

Administrative Inspection OPS Number: 16-0250 Received: May 05, 2016 18:10

Incident #: 1606270163

Classification/Sub-classification: Department Vehicles / 600 - Collision

Employees involved:

Assistant Chief Ramon S Batista []

Employee current info:

Bureau: Investigative Services Bureau
Division: ISB Admin
Section: ISB Admin

Snapshot - Employee information at time of incident:

PR#: 0000025915
Role: Employee
Bureau: Chiefs Office
Division: FSB Admin
Section: FSB Admin
Rank/title:
Age: 52 Years of employment: 30 Years with unit:
Off duty: Off duty employed:

Allegations:

600-Collision - Gen Orders - 3621 - Department Vehicles/General
Nov 17, 2016 Prevent/Mistake/Track1
Nov 25, 2016 - Restorative Supervision Days/hrs suspended/assessed: -
[Action/discipline completed]

600-Collision - Gen Orders - 1330.24 - Prohibited Uses of Property
Nov 17, 2016 Inclusive

Actions taken:

Nov 25, 2016 - Inclusive Days/hrs suspended/assessed: - [Action/discipline completed]

Summary:

This incident involves damage to a city vehicle.

AIM Configurable Fields:

1. Incident Level Configurable Fields:
 1. Incident Summary: This incident involves damage to a city vehicle.
2. Employee Level Configurable Fields: <No Employee Level Entered>
3. Citizen Level Configurable Fields: <No Citizen Level Entered>

Investigative tasks:

Due dt	Done dt	Type
< N/A >	May 5, 2016	Running Sheet Entry

Assigned To: Data Conversion

May 17 2016 La 31051

On May 17 2016 At Approximately 1130 Hours I Took Field Photos Of Assistant Chief Batista S Assigned Unmarked Tpd Police Vehicle 0264 2007 Gray Crown Victoria Az G-262Ey Which Was At The Time Parked Unattended In P4 Of The Headquarters Building. The Vehicle Had Scrape Damage To The Top Of The Refer To Photos In Dims .

June 2 2016 La 31051

At The Request Of Chief Magnus The Investigative Package Has Been Provided To Him For Review And Further Direction.

June 13 2016 Jr10004

Per E-Mail

Ops 16-0250 Please Extend The Due Date Of This Investigation To June 27 2016.

Captain Chad Kasmar 37363 Tucson Police Department Chief Of Staff

Chad.Kasmar@Tucsonaz.Gov 520-837-7714

June 27 2016 La 31051

On This Date I Received An Email From Captain Kasmar Indicating That He Is Investigating The Collision. He Provided The Case Number Of 1606270163 For The Investigative Package.

September 14 2016 La 31051

Today I Was Directed By Captain Sayre To Transfer All Investigative Duties To The Chief Of Staff S Office.

September 14 2016 Jr 47222

Jeanette Romero 9 14 2016 2 52 Pm

Captain

You Have Been Reassigned As The Investigator For The Above Listed Ops Number. It Has Also Been Reassigned To Me For Data Entry. I See That It Is Past Due As Of 6 27. Can You Please Request An Extension And Advise Me Of The New Due Date.

September 23 2016 Jr 47222

Chad Kasmar 9 23 2016 11 12 Am

Hello Jeanette I Apologize For Not Adhering To The Time Line And Extension Request Protocol On This Investigation. Getting An Accurate Representation Of The Damage Caused By This Collision Has Proven To Be Challenging In Dealing With The Hoa Company. If I Can Not Get An Accurate Damage Report Or Repair Cost By The Close Of Next Week We Will Move Forward On To The Service Of Disciple And Closing This Investigation Out. Please Create A New Due Date Of 10 7 16.

< N/A > Dec 14, 2016 Running Sheet Entry

Assigned To: Administrative Officer Jeanette Romero

December 14, 2016 (JR 47222):

I received the completed package from the COP's office. The Chain of Command found this incident to be PREVENTABLE, TYPE A/LEVEL 1 with a sanction of CORRECTIVE ACTION, for a violation of G.O. 3621 General, and G.O. 133.24 Prohibited Uses of Property. Included in the package was the signed 7-Day Notice and Corrective Action.

A copy of the OPS file was sent to Risk Management via inter-office mail. Investigation closed.

< N/A > Dec 20, 2016 Running Sheet Entry

Assigned To: Administrative Officer Jeanette Romero

December 20, 2016 (JR 47222):

The findings of Preventable, Type A/Level 1 with a sanction of Corrective Action, documented on the personnel reports dated, 11/17/16 was after the new discipline guide went into effect (post 11/1/16). Per OPS Captain Sayre the findings and action taken were changed to Preventable/Mistake/Track 1 with a sanction of Restorative Supervision per the new discipline guide.

< N/A > Jan 24, 2017 Running Sheet Entry

Assigned To: Administrative Officer Jeanette Romero

January 24, 2017 (JR 47222):

A copy of an email between Lt. James Graves and DC Kasmar, along with other miscellaneous correspondence was added to the file per Captain Sayre.

< N/A > Mar 9, 2017 Running Sheet Entry

Assigned To: Administrative Officer Jeanette Romero

March 9, 2017 (JR 47222):

I received additional correspondence and other miscellaneous paperwork from DC Kasmar to add to the file.

When/where:

Date/time occurred: May 05 2016 14:00

Incident Address: 12000 N Tangerine Crossing Drive Marana AZ 85653
County: Pima

Associated Incident #s:

1606270163 Original AIM Report Number

Status/assignment information:

Status: Completed

Opened: 05/05/2016 Assigned: 05/05/2016 Due: 10/07/2016
12/14/2016

Completed:

Disposition: Closed

Unit assigned: Professional Standards

Handled at field/unit level: No

Investigator assign: Administrative Officer Jeanette Romero

Supervisor assign: Lieutenant Justin Lane

Source of information: Internal

Organizational component(s):

Bureau: Chiefs Office

Division: FSB Admin

Vehicle accident specific:

Employee was at fault (yes/no): No

Time of accident: 1201 - 1800

Cause of accident:

Vehicle info:

Vehicle ID:

Damage to departmental vehicle involved: 1

Damage to other vehicle(s) involved: 0

Employee was injured (yes/no): No

Others were injured (yes/no): No

BlueTeam chain routings

May 11, 2016 : Sent from Sergeant Craig R Kerlin [] to Lopez, Larry A Sergeant []

Instructions:

<No Instructions Entered>

Reviewed by Sergeant Larry A Lopez [] on Jun 13, 2016 at 00:00

Decision:

Jun 13, 2016 : Sent from Secretary Jessie N Ronquillo [] to Kasmar, Chad E Deputy Chief []

Instructions:

Updated 6 13 2016 4 02 02 Pm By 10004
June13 2016 Jr 10004
Per Captain Kasmar Extend 2 Weeks To June 27 2016

Reviewed by Deputy Chief Chad E Kasmar [] on Sep 23, 2016 at 00:00

Decision:

Sep 14, 2016 : Sent from Officer Jeanette L Romero [] to Romero, Jeanette L Officer []

Instructions:

<No Instructions Entered>

< Open routing >

Sep 23, 2016 : Sent from Officer Jeanette L Romero [] to Kasmar, Chad E Deputy Chief []

Instructions:

<No Instructions Entered>

< Open routing >

Entered by: Data Conversion on May 11, 2016 at 11:44

Chad Kasmar - Fwd: RE: Tangerine Road Entry Gate Damage Issue - \$7307.00

From: Chad Kasmar
To: James Graves
Date: 1/25/2017 1:38 PM
Subject: Fwd: RE: Tangerine Road Entry Gate Damage Issue - \$7307.00
Bc: Ramon Batista; Kevin Hall

James, quick update. Mr. Rankin has agreed to waive the time issue. I believe the City will now negotiate with the HOA on the repairs, which potentially includes the City getting an independent estimate on the requested repairs. I will keep you updated as I get more info, Chad

Chad Kasmar
Tucson Police Department
Deputy Chief of Police
Chad.Kasmar@tucsonaz.gov
[520-837-7200](tel:520-837-7200), Office
[520-589-8983](tel:520-589-8983), Cell

>>> James Graves 1/25/2017 10:35 AM >>>
D/C Kasmar,

I do appreciate your response to this matter.

Thank you

James

Lt James E. Graves
Tucson Police Department
Operations Division West
[520-837-7204](tel:520-837-7204)
[520-589-8980](tel:520-589-8980) (Cell)
James.Graves@Tucsonaz.gov

>>> Chad Kasmar 1/23/2017 8:05 AM >>>

Lt. Graves, after speaking with you last week I received the documentation, including your personal report you provided Captain Duffy. Again, I apologize you were involved in this matter and appreciate your patience while we work towards a resolution. I spoke with Mrs. Preston from your HOA and City Risk Management in an effort to resolve this matter last week. As such it will take some time to work with the aforementioned parties to come to an amenable resolution. I wanted to address your OR for the time being

Paragraph 4 -

The city employee collision with the reported gate was investigated under OPS 16-0250. The employee in that investigation self reported the incident, you were clearly not the employee involved in the matter. Your name has been cleared with the HOA (attached email) in 011917. The HOA has been provided information on how to get a copy of the OPS investigation.

Paragraph 5~

This situation is far more complicated than your very basic, HOA provided information of the damage as you describe. I will work with all parties involved to find a reasonable solution to this incident. It is in fact "ridiculous" as you described that the HOA drove around and deemed you involved in this matter solely based on you having a City vehicle in your driveway.

As far as your request in the final sentence of you OR, this incident will be resolved as quickly as possible through the City Risk Management and the City Attorneys Office working with the Tangerine Crossing HOA. The resolution will not be immediate and potentially not to your satisfaction as you demand in the OR, this being complicated by the fact as you noted in your OR that you are a larger resident of the neighborhood and pay HOA dues for property maintenance. As with all insurance claims often both parties have to negotiate a reasonable repair cost for damage caused by an accident, this situation is no different.

