



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

**Meeting Minutes For Wednesday, January 29, 2014 Meeting  
Vincent E. Griego Chambers, One Civic Plaza NW, Albuquerque, New Mexico 87102**

**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  
Bruce Barnaby, District 3

**BCCRB Staff Present:**

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

**Attendees:**

Travis Ogle, Complainant  
Todd Johnson, For Complainant  
Sheriff, Dan Houston, Respondent  
Jerry Walz, Attorney for Sheriff, Dan Houston  
Paul Baca Court Reporter

**Call to Order:**

The CCRB meeting was called to order at 3:16p.m., by Chair, Packman.

**Roll Call:**

District Members introduced themselves as follows:  
Alan Packman, Chair, District 3, Member  
Edmund Perea, Vice-Chair, District 2, Member

Michael Flynn, District 4, Member  
Don Bruckner, District 5, Member  
Peter Vredenburg, District 5, Alternate  
Bruce Barnaby, District 3, Alternate  
Catherine Howell, District 4, Alternate  
Sarita Nair, District 1, Member

**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 Bruckner motioned to approve which was seconded by Vice-Chair Perea and approved unanimously.

**Evidentiary Hearing on Sworn Complaint 2013-003, Travis Ogle v. Sheriff Dan Houston:**

Motions presented by the Complainant and Respondent first to include: Motion For Continuance, Motion In Limine To Exclude Hearsay Testimony and Motion To Dismiss Sworn Complaint Based On a Violation Of Sheriff Houston's Due Process Rights.

Attorney for Respondent stated that Complaint was filed based on Hearsay and motions to dismiss because there is no evidence to go forward. Complainant responded and stated he found out himself by talking to people and he had obtained phone logs.

Attorney for Respondent discusses his Objections to Complainant's Exhibits of the video of the KOAT-TV news story and those which were obtained through a Letter to the County Manager from the Board's Chair as he argues the interviewer from KOAT-TV was not there to testify and the Exhibits obtained from the County should have been subpoenaed. Complainant responded to Mr. Walz's objections of his Exhibits.

There was no motion from the Board for the Board to go into Executive Session to consider the above Motions.

The Board motioned and approved opened discussion on the above Motions. After such discussion the Motion For Continuance is denied unanimously, the Motion In Limine is withdrawn by Attorney for Respondent but he reserved the right to renew his Motion at a later time, and therefore, no ruling by the Board was required and the Motion To Dismiss was denied unanimously as well.

Respondent's Attorney renewed his objection to the Temporary Rules as to preserve the record.

District 3 – Questions  
District 5 – No Questions

Respondent's Attorney called, David "Anthony" Segura, County Sheriff Department, as his third witness. Complainant cross-examined and there was no redirect.

Board Members addressed Mr. Segura as follows:

District 1 –No questions  
District 2 – Questions  
District 4 – No questions  
District 5 – No questions  
District 3 – Questions

Respondent's Attorney called, Jim Dixon, County Sheriff Department, his fourth witness. Complainant cross-examined and there was no redirect.

Board Members addressed Mr. Dixon as follows:

District 1 –No questions  
District 2 – Questions  
District 4 – No questions  
District 5 – No questions  
District 3 – Questions

Respondent's Attorney called Respondent for redirect testimony and Complainant followed with cross-examination.

Board Members addressed Respondent as follows:

District 1 – Questions  
District 2 – No questions  
District 4 – No questions  
District 5 – No questions  
District 3 – Questions

Chair Packman motioned and there was a ten (10) minute break.

At 7:33pm the Meeting reconvened and Complainant stated he had no rebuttal statement.

Complainant presented Closing Statement.

Respondent's Attorney presented Closing Statement.

Board Chair Packman reviewed procedures for the Hearing with the Members. Chair Packman then asked parties which witnesses they would be calling for testimony. Both the Complainant and the Respondent state their witness list.

Chair Packman asked all witness to stand and Rachel Nickels swears in all witnesses as a group.

Chair Packman restated the Temporary Rules of Procedure and that the Board would be able to ask questions following the presentation of each case

Complainant gave Opening Statement followed by Respondent's Attorney's Opening Statement.

Complainant called Sheriff Houston as his first witness and played KOAT-TV interview video for Board and audience before questions began. Complainant then questioned the Sheriff regarding the interview and presents Exhibits to him as well followed by additional questioning. Mr. Walz cross-examined the Respondent. Complainant introduced Todd Johnson who sat with the Complainant during the Hearing. Mr. Walz resumed his cross-examination.

Chair Packman motioned and there was a ten (10) minute break.

At 5:09pm the Meeting reconvened and Complainant resumed redirect of the Respondent.

Board Members addressed the Respondent as follows:

District 1 – No questions

District 2 – Questions

District 4 – No questions

District 5 – Questions

District 3- Questions

Respondent's Attorney objects as there was a story presented but no actual transcript. Mr. Walz then stated his case and called his first witness, County Manager, Tom Zdunek. Complainant cross-examined Mr. Zdunek and there was no redirect by Mr. Walz.

Board Members addressed County Manager as follows:

District 1 – Questions

District 2 – Questions

District 4 – Questions

District 5 – No questions

District 3 – Questions

Respondent's Attorney called County Attorney, Randy Autio, as his second witness.

Complainant cross-examined Mr. Autio and then Mr. Walz redirected.

Board Members addressed County Attorney as followed:

District 1 – Questions

District 2 – Questions

District 4 – Questions

Board went into Executive Session and reconvened at 8:50pm and motioned to vote with Members voting unanimously that no violation was committed based on the Complainant's failure to meet the preponderance of evidence, as follows:

- District 5 – No Violation
- District 1 – No Violation
- District 2 – No Violation
- District 4 – No Violation
- District 3 – No Violation

**Next Meeting:**

February 24, 2014, at 4:00pm.

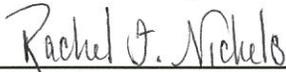
**Adjournment:**

With no further business, the meeting adjourned at 8:53p.m., on January 29, 2014.



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**Alan Packman, Chair**  
**Bernalillo County Code of Conduct Review Board**

2/24/14  
\_\_\_\_\_  
**Date**



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**Minutes Prepared By Rachel F. Nickels**  
**Compliance Office**

February 24, 2014  
\_\_\_\_\_  
**Date**