint dismissed in addition to other concerns about the Rules.

Sheriff Houston questioned the Board as to why the proposed January 15, 2014 Evidentiary Hearing date was changed to January 29, 2014, without explanation.

Member, Bruckner asks Mr. Walz, Esq., for specific concerns regarding the Temporary Rules as applicable to SC2013-003. Mr. Walz, Esq., addressed Member, Bruckner's question.

Chair, Packman, states the Code of Conduct allows the Board to make Rules. Attorney for the Board, Robert M. White, Esq., stated Rules for the conduct of the Hearing is within the time limit of hearing the Complaint which is within ninety (90) days so that allows for Temporary Rules to be set in place.

Vice-Chair, Perea, asked Board Attorney, White, as to how the Standard of Review was established in which Board Attorney, White replied that it was governed by existing law.

Mr. Walz, Esq. stated that Temporary Rules of Procedure are being initiated by emergency and there is no emergency, and therefore, adoption of these Rules are not adequate for this Complaint and upcoming Evidentiary Hearing.

At conclusion of comments on Temporary Rules of Procedure Chair, Packman asked for motion Board to discuss Rules and Vice-Chair motioned and Member, Nair seconded such discussion.

Vice-Chair, Perea, raised administrative questions regarding Temporary Rules.

Member, Bruckner, responded Rules were needed and the Chair can take into consideration the manner in which the Chair conducts the Hearing. Attorney for the Board, White, Esq., stated there can be no Rules and then the Chair conducts Hearing without any in place or Temporary Procedural Rules which will also be used for all Complaint Hearings until final Procedural Rules have been adopted.

Member, Bruckner, motioned to close discussion of Temporary Rules and Vice-Chair, Perea seconded and Chair, Packman asked for a vote from each Member and District 1, District 2, District 3, District 4, District 5 and approved unanimously in favor to adopt Temporary Rules.

Roll Call:

At the request of Jerry Walz, Attorney for the Respondent, Vice-Chair, Perea, motioned for a roll call and Chair, Packman, took the roll call as follows:

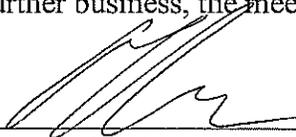
- District 1, Sarita Nair, Member
- District 2, Edmund Perea, Vice-Chair
- District 3, Alan Packman, Chair
- District 4, Michael Flynn, Member
- District 5, Don Bruckner, Member
- District 4, Catherine Howell, Alternate Member (No Vote)
- District 5, Peter Vredenburg, Alternate Member (No Vote)

Next Meeting:

Evidentiary Hearing is scheduled for January 29, 2014 at 3:00p.m.

Adjournment:

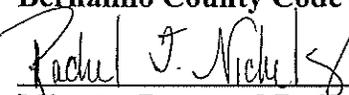
With no further business, the meeting adjourned at 3:35p.m., on January 13, 2014.



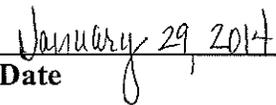
Alan Packman, Chair
Bernalillo County Code of Conduct Review Board



Date



Minutes Prepared By Rachel F. Nickels
Compliance Office



Date