All of the information you provided Captain Duffy will be memorialized in the OPS 16-0250 investigative file. When this matter is resolved, and or deemed closed by City Risk Management, I will also create a memorandum to file for closure purposes. I will make sure you receive a copy of said memorandum for your records. Please provide me a copy of any additional correspondence you have with the HOA specific to this situation. Thank you,

OPS~memo to file with attachments

Chad Kasmar
Tucson Police Department
Deputy Chief of Police
Chad.Kasmar@tucsonaz.gov
[520-837-7720](tel:520-837-7720), Office
[520-589-8983](tel:520-589-8983), Cell

>>> Charlotte Preston <cpreston@AssociatedAsset.com> 1/19/2017 4:26 PM >>>

Hello James and Marsha,

I'm pleased to inform you, after speaking with Mr. Kasmar from the TPD, that you were not involved in the accident that caused the gate damage. Therefore, please accept my apology for contacting you regarding this situation and any angst it caused. Also, thank you for contacting me so quickly.

Charlotte E. Preston

Community Manager

AAM, LLC


(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

AssociatedAsset.com | HomeownerResources.com

 AAM, LLC Logo

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 AAM Facebook

 AAM LinkedIn

 AAM Google+

 Connect With Us!

Chad Kasmar - RE: Tangerine Road Entry Gate Damage Issue - \$7307.00

From: Charlotte Preston <cpreston@AssociatedAsset.com>
To: 'James and Marsha Graves' [REDACTED]
Date: 1/19/2017 4:27 PM
Subject: RE: Tangerine Road Entry Gate Damage Issue - \$7307.00
Cc: 'Chad Kasmar' <Chad.Kasmar@tucsonaz.gov>

Hello James and Marsha,

I'm pleased to inform you, after speaking with Mr. Kasmar from the TPD, that you were not involved in the accident that caused the gate damage. Therefore, please accept my apology for contacting you regarding this situation and any angst it caused. Also, thank you for contacting me so quickly.

Charlotte E. Preston

Community Manager
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AAM Facebook



AAM LinkedIn



AAM Google+



Connect With Us!

James Graves - Fwd: Tangerine Road Entry Gate Damage Issue - \$7307.00

From: James and Marsha Graves [REDACTED]
To: James Graves <james.graves@tucsonaz.gov>
Date: 1/18/2017 6:13 PM
Subject: Fwd: Tangerine Road Entry Gate Damage Issue - \$7307.00
Attachments: V 2TANGERINE CROSSING - OPERATOR DAMAGE- 160364R1.pdf

Sent from my iPhone

Begin forwarded message:

From: Charlotte Preston <cpreston@AssociatedAsset.com>
Date: January 18, 2017 at 5:37:37 PM MST
To: [REDACTED]
Subject: Tangerine Road Entry Gate Damage Issue - \$7307.00

Hello Mr. Graves,

I'm sorry to inform you, as a result of the City of Tucson denying the claim (reason filed late) for the damage of the Tangerine Rd. gate entry by your work vehicle, the damage now becomes your responsibility as a member of the Tangerine Crossing HOA. Please see attached invoice amount that will be charged to you - damaging of HOA community property is in violation of the CC&Rs.

I was hoping your employer would make restitution for the damage incurred while on the job. I have the photos if you are interested.

Please let me know if you have any questions. We would like to work through this issue as equitably as possible. You may want to contact your employer - City of Tucson for more information.

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com



4261 S. Country Club ♦ Tucson, AZ 85714-2009 ♦ 1.520.320.1810 ♦ 1.800.509.2140 ♦ 1.520.320.1820 (FAX)
E-mail: sales@antech.com www.antech.com Contractors License No: ROC 168402

Proposal and Contract

Owner/Buyer

TANGERINE CROSSING HOMEOWNERS ASSOCIATION
C/O AAM, LLC
6885 N Oracle Rd Bldg. 11 Suite D
Tucson, Az. 85704
Attn: Ms. Charlotte Preston, Community Manager

Date: 30 Dec 2016 Sls: JS No: 160364R1
Project: Replace Operators due to Damage
Location: Tangerine Crossing
Phone: 520.682.1357 (P)
E-Mail: cpreston@associatedasset.com

ANTECH CORPORATION, hereafter referred to as "Antech", proposes to furnish, for the above named Owner/Buyer, hereafter referred to as "Owner", in accordance with the Scope of Work and/or Project Specifications herein and subject to the terms and conditions set forth below of this legal document.

SCOPE OF WORK The entry gate operators were damaged due to a vehicle hitting them. The existing operators sustained extensive damage to the gear boxes. The manufacturer no longer makes the gear boxes for these operators so they will have to be replaced. They are currently working, but our temporary fix will not last for long.

Remove and replace two (2) operators with Liftmaster CSW24U Operators due to vehicular damage, including integration with existing equipment.

Total Investment\$ 7,307.00

TUCSON POLICE DEPARTMENT PERSONNEL REPORT

TO: CHIEF OF POLICE
VIA: Bureau Commander
VIA: Capt. Diana Duffy

NAME OF PERSON ABOUT
WHOM REPORT IS WRITTEN

Lt. James Graves

PR#: 32622

Div/Sq: FSB/ODW

Hours: 0800-1800

D.O.: Su-M-T

EXECUTIVE REVIEW

DIVISION COMMANDER	CHIEF OF POLICE	BUREAU COMMANDER
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Reference: Criminal Accusation

Details:

On January 18, 2017 I received an email from Charlotte E. Preston, Community manager of the Tangerine Crossing Homeowners association; I live in this neighborhood and have for several years. The email accused me of damaging one of the neighborhood gates with my work vehicle. It additionally stated that the City was not going to pay the damage and that I would be responsible for the repairs, which were claimed to exceed 7 thousand dollars.

Later that evening I was able to speak with Ms. Preston and explain to her that I had no idea what she was talking about. I told Ms. Preston that I did work for the City of Tucson but that I never hit any of the entry gates with my work vehicle. Ms. Preston said that this damage occurred around June 23, 2016 and that she had spoken with a Capt. Kasmar reference the incident.

I asked Ms. Preston why they thought I was responsible, she said that she was never given a name of the City employee that caused the damage. Furthermore, when the City just recently denied the claim for damages they saw my marked patrol vehicle in front of my home. The assumption was then made, since I was a City employee, that I must be the one who caused the damage.

I was in no way responsible for the aforementioned damage and was actually out of town, in Pine Top, the week of June 20, 2016. I respectfully request that the Department look into this matter and clear my name with the Tangerine Crossing HOA. Once the investigation is complete I would like a letter drafted to the HOA indicating that I was not the City Employee, of whom D/C Kasmar was speaking. I would additionally request that the HOA be provided with the name of the employee responsible.

I found it to be very surprising that Ms. Preston did not know who, by name, actually caused over 7 thousand dollars damage to private property. I am a member of the Tangerine Crossing community, and as such, am partially responsible for any repairs that are not covered by the City of Tucson or the responsible employee. That Ms. Preston had to send security guards out to locate an unsuspecting City of Tucson employee, to hold responsible for this damage, is ridiculous.

If the Tangerine Crossing HOA continues to believe that I am the responsible party it is within their legal right to place a lean against my property for the damages. I respectfully request that this legal matter be resolved, to my satisfaction, immediately.


Lt. James Graves

Page 1 of 2

INSTRUCTIONS:

Maker shall sign and date report immediately after last sentence and then draw a line across page below maker's signature. Subsequent endorsements will be made in inverse rank order with each endorser drawing a line across page immediately below the endorser's signature. Back side of page will be used if more space is needed.

THIS REPORT IS CONFIDENTIAL – FOR OFFICIAL USE ONLY

TPD 642 (1-87)

NARRATIVE (Continued)



Marana Police Department

Daily Activity Log, with Law Narrative

1701-0749 Vandalism

Call Received By: Long-Spencer,Pa

Complainant:

Incident Address: W TANGERINE RD & N TANGERINE
CROSSING DR
Marana AZ

Responding Officers: Nguyen,Quan, Baker,Caylee

Disposition: CLU

Unit: T468M

Time Reported: 13:34:41

Time Dispatched: 13:37:10

Time Arrived: 14:08:22

Time Completed: 15:47:40

----- (lwmain08380701202017)

1701-0749 NARRATIVE #468

BWC ACTIVATED BY OFFICER NGUYEN #454

On January 19th, 2017 at 1334 hours dispatch advised Charolette Preston, the reporting party had contacted police wishing to file a report reference a past occurred criminal damage claim. I spoke with Charolette via the telephone, after speaking with her we decided to meet at Tangerine Rd/ Tangerine Crossing, the location where the incident occurred.

Upon arrival I spoke with Charolette. She advised that on June 23rd, 2016 she was contacted by a Captain Kasmar who informed her that an unnamed Tucson Police Department (TPD) officer had hit the entry gate located at Tangerine and Tangerine Crossing with their patrol vehicle. Charolette stated Captain Kasmar informed her the individual had informed his chain of command and that the information had been forwarded to TPD's risk management department. Charolette advised that from June of 2016 to December of 2016 she had multiple communications with Captain Kasmar via email. Charolette stated she told by Captain Kasmar to get estimates for the repairs needed. Charolette advised she received estimates from two different companies, Antech Corporation quoted her \$10,500 to repair the gate. The second company, Eagle Gateworks Inc, quoted \$7,306.70 to repair the gate. Charolette was advised that the information regarding the incident had then been forwarded to risk management. Charolette advised that on December 12th, 2016 she received an email from Martha Castro with the forms necessary to submit her claim to the claims department. Charolette stated that she returned the forms via regular mail to the City of Tucson on December 21st.

Charolette advised that on December 27th, 2016 she received notice from the City of Tucson that she had missed the 180 day deadline to submit her claim. The notice advised that since she missed the

deadline the city was unable to consider her claim. At the time Charolette stated she was unaware of Arizona Revised Statute 12-821.01, which pertains to the 180 day deadline.

Charolette stated that if the City of Tucson was not going to pay for the damages she needed to find out which officer had hit the gate, because they would be responsible. Charolette advised that another TPD officer, Lieutenant Graves, who also lives in the neighborhood had advised Charolette that she should contact the Marana Police Department and make a report with us reference the damaged gate.

Pictures of the gate where taken and later placed into evidence at the Marana Police Substation, located at 5100 W Ina.

On January 20th, 2017 I attempted to contact Charolette via telephone, with negative results. I did however leave a voice mail informing Charolette that a report had been written documenting the incident, and our command staff would be contacting Deputy Chief Kasmar reference the incident.

----- (lwmain08380701202017)-----

Fri Jan 20 16:19:10 2017

data written by Dex:

lwmain.dtrepor : 01/19/2017 13:34:41

lwmain.ocurdt1 : 01/19/2017 13:30:33

lwmain.ocurdt2 : 01/19/2017 13:30:33

Report Includes:

All reported dates between '13:34:41 01/19/17' and '13:35:00 01/19/17', All natures, All responsible officers, All received by officers, All dispositions, All locations, All cities, All agencies matching 'MPD', All responding officers

Vehicle Collision OPS Number: 16-0250 Received: May 05, 2016 18:10

Case Number: 1606270163

Classification/Sub-classification: Department Vehicles / 600 - Collision

Employees involved:

Assistant Chief Ramon S Batista [000025915]

Employee current info:

Bureau: Investigative Services Bureau
Division: ISB Admin
Section: ISB Admin

Snapshot - Employee information at time of incident:

PR#: 000025915
Role: Employee
Bureau: Chiefs Office
Division: FSB Admin
Section: FSB Admin
Rank/title:
Age: 52 Years of employment: 30 Years with unit:
Off duty: Off duty employed:

Allegations:

600-Collision - Gen Orders - 3621 - Department Vehicles/General
Nov 17, 2016 Prevent/Mistake/Track1
Nov 25, 2016 - Restorative Supervision Days/hrs suspended/assessed: - [Action/discipline completed]

600-Collision - Gen Orders - 1330.24 - Prohibited Uses of Property
Nov 17, 2016 Inclusive

Actions taken:

Nov 25, 2016 - Inclusive Days/hrs suspended/assessed: - [Action/discipline completed]

Summary:

This incident involves damage to a city vehicle.

AIM Configurable Fields:

1. Incident Level Configurable Fields:
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Due dt	Done dt	Type
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< N/A > May 5, 2016 Running Sheet Entry

Assigned To: Data Conversion

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On May 17 2016 At Approximately 1130 Hours I Took Field Photos Of Assistant Chief Batista S Assigned Unmarked Tpd Police Vehicle 0264 2007 Gray Crown Victoria Az G-262Ey Which Was At The Time Parked Unattended In P4 Of The Headquarters Building. The Vehicle Had Scrape Damage To The Top Of The Refer To Photos In Dims .

June 2 2016 La 31051

At The Request Of Chief Magnus The Investigative Package Has Been Provided To Him For Review And Further Direction.

June 13 2016 Jr10004

Per E-Mail

Ops 16-0250 Please Extend The Due Date Of This Investigation To June 27 2016. Captain Chad Kasmar 37363 Tucson Police Department Chief Of Staff Chad.Kasmar@Tucsonaz.Gov 520-837-7714

June 27 2016 La 31051

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September 14 2016 La 31051

Today I Was Directed By Captain Sayre To Tranfer All Investigative Duties To The Chief Of Staff S Office.

September 14 2016 Jr 47222

Jeanette Romero 9 14 2016 2 52 Pm

Captain

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September 23 2016 Jr 47222

Chad Kasmar 9 23 2016 11 12 Am

Hello Jeanette I Apologize For Not Adhering To The Time Line And Extension Request Protocol On This Investigation. Getting An Accurate Representation Of The Damage Caused By This Collision Has Proven To Be Challenging In Dealing With The Hoa Company. If I Can Not Get An Accurate Damage Report Or Repair Cost By The Close Of Next Week We Will Move Forward On To The Service Of Disciple And Closing This Investigation Out. Please Create A New Due Date Of 10 7 16.

< N/A > Dec 14, 2016Running Sheet Entry

Assigned To: Administrative Officer Jeanette Romero

December 14, 2016 (JR 47222):

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A copy of the OPS file was sent to Risk Management via inter-office mail. Investigation closed.

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Assigned To: Administrative Officer Jeanette Romero

December 20, 2016 (JR 47222):

The findings of Preventable, Type A/Level 1 with a sanction of Corrective Action, documented on the personnel reports dated, 11/17/16 was after the new discipline guide went into effect (post 11/1/16). Per OPS Captain Sayre the findings and action taken were changed to Preventable/Mistake/Track 1 with a sanction of Restorative Supervision per the new discipline guide.

When/where:

Date/time occurred: May 05 2016 14:00

Incident Address: 12000 N Tangerine Crossing Drive Marana AZ 85653
County: Pima

Associated Case Numbers:

1606270163 Original AIM Report Number

Status/assignment information:

Status: Completed

Opened: 05/05/2016 Assigned: 05/05/2016 Due: 10/07/2016

Completed: 12/14/2016

Disposition: Closed

Unit assigned: Professional Standards
Handled at field/unit level: No
Investigator assign: Administrative Officer Jeanette Romero
Supervisor assign: Lieutenant Justin Lane
Source of information: Internal

Organizational component(s):

Bureau: Chiefs Office
Division: FSB Admin

BlueTeam chain routings

May 11, 2016 : Sent from Sergeant Craig R Kerlin [0000041533] to Sergeant Larry A Lopez [0000031051]

Instructions:

<No Instructions Entered>

Reviewed by Sergeant Larry A Lopez [0000031051] on Jun 13, 2016 at 00:00

Decision:

Jun 13, 2016 : Sent from Secretary Jessie N Ronquillo [0000010004] to Deputy Chief Chad E Kasmar [0000037363]

Instructions:

Updated 6 13 2016 4 02 02 Pm By 10004
June13 2016 Jr 10004
Per Captain Kasmar Extend 2 Weeks To June 27 2016

Reviewed by Deputy Chief Chad E Kasmar [0000037363] on Sep 23, 2016 at 00:00

Decision:

Sep 14, 2016 : Sent from Officer Jeanette L Romero [0000047222] to Officer Jeanette L Romero [0000047222]

Instructions:

<No Instructions Entered>

< Open routing >

Sep 23, 2016 : Sent from Officer Jeanette L Romero [0000047222] to Deputy Chief Chad E Kasmar [0000037363]

Instructions:

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Entered by: Data Conversion on May 11, 2016 at 11:44

Jeanette Romero - Fwd: RE: Tangerine Road Entry Gate Damage Issue - \$7307.00

From: Chad Kasmar
To: James Graves
Date: 1/23/2017 8:05 AM
Subject: Fwd: RE: Tangerine Road Entry Gate Damage Issue - \$7307.00
Cc: Paul Sayre; Diana Lopez; Kevin Hall
Attachments: PNW1520170119144702.pdf; PNW1520170119140716.pdf

Lt. Graves, after speaking with you last week I received the documentation, including your personal report you provided Captain Duffy. Again, I apologize you were involved in this matter and appreciate your patience while we work towards a resolution. I spoke with Mrs. Preston from your HOA and City Risk Management in an effort to resolve this matter last week. As such it will take some time to work with the aforementioned parties to come to an amenable resolution. I wanted to address your OR for the time being.

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All of the information you provided Captain Duffy will be memorialized in the OPS 16-0250 investigative file. When this matter is resolved, and or deemed closed by City Risk Management, I will also create a memorandum to file for closure purposes. I will make sure you receive a copy of said memorandum for your records. Please provide me a copy of any additional correspondence you have with the HOA specific to this situation. Thank you,

OPS~memo to file with attachments

Chad Kasmar
Tucson Police Department
Deputy Chief of Police
Chad.Kasmar@tucsonaz.gov
520-837-7720, Office
520-589-8983, Cell

>>> Charlotte Preston <cpreston@AssociatedAsset.com> 1/19/2017 4:26 PM >>>
Hello James and Marsha,

I'm pleased to inform you, after speaking with Mr. Kasmar from the TPD, that you were not involved in the accident that caused the gate damage. Therefore, please accept my apology for contacting you regarding this situation and any angst it caused. Also, thank you for contacting me so quickly.

Charlotte E. Preston
Community Manager
AAM, LLC
(520) 477-0251 (direct line)
(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

AssociatedAsset.com | HomeownerResources.com



TUCSON POLICE DEPARTMENT PERSONNEL REPORT

TO: CHIEF OF POLICE	NAME OF PERSON ABOUT	
VIA: Bureau Commander	WHOM REPORT IS WRITTEN	
VIA: Capt. Diana Duffy	Lt. James Graves	PR#: 32622
Div/Sq: FSB/ODW Hours: 0800-1800 D.O.: Su-M-T		

EXECUTIVE REVIEW

DIVISION COMMANDER	CHIEF OF POLICE	BUREAU COMMANDER
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Reference: Criminal Accusation

Details:

On January 18, 2017 I received an email from Charlotte E. Preston, Community manager of the Tangerine Crossing Homeowners association; I live in this neighborhood and have for several years. The email accused me of damaging one of the neighborhood gates with my work vehicle. It additionally stated that the City was not going to pay the damage and that I would be responsible for the repairs, which were claimed to exceed 7 thousand dollars.

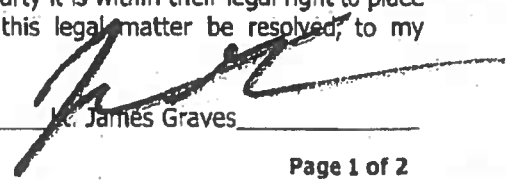
Later that evening I was able to speak with Ms. Preston and explain to her that I had no idea what she was talking about. I told Ms. Preston that I did work for the City of Tucson but that I never hit any of the entry gates with my work vehicle. Ms. Preston said that this damage occurred around June 23, 2016 and that she had spoken with a Capt. Kasmar reference the incident.

I asked Ms. Preston why they thought I was responsible, she said that she was never given a name of the City employee that caused the damage. Furthermore, when the City just recently denied the claim for damages they saw my marked patrol vehicle in front of my home. The assumption was then made, since I was a City employee, that I must be the one who caused the damage.

I was in no way responsible for the aforementioned damage and was actually out of town, in Pine Top, the week of June 20, 2016. I respectfully request that the Department look into this matter and clear my name with the Tangerine Crossing HOA. Once the investigation is complete I would like a letter drafted to the HOA indicating that I was not the City Employee, of whom D/C Kasmar was speaking. I would additionally request that the HOA be provided with the name of the employee responsible.

I found it to be very surprising that Ms. Preston did not know who, by name, actually caused over 7 thousand dollars damage to private property. I am a member of the Tangerine Crossing community, and as such, am partially responsible for any repairs that are not covered by the City of Tucson or the responsible employee. That Ms. Preston had to send security guards out to locate an unsuspecting City of Tucson employee, to hold responsible for this damage, is ridiculous.

If the Tangerine Crossing HOA continues to believe that I am the responsible party it is within their legal right to place a lean against my property for the damages. I respectfully request that this legal matter be resolved, to my satisfaction, immediately.


 Lt. James Graves

INSTRUCTIONS:
 Maker shall sign and date report immediately after last sentence and then draw a line across page below maker's signature. Subsequent endorsements will be made in inverse rank order with each endorser drawing a line across page immediately below the endorser's signature. Back side of page will be used if more space is needed.

James Graves - Fwd: Tangerine Road Entry Gate Damage Issue - \$7307.00

From: James and Marsha Graves [REDACTED] >
To: James Graves <james.graves@tucsonaz.gov>
Date: 1/18/2017 6:13 PM
Subject: Fwd: Tangerine Road Entry Gate Damage Issue - \$7307.00
Attachments: V 2TANGERINE CROSSING - OPERATOR DAMAGE- 160364R1.pdf

Sent from my iPhone

Begin forwarded message:

From: Charlotte Preston <cpreston@AssociatedAsset.com>
Date: January 18, 2017 at 5:37:37 PM MST
To: [REDACTED] >
Subject: Tangerine Road Entry Gate Damage Issue - \$7307.00

Hello Mr. Graves,

I'm sorry to inform you, as a result of the City of Tucson denying the claim (reason filed late) for the damage of the Tangerine Rd. gate entry by your work vehicle, the damage now becomes your responsibility as a member of the Tangerine Crossing HOA. Please see attached invoice amount that will be charged to you - damaging of HOA community property is in violation of the CC&Rs.

I was hoping your employer would make restitution for the damage incurred while on the job. I have the photos if you are interested.

Please let me know if you have any questions. We would like to work through this issue as equitably as possible. You may want to contact your employer - City of Tucson for more information.

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com



4261 S. Country Club ♦ Tucson, AZ 85714-2009 ♦ 1.520.320.1810 ♦ 1.800.509.2140 ♦ 1.520.320.1820 (FAX)
E-mail: sales@antech.com www.antech.com Contractors License No: ROC 168402

Proposal and Contract

Owner/Buyer	Date:	Sls:	No:
TANGERINE CROSSING HOMEOWNERS ASSOCIATION	30 Dec 2016	JS	160354R1
C/O AAM, LLC	Project:	Replace Operators due to Damage	
6885 N Oracle Rd Bldg. 11 Suite D	Location:	Tangerine Crossing	
Tucson, Az. 85704	Phone:	520.682.1357 (P)	
Attn: Ms. Charlotte Preston, Community Manager	E-Mail:	cpreston@associatedasset.com	

ANTECH CORPORATION, hereafter referred to as "Antech", proposes to furnish, for the above named Owner/Buyer, hereafter referred to as "Owner", in accordance with the Scope of Work and/or Project Specifications herein and subject to the terms and conditions set forth below of this legal document.

SCOPE OF WORK The entry gate operators were damaged due to a vehicle hitting them. The existing operators sustained extensive damage to the gear boxes. The manufacturer no longer makes the gear boxes for these operators so they will have to be replaced. They are currently working, but our temporary fix will not last for long.

Remove and replace two (2) operators with Liftmaster CSW24U Operators due to vehicular damage, including integration with existing equipment.

Total Investment\$ 7,307.00



Marana Police Department

Daily Activity Log, with Law Narrative

1701-0749 Vandalism

Call Received By: Long-Spencer,Pa

Complainant:

Incident Address: W TANGERINE RD & N TANGERINE
CROSSING DR
Marana AZ

Responding Officers: Nguyen,Quan, Baker,Caylee

Disposition: CLU

Unit: T468M

Time Reported: 13:34:41

Time Dispatched: 13:37:10

Time Arrived: 14:08:22

Time Completed: 15:47:40

----- (lwmain08380701202017)

1701-0749 NARRATIVE #468

BWC ACTIVATED BY OFFICER NGUYEN #454

On January 19th, 2017 at 1334 hours dispatch advised Charolette Preston, the reporting party had contacted police wishing to file a report reference a past occurred criminal damage claim. I spoke with Charolette via the telephone, after speaking with her we decided to meet at Tangerine Rd/ Tangerine Crossing, the location where the incident occurred.

Upon arrival I spoke with Charolette. She advised that on June 23rd, 2016 she was contacted by a Captain Kasmar who informed her that an unnamed Tucson Police Department (TPD) officer had hit the entry gate located at Tangerine and Tangerine Crossing with their patrol vehicle. Charolette stated Captain Kasmar informed her the individual had informed his chain of command and that the information had been forwarded to TPD's risk management department. Charolette advised that from June of 2016 to December of 2016 she had multiple communications with Captain Kasmar via email. Charolette stated she told by Captain Kasmar to get estimates for the repairs needed. Charolette advised she received estimates from two different companies, Antech Corporation quoted her \$10,500 to repair the gate. The second company, Eagle Gateworks Inc, quoted \$7,306.70 to repair the gate. Charolette was advised that the information regarding the incident had then been forwarded to risk management. Charolette advised that on December 12th, 2016 she received an email from Martha Castro with the forms necessary to submit her claim to the claims department. Charolette stated that she returned the forms via regular mail to the City of Tucson on December 21st.

Charolette advised that on December 27th, 2016 she received notice from the City of Tucson that she had missed the 180 day deadline to submit her claim. The notice advised that since she missed the

deadline the city was unable to consider her claim. At the time Charolette stated she was unaware of Arizona Revised Statute 12-821.01, which pertains to the 180 day deadline.

Charolette stated that if the City of Tucson was not going to pay for the damages she needed to find out which officer had hit the gate, because they would be responsible. Charolette advised that another TPD officer, Lieutenant Graves, who also lives in the neighborhood had advised Charolette that she should contact the Marana Police Department and make a report with us reference the damaged gate.

Pictures of the gate where taken and later placed into evidence at the Marana Police Substation, located at 5100 W Ina.

On January 20th, 2017 I attempted to contact Charolette via telephone, with negative results. I did however leave a voice mail informing Charolette that a report had been written documenting the incident, and our command staff would be contacting Deputy Chief Kasmar reference the incident.

----- (lwmain08380701202017)-----

Fri Jan 20 16:19:10 2017

data written by Dex:

lwmain.dtrepor : 01/19/2017 13:34:41

lwmain.ocurdt1 : 01/19/2017 13:30:33

lwmain.ocurdt2 : 01/19/2017 13:30:33

Report Includes:

All reported dates between `13:34:41 01/19/17` and `13:35:00 01/19/17`, All natures, All responsible officers, All received by officers, All dispositions, All locations, All cities, All agencies matching `MPD`, All responding officers



Tucson Police Department Corrective Action

To: Assistant Chief Ramon Batista #25915

Date: November 25, 2016

OIA File: #16-0250

Subject: On-Duty Private Property Collision

On May 5, 2016 at approximately 1630 hours Assistant Chief Ramon Batista was entering a private gated community when he collided with an automated metal driveway gate. The collision caused damage to both his city assigned vehicle and the gate he collided with. There were no injuries as a result of the on duty private property collision. The city vehicle was drivable, and the jurisdictional law enforcement agency was not called to the scene due to the non-injury private property collision.

1330.24 Prohibited Uses of Property

Members shall not damage, abuse or lose any Department property entrusted to them. Some items are so sensitive that their loss or theft poses serious risk to the community. Any property coming into the possession of a member shall be handled in accordance with established procedures.

3621 General

Members authorized to drive Department vehicles must abide by all applicable state and local laws and regulations as well as City Administrative Directives and specific Department procedures. All members shall be responsible for the care and security of vehicles and vehicle equipment assigned to them, including equipment carried in the vehicles. Members who damage a Department vehicle or the associated equipment will immediately notify a supervisor.

You are hereby notified that any further violations of General Orders may result in discipline up to and including termination. This Corrective Action will become a part of the incident file maintained in the Office of Internal Affairs.

Chad Keenan #37363
Chad Keenan #37363 11/25/16
Served by **Date**
Employee name/PR

Ramon Batista #25915
Ramon Batista #25915 11-25-16
Received by **Date**
Employee name/PR

TUCSON POLICE DEPARTMENT
SEVEN DAY NOTICE OF INTENT TO DISCIPLINE AND NOTICE OF DISCIPLINE
(EXCLUDING SUSPENSION AND TERMINATION)

DATE: November 17, 2016

OIA NUMBER: 16-0250

TO: Assistant Chief Ramon Batista #25915

This is to advise you that your Chain of Command has made a recommendation of discipline in regards to this matter. The investigation shall be closed as:

SUSTAINED PREVENTABLE OTHER

The recommended discipline is:

CORRECTIVE ACTION

WRITTEN REPRIMAND

This notice serves as a seven day written notice of intent to discipline, per Administrative Directive 2.02-16. If you choose, you have **seven calendar days** to present reasons in a departmental memorandum addressed to your Chain of Command why you should not receive this discipline. You may review the package for this purpose in the presence of a member of your Chain of Command. The seven calendar days may not be waived in order to facilitate the service of discipline.

Whether or not you elect to present reasons why the discipline should not occur, you still have the opportunity to grieve this discipline through the applicable process (City Grievance Procedure or TPOA Grievance Procedure). For the purpose of a grievance process, the complete investigative file is available for you to review upon presentation of this notice. The file will be in the possession of your Chain of Command unless it has been returned to the Office of Internal Affairs (open 0800-1700, Monday-Friday).

Seven days prior to service of discipline:

I HAVE READ AND RECEIVED A COPY OF THIS NOTICE:

Employee: Ramon Batista PR # 25915 Date: 11-17-16

Served by: Chad Kesner PR # 37363 Date: 11/17/16

Upon receiving discipline:

I HAVE READ AND RECEIVED A COPY OF THIS NOTICE:

Employee: Ramon Batista PR # 25915 Date: 11-25-16

Served by: Chad Kesner PR # 37363 Date: 11/25/16

TUCSON POLICE DEPARTMENT PERSONNEL REPORT

TO: CHIEF OF POLICE
VIA: Bureau Commander
VIA:

NAME OF PERSON ABOUT
WHOM REPORT IS WRITTEN

Assitant Chief Ramon Batista

PR#: 25915

Div/Sq: NA

Hours: 0800-1600

D.O.: S,U

EXECUTIVE REVIEW

DIVISION COMMANDER	CHIEF OF POLICE <i>11/17/16</i>	BUREAU COMMANDER
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Reference: OIA 16-0250

Details:

On May 5, 2016 at approximately 1630 hours Assistant Chief Ramon Batista was entering a private gated community when he collided with an automated metal driveway gate. The collision caused damage to both his city assigned vehicle and the gate he collided with. There were no injuries as a result of the on duty private property collision and the city vehicle was drivable.

Investigation

- I was the sole investigator and first level of review as assigned by Chief Chris Magnus.
 - I identified the Home Owners Association as Tangerine Crossing HOA, C/O AAM, LLC for the damaged gate. Their corporate address is:
 - 1600 West Broadway Road, Suite 200, Tempe, AZ., 85282.
 - My point of contact for this company was Charlotte Preston, 520-477-0251, Cpreston@aamaz.com.
 - I contacted Ms. Preston and advised her of the collision. After researching the property logs she determined that a report had not been made of recent damage to the gate, nor did she have any pending complaints that the gate was not functioning properly (although the residents in the neighborhood indicated on Facebook there had been intermittent issues with the gate not opening properly).
 - She facilitated getting an estimate to repair the gates.
- I took photographs and inspected the gates on June 22, 2016 at 0620 hours and the gate had not been repaired.
 - During my inspection I cycled the gates with the pin pad several times.
 - I took photographs to show damage I located on the eastern northbound gate.
 - Wear in the red reflector tape on the lower part of the eastern gate frame.
 - The offset of the two gates caused by the bent gate tomar (the arm of the gate that attaches the gate to the motor) approximately 4 inches off from center.
 - The bent tomar on the eastern gate causing the misalignment.
 - The western northbound undamaged gate tomar.
 - It should be noted that the damage to the gate would go unnoticed by most people.
 - I have over 20 years of fabricating and welding experience, to include gate fabrication.
 - I received an initial estimate repair bill of \$1,439.00 to repair the damaged tomar on July 19, 2016.

INSTRUCTIONS:

Maker shall sign and date report immediately after last sentence and then draw a line across page below maker's signature. Subsequent endorsements will be made in inverse rank order with each endorser drawing a line across page immediately below the endorser's signature. Back side of page will be used if more space is needed.

Page 1 of 3

THIS REPORT IS CONFIDENTIAL – FOR OFFICIAL USE ONLY

TPD 642 (1-87)

NARRATIVE (Continued)

- Through several months of emails I received a new repair estimate of \$10,500 to replace both gate electric motors. When I questioned the significant cost increase she provided additional paperwork to support the increase several weeks later.
- I interviewed AC Batista on September 7, 2016. I provided him an administrative investigation notice prior to asking him any questions. He declined representation.
- AC Batista provided the information listed in this report.
- On the day of the incident Assistant Chief Batista worked 0800 to 1600 hours.
- He left his office at approximately 1540 hours to pick up his daughter from school due to an unexpected schedule change.
 - He provided verbal notification to acting Chief Carla Johnson prior to leaving the office.
- After picking his daughter up at 1436 North Campbell, they drove to their residence.
- He was driving City vehicle 0264.
 - 2007 Ford Crown Victoria.
 - Titanium in color.
 - License plate G-262EY.
 - Vehicle Identification Number 1FAFP71W97X111634.
- He arrived to his gated community, making a northbound turn onto North Tangerine Crossing Drive from West Tangerine Road.
- He traveled approximately 60 yards and came to a complete stop at the gate pin pad. He entered his gate code and when he observed the west gate start to open he proceeded north. It should be noted there are two matching steel constructed square tubing gates.
 - The gates are approximately 30 yards to the North of the pin pad.
 - The gates at rest come together over the center of a one way entrance road.
 - Both gates have independent motors to open them to the south, which is towards the driver as you enter the private driveway of the Tangerine Crossing community.
 - There is a break in the median between the pin pad and the gates.
 - There are a second set of gates for a one way exit out of the community.
- He was traveling at an estimated 5 mph when the collision occurred.
- He noted that when he observed the western northbound gate start to open, he started driving. He failed to notice the eastern gate did not move and he struck it. He stated he was going around 5 mph, and less than 10 mph when he made contact with the gate.
- He stated after striking the gate he realized it did not open with the other gate.
- Both occupants of the vehicle were wearing their seatbelt during the collision.
- Assistant Chief Batista was not on his cell phone when the incident occurred.
- He immediately notified me, Office of Professional Standards Lieutenant Matt Ronstadt and Captain Paul Sayre via text message. He also notified acting Chief of Police Carla Johnson and included photographs of the damage.
 - The collision was documented under OPS 16-0250 and case number 1611160572.
- Photographs documenting the damage to the City vehicle were memorialized in the OPS investigative file.

Findings

The investigation supports that this private property collision was preventable. Based upon the investigation, Assistant Chief Batista committed the following General Order violations:

1330.24 Prohibited Uses of Property

*Members shall not damage, abuse or lose any Department property entrusted to them.
Some items are so sensitive that their loss or theft poses serious risk to the community.
Any property coming into the possession of a member shall be
handled in accordance with established procedures.*

3621 General

Members authorized to drive Department vehicles must abide by all applicable state and local laws and regulations as well as City Administrative Directives and specific Department procedures. All members shall be responsible for the care and security of vehicles and vehicle

NARRATIVE (Continued)

equipment assigned to them, including equipment carried in the vehicles. Members who damage a Department vehicle or the associated equipment will immediately notify a supervisor.

Recommendation

Assistant Chief Batista has no prior discipline. The listed General Order violations are classified as a, "**Type A.**" The presumptive sanction is a, "**Level 1, Corrective Action.**"



Chief of Staff, Captain Chad Kasmar #37363 November 10, 2016

TUCSON POLICE DEPARTMENT PERSONNEL REPORT

TO: CHIEF OF POLICE
VIA: Bureau Commander
VIA:

NAME OF PERSON ABOUT
WHOM REPORT IS WRITTEN

Batista PR#: 25915

Div/Sq: Chief's Office Hours: 0800-1600 D.O.: SS

EXECUTIVE REVIEW

DIVISION COMMANDER	CHIEF OF POLICE	BUREAU COMMANDER
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Reference: Collision TPD Vehicle #0264 - 2007 Ford Crown Victoria

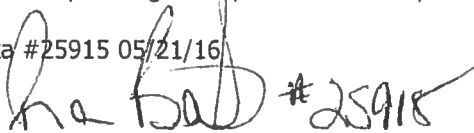
Details:

On 05/05/16 at approximately 1630 hours I was driving my Department issued, 2007 Ford Crown Victoria police car. As I arrived at my housing community near the intersection of W. Tangerine Rd and N. Thornydale, I activated the security gate and proceeded forward, I took for granted that both gates would open, however one gate malfunctioned and I collided with it. My vehicle slid under the metal gate and caused damage to the passenger's side/hood of the car.

I was wearing my seatbelt during the collision and my speed was approximately 5 mph. I notified my direct supervisor, acting chief of police AC, Carla Johnson of the incident. The following morning I took photographs of the car and the gate - attached.

The gate is heavy gauge iron, it was not damaged, it is owned by the Tangerine Crossing Neighborhood Association (Marana Community Management, 6885 N. Oracle, #11 Tucson, AZ 85704)

Ramon Batista #25915 05/21/16



INSTRUCTIONS:

Maker shall sign and date report immediately after last sentence and then draw a line across page below maker's signature. Subsequent endorsements will be made in inverse rank order with each endorser drawing a line across page immediately below the endorser's signature. Back side of page will be used if more space is needed.

Page 1 of 2

THIS REPORT IS CONFIDENTIAL - FOR OFFICIAL USE ONLY

TPD 642 (1-87)

Tucson Police Department
Notice of Administrative Internal Investigation

Office of Internal Affairs Case Number:
Employee Name: Assistant Chief Ramon Batista #25915

This is to inform you that an administrative investigation is being conducted into allegations of possible misconduct.

The allegations against you are:

As an employee you have specific rights and responsibilities in this investigation:


- You shall be informed of the nature of the allegation(s) against you at the time of any interview and shall be allowed to exercise any rights you may have concerning union representation before questioning begins.
- You are being compelled by the Tucson Police Department to truthfully answer questions relating to your duties or conduct, and you can be disciplined up to and including termination for refusal to answer these questions.
- **Members are required to report completely, honestly and accurately all facts and information pertaining to any investigation or other matter of concern to the Department as required under TPD General Order 1330.19 Untruthfulness. Any violation of this General Order shall result in termination, as well as possible suspension or revocation of your Arizona POST peace officer certification.**
- Questions will be narrowly and specifically related to your performance of duties and fitness for duty as a member of the Department.
- Any statements can be used against you in a disciplinary, administrative or civil proceeding, but may not be used against you in any subsequent criminal action related to this investigation. However, false statements made by you may be used in other criminal proceedings, such as false reporting or offenses related to obstruction of justice.
- The interviewer may record your interview or interrogation. You may record the interview, using equipment you provide, after giving notice to the interviewer.
- Upon completion of an administrative review, you shall be notified of the outcome of the investigation and review.
- You are entitled to receive a copy of this notice of investigation prior to the start of the interview and to retain it throughout the entire course of the interview.
- You are required to fully and truthfully participate in, and cooperate with, any administrative investigation. During the course of the investigation, you have the responsibility to bring to the attention of the investigator any evidence or witness information you believe is relevant to the investigation, and may be disciplined for failing to do so.
- You are being given a **direct order** not to discuss this administrative investigation, including your interview, with any unauthorized person. Other than the investigator or the investigator's supervisor, the only persons you may speak to concerning this investigation are your attorney or labor union representative.

You must read and sign this statement:

Prior to any interview in this investigation, I was given this notice of my rights and responsibilities. I have read this notice and understand it. I understand these rights and responsibilities continue to apply to any subsequent interview which occurs during the course of this investigation.


Employee Signature PR #25915

9/7/16
Date

 #37363
Notice served by



FORM 103 -- INCIDENT (EVENT) REPORTING

Risk Management
256 West Alameda, 5th Floor
Tucson AZ 85726

Phone: (520) 791-4728 / Fax: (520) 624-2061

Email: RiskManagement.CHPO2.CHDOM2@tucsonaz.gov

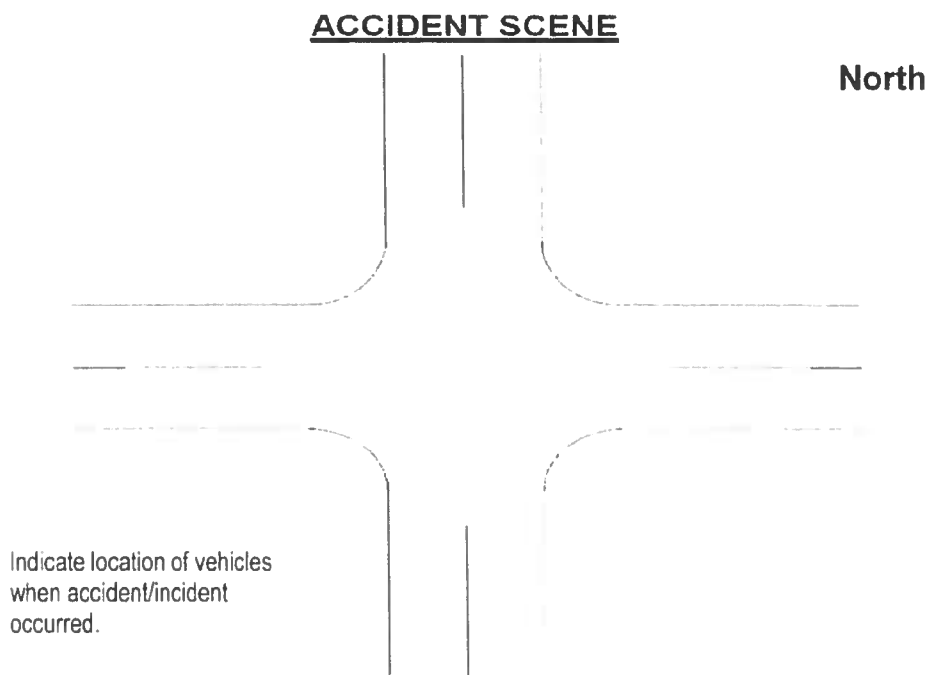
Report To Be Completed By Immediate Supervisor In Its Entirety Within Two (2) Work Days Of Incident

EMPLOYEE INFORMATION	1. Employee Name			2. Employee ID#		3. Job Title				
	Ramon Batista			25915		Assistant Chief of Police				
	4. Department		5. Division		6. Supervisor Name		7. Supervisor Contact #			
	Police		FSB		Chris Magnus		837-7735			
ACCIDENT INFORMATION	8. Date of Loss		9. Time of Loss		10. Incident Location (street address/ intersection)					
	5/5/16		4:30 PM		12000 N. Tangerine Crossing Drive					
	11. Accident / Incident Type (mark all that apply)		<input checked="" type="checkbox"/> Motor Vehicle Accident		MVA Loss Type:		N/A		12. Responding Agency (mark all that apply)	
			<input type="checkbox"/> Bodily Injury		MVA Description Type:		Going Straight Ahead		Tucson Police	
			<input checked="" type="checkbox"/> Property Damage		Any Vehicle Towed?:		No		Tucson Fire	
			Other (Please describe)						Pima County Sheriff	
	13. Case Number		14. Officer Name & ID#		15. Employee Cited?	16. Citation Number		17. Others Cited?		
	1611160572		Chad Kasmar 37363		No			No		
	18. Describe what happened, how it happened and include factors leading to the event. Be specific and give as many details as possible. Vehicle Collisions Require Completion of Accident Diagram (on the Reverse Side)									
	Driving northbound on a private drive, front of vehicle struck a metal gate that failed to open. Driver at fault, vehicle drivable. Collision occurred on private property, no citations issued.									
NON-EMPLOYEE INJURY INFORMATION	19. If Person(s) Injured, list the following information									
	Name		Street Address / Zip Code			Injury Description		Medical Transport	Date of Birth	Daytime Phone
								N/A		
								N/A		
PROPERTY DAMAGE	20. Type of Property Damage (mark all that apply)		<input type="checkbox"/> City Property	Describe:		2007 Crown Victoria				
			<input type="checkbox"/> City Vehicle	Fleet #:	264		Plate #:	G262EY		
			<input checked="" type="checkbox"/> Private Property	Describe:		Titanium				
	21. Property Owner Name (A)			Street Address / Zip Code			Daytime Phone			
	Tangerine Crossing HOA			1600 W. Broadway Rd, Ste 200, Tempe 85282						
	Insurance Company Name:		Telephone #:		Policy #:					
	Property Owner Name (B)			Street Address / Zip Code			Daytime Phone			
Charolette Preston						(520) 477-0251				
Insurance Company Name:		Telephone #:		Policy #:						
WITNESS INFORMATION	22. Name		Street Address / Zip Code			Daytime Phone				
EMPLOYEE INJURY INFORMATION	23. Was medical treatment provided?			No		Employee injury must be reported on Form 100A/B http://intranet.ci.tucson.az.us/hr/workers-compensation				
	24. Type of Treatment			N/A						
SUPERVISOR REVIEW	Remedial Measures Required?	No	Photos Attached?	Yes	Photos Taken By:		Chad Kasmar 37363			
	Report Prepared By:		Chad Kasmar		Employee #	37363	Date:	11/10/16		
	Do Not Repair / Discard City Equipment Involved in a Serious Accident until it is Released by Risk Management or the City Attorney's Office									

NOTE: IF ADDITIONAL SPACE IS REQUIRED TO COMPLETE THIS REPORT, USE SEPARATE SHEET OF PAPER AND ATTACH

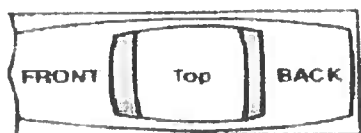
DISTRIBUTION: 1. Email to Risk Management 2. Department Records 3. Forward to Fleet if repair is needed

Please Complete Scene Diagram
(Attach Additional Diagram(s) for multi-car accidents)



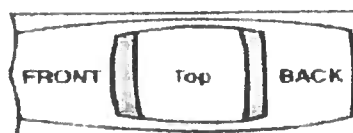
Please Complete Vehicle Damages Diagrams

Mark the area of damage with an "X"



COT vehicle

Mark the area of damage with an "X"



Other Vehicle

Reporting Guidelines

- 1) Completed form to be submitted to Risk Management within two (2) work days after collision, incident, or vandalism.
- 2) This form must still be filled out even if there are no damages to an employee's vehicle (city-owned, rented or personal) when there are damages to a citizen's property.
- 3) Do not repair or discard city equipment involved in an accident until it is released by Risk Management or the City Attorney's office.
- 4) Photos are required for all accidents/incidents.



Case Summary Report

Agency: TPD

Case Number: 1611160572

Date: 12/14/2016 16:09:43

Last Modified: 12/14/2016 16:03:29

Incident Information

Date/Time Reported 11/16/2016 15:50	Date/Time Found 11/16/2016 15:50	Date/Time Found 11/16/2016 15:50	Officer (37363) KASMAR, CHAD E
Incident Location 12000 N Tangerine Crossing Dr, Marana, AZ 85653			

Vehicle(s)

Seq. # 1	Year 2007	Color GREY	Style	Make FORD	Model VICTORIA
VIN 1FAPP71W97X111634	License Plate Type	License / State G262EY / AZ		License Year 0	Owner CITY OF TUCSON POLICE
Status		Status Date		Value	
Vehicle Notes Chief Batista's assigned vehicle					



Agency: TPD

Case Summary Report

Case Number: 1611160572

Date: 12/14/2016 16:09:44

Last Modified: 12/14/2016 16:03:29

Notes/Narratives

On May 5, 2016 at approximately 1630 hours Assistant Chief Ramon Batista was entering a private gated community when he collided with an automated metal driveway gate. The collision caused damage to both his city assigned vehicle and the gate he collided with. There were no injuries as a result of the of the on duty private property collision. The city vehicle was drivable, and the jurisdictional law enforcement agency was not called to the scene due to the non-injury private property collision.

On May 5, 2016 Assistant Chief Batista worked 0800 to 1600 hours. He was driving his assigned City vehicle 0264, 2007 Ford Crown Victoria, Titanium in color, license plate G-262EY, Vehicle Identification Number 1FAFP71W97X111634. He arrived to the Tangerine Crossing gated community, making a northbound turn onto North Tangerine Crossing Drive from West Tangerine Road. He traveled approximately 60 yards and came to a complete stop at the gate pin pad. He entered his gate code and when he observed the west gate start to open he proceeded north. It should be noted there are two matching steel constructed square tubing gates. The gates are approximately 30 yards to the North of the pin pad. The gates at rest come together over the center of a one way entrance road. Both gates have independent motors to open them to the south, which is towards the driver as you enter the private driveway of the Tangerine Crossing community. There is a break in the median between the pin pad and the gates. There are a second set of gates for a one way exit out of the community. He was traveling at an estimated 5 mph when the collision occurred. His daughter (minor) was in the vehicle with him at the time of the collision, both occupants of the vehicle were wearing their seatbelts during the collision, and they were both uninjured. Assistant Chief Batista was not on his cell phone when the incident occurred. The collision was also documented under Office of Professional Standards investigation 16-0250.

The property management company is Tangerine Crossing HOA, C/O AAM, LLC., 1600 West Broadway Road, Suite 200, Tempe, AZ., 85282. The point of contact for this company is Charlotte Preston, 520-477-0251, Cp Preston@aamaz.com. I contacted Ms. Preston and advised her of the collision. After researching the property logs she determined that a report had not been made of recent damage to the gate, or any pending complaints that the gate was not functioning properly. She facilitated getting an estimate to repair the gates. I received an initial repair bill of \$1,439.00 to repair the damaged tomar on July 19, 2016. Through several months of emails I received a new repair estimate of \$10,500 to replace both gate electric motors. I took photographs and inspected the gates on June 22, 2016 at 0620 hours. During my inspection I cycled the gates with the pin pad several times. I took photographs to show damage I located on the eastern gate, noting a tear in the red reflector tape on the lower part of the eastern gate frame, the offset of the two gates caused by the bent gate tomar (the arm of the gate that attaches the gate to the motor) approximately 4 inches off, the bent tomar on the eastern gate, the western undamaged gate tomar. I interviewed AC Batista on September 7, 2016. It should be noted that Chief Batista inspected the gate where he made contact with his vehicle and there was no damage to the metal structure of



Agency: TPD

Case Summary Report

Case Number: 1611160572

Date: 12/14/2016 16:09:44

Last Modified: 12/14/2016 16:03:29

Notes/Narratives

the gate at the time of the collision. He was unaware the tomar on the gate had been damaged. NFI

Notes/Continuation



4261 South Country Club
 Tucson, AZ 85714
 520-320-1810

Invoice

Date	Invoice #
7/19/2016	181347

Bill To
TANGERINE CROSSING HOA C/O AAM, LLC. 1600 W. BROADWAY RD. SUITE 200 TEMPE, AZ. 85282

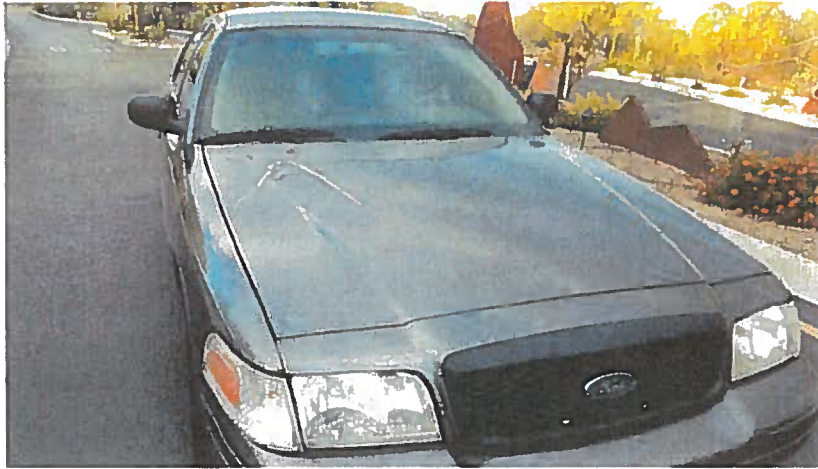
Ship To:

P.O. No.	Requested By	Terms	Rep	Location	Technician	
		Due Upon Receipt	JS			
Date Serviced	Description			Qty	Rate	Amount
	•Removed vandalized Tomar and replaced with new including integration with existing equipment.			1	1,439.00	1,439.00

ALL SERVICE INVOICES ARE DUE NET 10 DAYS.
 Interest at 18% per annum charged on all past due accounts. In the event said account is placed in the hands of an attorney for collection, debtor obligates himself to pay all collection fees, attorney fees, and legal expenses.

Subtotal	\$1,439.00
Sales Tax	\$0.00
Total	\$1,439.00
Balance Due	\$1,439.00

Photos From
A/C BATISTA



Verizon

3:21 PM

77%

Messages

Ramon

Details

Thu, May 5, 6:46 PM

Guess what, I hit the gate in my community when I got home and put a scratch on my hood. I've reported it to Matt Ronstadt and Paul. Oy! Must be something in the air.

I'm sorry to hear that. We can all relate.

:(yup thanks



Send

Chad Kasmar - FW: Tangerine Crossing Gate Repair - Accident

From: Charlotte Preston <cpreston@AssociatedAsset.com>
To: "'Chad.Kasmar@tucsonaz.gov'" <Chad.Kasmar@tucsonaz.gov>
Date: 8/18/2016 2:17 PM
Subject: FW: Tangerine Crossing Gate Repair - Accident
Attachments: Inv_181347_from_Antech_Corporation_7796.pdf

Hello Captain Kasmar,

I'm following up with you regarding the status of the attached invoice for the damage of the gate at Tangerine Crossing. Let me know as soon as you can to the status and if you need more information.

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

From: Charlotte Preston
Sent: Wednesday, July 20, 2016 4:22 PM
To: 'Chad.Kasmar@tucsonaz.gov'
Subject: Tangerine Crossing Gate Repair

Hello Captain Kasmar,

Sorry it has taken so long to get you the cost for the repair of the Tangerine Crossing Gate. I've attached the invoice for your review.

Thank you for your concern and bringing this to our attention. The Board of Directors at Tangerine Crossing appreciates this also.

Please don't hesitate to contact me if you have any questions. You can send a check payable to the Tangerine Crossing HOA to:

Tangerine Crossing HOA
c/o AAM, LLC
6885 N. Oracle Rd. Suite D
Tucson, Arizona 85704

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

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Chad Kasmar - RE: FW: Tangerine Crossing Gate Repair - Accident

From: Charlotte Preston <cpreston@AssociatedAsset.com>
To: 'Chad Kasmar' <Chad.Kasmar@tucsonaz.gov>
Date: 8/30/2016 1:44 PM
Subject: RE: FW: Tangerine Crossing Gate Repair - Accident

Hello Officer Kasmar,

The quote I sent you earlier was not complete for the Gate Repair at Tangerine Crossing. I will send you the invoice once the repair is finally complete. There were two operators that were damaged and the cost will be significantly more that the first quote I sent you. Please wait till I send you the invoice for the final repair.

Thank your for your patience. As soon as I get the new estimate/quote for repair, I'll forward it to you.

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

From: Chad Kasmar [Chad.Kasmar@tucsonaz.gov]
Sent: Tuesday, August 23, 2016 11:33 PM
To: Charlotte Preston
Subject: Re: FW: Tangerine Crossing Gate Repair - Accident

Hello Charlotte, I hope to have our paperwork completed next week and sent over to our risk management. I will be in touch. Chad

Captain Chad Kasmar #37363

Tucson Police Department

Chief of Staff

Chad.Kasmar@tucsonaz.gov

[520-837-7714](tel:520-837-7714)

>>> Charlotte Preston <cpreston@AssociatedAsset.com> 8/18/2016 2:17 PM >>>

Hello Captain Kasmar,

I'm following up with you regarding the status of the attached invoice for the damage of the gate at Tangerine Crossing. Let me know as soon as you can to the status and if you need more information.

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

From: Charlotte Preston

Sent: Wednesday, July 20, 2016 4:22 PM

To: 'Chad.Kasmar@tucsonaz.gov'

Subject: Tangerine Crossing Gate Repair

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Please don't hesitate to contact me if you have any questions. You can send a check payable to the Tangerine Crossing HOA to:

Tangerine Crossing HOA
c/o AAM, LLC
6885 N. Oracle Rd. Suite D
Tucson, Arizona 85704

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

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Chad Kasmar - Tangerine Crossing Gate Operators Replace - due to Car Damage

From: Charlotte Preston <cpreston@AssociatedAsset.com>
To: 'Chad Kasmar' <Chad.Kasmar@tucsonaz.gov>
Date: 8/30/2016 2:39 PM
Subject: Tangerine Crossing Gate Operators Replace - due to Car Damage
Attachments: TANGERINE CROSSING - OPERATOR DAMAGE- 160364.pdf

Hello Captain Kasmar,

Please see the actual quote for the repair of the two operators on the gate that was damaged by the police car. The damage is must more extensive than originally presented.

Sorry for the delay in getting this to you.

Let me know if you have any questions.

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

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Chad Kasmar - RE: Tangerine Crossing Gate Operators Replace - due to Car Damage

From: Charlotte Preston <cpreston@AssociatedAsset.com>
To: 'Chad Kasmar' <Chad.Kasmar@tucsonaz.gov>
Date: 9/1/2016 8:57 AM
Subject: RE: Tangerine Crossing Gate Operators Replace - due to Car Damage

Hello Captain, I'll find the information for you the operators are connect – but I will get the detail for you. Thank you for your follow up email.

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

From: Chad Kasmar [Chad.Kasmar@tucsonaz.gov]
Sent: Thursday, September 01, 2016 7:48 AM
To: Charlotte Preston
Subject: Re: Tangerine Crossing Gate Operators Replace - due to Car Damage

Hello, I received the updated information. Can you clarify, in the bid, are you saying both gate motors are being replaced? Our department member only made contact with the most eastern gate as they traveled north when the gate froze mid point of the opening cycle.

Captain Chad Kasmar #37363

Tucson Police Department

Chief of Staff

Chad.Kasmar@tucsonaz.gov

520-837-7714

>>> Charlotte Preston <cpreston@AssociatedAsset.com> 8/30/2016 2:39 PM >>>

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Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

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Chad Kasmar - RE: Tangerine Crossing Gate Operators Replace - due to Car Damage Update.

From: Charlotte Preston <cpreston@AssociatedAsset.com>
To: 'Chad Kasmar' <Chad.Kasmar@tucsonaz.gov>
Date: 10/10/2016 7:58 AM
Subject: RE: Tangerine Crossing Gate Operators Replace - due to Car Damage Update.

Good Morning Captain Kasmar,

Sorry this information has been slow in coming to you regarding why the cost of repairing the operators at the gate are so expensive.

- The bent gate arm on the right forced the top plate of the operator to bend/disengage needing repair
- The operators (both sides of the gate one operator for each gate) are electronically connected
- The right operator tells the left operator to open the gate
- When the damage was done to the arm on the right gate, it bent the operator top section which causes alignment of the operator to be out of sync – it is a matter of a short time when they both will fail
- When one operator goes down, both need to be rebuilt
- The current operators are no longer available so the only option is to rebuild them – cost is slightly over \$10K
- To replace them both with a new system is over \$40K.

I hope this information is what you need to move forward.

Let me know if you have any questions.

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

From: Chad Kasmar [<mailto:Chad.Kasmar@tucsonaz.gov>]

Sent: Thursday, September 01, 2016 7:48 AM

To: Charlotte Preston

Subject: Re: Tangerine Crossing Gate Operators Replace - due to Car Damage

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Captain Chad Kasmar #37363

Tucson Police Department

Chief of Staff

Chad.Kasmar@tucsonaz.gov

[520-837-7714](tel:520-837-7714)

>>> Charlotte Preston <cpreston@AssociatedAsset.com> 8/30/2016 2:39 PM >>>

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Sorry for the delay in getting this to you.

Let me know if you have any questions.

Charlotte E. Preston

Community Manager

AAM, LLC



4261 S. Country Club ♦ Tucson, AZ 85714-2009 ♦ 1.520.320.1810 ♦ 1.800.509.2140 ♦ 1.520.320.1820 (FAX)
 E-mail: sales@antech.com www.antech.com Contractors License No: ROC 168402

Proposal and Contract

<p>Owner/Buyer TANGERINE CROSSING HOMEOWNERS ASSOCIATION C/O AAM, LLC 6885 N Oracle Rd Bldg. 11 Suite D Tucson, Az. 85704 Attn: Ms. Charlotte Preston, Community Manager</p>	<p>Date: 19 July 2016 SIs: JS No: 160364 Project: Replace Operators due to Damage Location: Tangerine Crossing Phone: 520.682.1357 (P) E-Mail: cpreston@associatedasset.com</p>
---	---

ANTECH CORPORATION, hereafter referred to as "Antech", proposes to furnish, for the above named Owner/Buyer, hereafter referred to as "Owner", in accordance with the Scope of Work and/or Project Specifications herein and subject to the terms and conditions set forth below of this legal document.

SCOPE OF WORK The entry gate operators were damaged due to a vehicle hitting them. The existing operators sustained extensive damage to the gear boxes. The manufacturer no longer makes the gear boxes for these operators so they will have to be replaced. They are currently working, but our temporary fix will not last for long.

Remove and replace two (2) operators with Liftmaster CSW24U Operators due to vehicular damage, including integration with existing equipment.

Total Investment \$ 10,500.00

TANGERINE CROSSING
July 19, 2016
Proposal No: 160398



LIMITED WARRANTY

ANTECH CORPORATION, and its affiliates or sub-contractors, warrants that the products, devices and related components purchased, fabricated and/or installed shall be free from all defects in material and workmanship for a period of Twelve (12) Months from the date of installation under normal use and service unless manufacturer's warranty period is different and specifically excludes any and all work, products or wiring done by others. ANTECH'S obligation under this warranty is specifically limited to repairing or replacing, at its option, any defective part, which upon examination by ANTECH proves to be defective during the warranty period. This warranty shall not apply to any part which has been altered or repaired by any person not expressly authorized, by ANTECH, in writing to do so, or to any part which has been altered, subjected to misuse, accident or improper use.

There is no warranty of merchantability or fitness for any particular purpose nor is there any other warranty, express or implied, except as specifically stated in the above paragraph. ANTECH does not represent that the products may not be compromised or circumvented; that the products will prevent any personal injury or property loss by burglary, robbery, fire or otherwise; or that the product will in all cases provide adequate warning or protection. Buyer understands that a properly installed and maintained system may only reduce the risk of a burglary, robbery, fire or other event occurring without providing an alarm, but it is no guarantee that such will not occur or that there will be no personal injury or property loss as a result.

		Terms of Sale:
		50% Deposit upon signed acceptance; progress payments as billed
Total Investment	\$ see above	Balance due upon "Beneficial use by Owner"

All material is guaranteed to be as specified, and project is to be complete in a professional manner according to standard practices. Any alteration or change from specifications involving extra costs will be executed only upon written orders and may result in extra charges over and above the original contract amount. Antech is to provide Liability and Workmen's Compensation Insurance. Owner is to carry fire, tornado and other necessary property and liability insurance. This contract does not include any surveying, grading, clearing or the removal of any existing wall, slab, building, fencing, plants or trees or other structure unless specified. This contract does not include any renderings, shop drawings, engineering or architectural services unless specifically stated herein. This contract does not include any finish painting unless specified and if finish paint is included, Antech shall not be responsible to color match. Owner agrees to provide exact project location and shall be responsible for all property lines and grades. Owner is responsible for location of all underground utilities, not marked by Blue Stake or other locating service, and shall pay for any and all repairs and hereby releases contractor from any and all liability if damage is done to any underground utilities. This contract does not include any permits, unless specified, and Owner shall be responsible for any and all permits that may be required by local authorities. Ownership to and in all materials shall remain with Antech until contract amount, including change orders if any, has been paid in full, except that the Owner shall be fully responsible for all raw materials, finished goods, stored or installed at location even if project is not complete. Owner agrees to interest charges at the rate of 1 1/4% per month for all past due balances and agrees to pay any and all collection costs, including but not limited to, attorney fees, court costs and lien processing fees. The prices in this proposal are valid for twenty (20) days from the date above and may be withdrawn by Antech at any time prior to, and without notice. If signed after 20 days from the date above the prices are subject to change due to volatility in steel and related pricing. Sales taxes are not included unless specified and will be included in final invoice unless Owner has a current resale certificate on file in our offices.

Owner may accept this offer by either signing this proposal or by sending Owner's Contract or Purchase Order. By accepting this Proposal, Owner agrees to the qualifications, terms and conditions set out in this document. If Owner uses a Contract or Purchase Order, the terms and conditions of this proposal shall prevail over any additional or conflicting terms in Owner's form. After acceptance, orders cannot be cancelled without Antech's consent and only on terms that will indemnify against loss. Antech shall not be responsible for loss or damage from delays caused by labor troubles, strikes, fires, accidents, floods, delay of carriers or any agency beyond its reasonable control. Antech will not be held responsible for delays due to unacceptable jobsite conditions and shall have the right to further charges for any lost time due to unacceptable or unprepared field conditions in example but not limited to: job site not ready to accept work, work not progressed to the point of where scheduled tasks can be performed, jobsite unprepared to accept deliveries or other trades or equipment are delaying commencement or continuation of work.

Pursuant to Arizona law we are required to inform you of your right to file a written complaint with the Registrar of Contractors for alleged violation of Arizona Revised Statutes section 32-1154, subsection A. Any complaints must be made within the applicable time period as set forth in section 32-1155, sub A. The ROC can be contacted at 1.602.542.1525 or online at <http://www.rc.state.az.us/>. Antech requests that if any portion of its work is unsatisfactory that it be notified prior to the filing of a complaint so that it can resolve any concerns.

Attention: Your obligation to pay your contractor is subject to the Arizona Prompt Pay Act. That act is set forth in section 32-1129, Arizona Revised Statutes, and section 32-1129.01 through 32-1129.07, Arizona Revised Statutes. The full text of the statutes is available at your local public law library or on the Internet. Under that act, you have the right to withhold all or a portion of a payment to a contractor for a variety of reason, including defective construction work that has not been corrected. However, in order to do so, you must issue a written statement setting forth in reasonable detail your reasons for withholding payment within fourteen (14) days after the date you receive a billing or estimate. If you fail to issue the written statements within the period, the billing or estimate will be deemed approved. Once the billing or estimate is deemed approved, you must pay the billing or estimate within seven (7) days. Generally, you are limited by the act to withholding only an amount that is sufficient to pay the direct costs and expenses you reasonably expect to incur to protect you from loss for which the contractor is responsible. You are encouraged to read the act in full to know your obligations and rights.

Jan Schnick

Sales Associate

Authorized By

ACCEPTANCE OF PROPOSAL: The above prices, specifications, terms and conditions are accepted. You are authorized to proceed with the work as specified and payment will be made as stated

DATE: _____ OWNER/BUYER: _____ TITLE: _____

DATE: _____ OWNER/BUYER: _____ TITLE: _____

Chad Kasmar - RE: Tangerine Crossing Gate Operators Replace - due to Car Damage Update.

From: Chad Kasmar
To: Preston Charlotte
Date: 10/11/2016 8:31 AM
Subject: RE: Tangerine Crossing Gate Operators Replace - due to Car Damage Update.
Bc: chad kasmar

I will complete my investigation with this information and forward the information to my Risk Management Department. Thank you for putting the information together Preston. Chad

Captain Chad Kasmar #37363
Tucson Police Department
Chief of Staff
Chad.Kasmar@tucsonaz.gov
[520-837-7714](tel:520-837-7714)

> -> Charlotte Preston <cpreston@AssociatedAsset.com> 10/10/2016 7:58 AM >>

Good Morning Captain Kasmar,

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Let me know if you have any questions.

Charlotte E. Preston
Community Manager
AAM, LLC
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Charlotte E. Preston

Community Manager

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cpreston@aamaz.com

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Deputy Chief of Police

Chad.Kasmar@tucsonaz.gov

520-837-7714, Office

520-589-8983, Cell

>>> Charlotte Preston <cpreston@AssociatedAsset.com> 11/9/2016 4:50 PM >>>

Hello Captain Kasmar,

Checking-in for an update regarding the repair of the gate at Tangerine Crossing. Let me know if you need any documents or more information. Thank you.

Charlotte E. Preston

Community Manager

AAM, LLC

(520) 477-0251 (direct line)

(520) 219-9324 (direct fax)

(520) 219-7200 (main line)

cpreston@aamaz.com

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Action: order_CD MAIL DONE

TUCSON PD DIMS

DESIGNED FOR THE
TUCSON
POLICE DEPARTMENT



Search:

Case Number:

Level:

Photographer:

Agency:

Crime Code:

Location:

Notes:

Year:

Month:

Day:

Station:

Find RAW files only:

Your order has been processed

Fri Aug 12 11 41 32 PDT 2016

Please contact ID Section (520) 791-4698 if you have any problems or questions

The following was sent for order processing. Please click [print] to print this page as a receipt

This is the DIMS Webserver.

Your order has been submitted

Requested By: 31051
Requested Type: CD

Quantity: 1

Job Ordered for: Sgt Lopez
Detail: OPS
Delivery Method: Ship or Mail
Needed By: 2016-08-17

Notes / Instructions:

Assets To Process:
cases/1606270163/G7LN0930 through G7LN0936

Debug Message Empty

Case Navigation

Current Repository:
DIMS

Logged In: 31051



From: Michele Murrieta
Sent: Monday, January 23, 2017 8:03 AM
To: Reuben Nunez
Subject: 1701-0749

Report forwarded to you per workflow notes by Sergeant. This is a working copy of the narrative of the report, please advise if you require the completed case.

From: Hess, William **To:** Murrieta, Michele
Subject: C16 - Law 1701-0749 - APPRVD
Record: [Law #1701-0749](#) | [Law-v2.ssf](#)

Uniform follow up required, forward hard copy to Deputy Chief Nunez

Michele A. Murrieta
Records Supervisor
Marana Police Department
11555 W. Civic Center Drive
Marana, AZ 85653
Office: [\(520\)382-2014](tel:(520)382-2014)
Fax: [\(520\)382-2001](tel:(520)382-2001)
Email: mmurrieta@maranaaz.gov



Marana Police Department

Daily Activity Log, with Law Narrative

1701-0749 Vandalism

Call Received By: Long-Spencer,Pa

Complainant:

Incident Address: W TANGERINE RD & N TANGERINE
CROSSING DR
Marana AZ

Responding Officers: Nguyen,Quan, Baker,Caylee

Disposition: CLU

Unit: T468M

Time Reported: 13:34:41

Time Dispatched: 13:37:10

Time Arrived: 14:08:22

Time Completed: 15:47:40

----- (lwmain08380701202017)

1701-0749 NARRATIVE #468

BWC ACTIVATED BY OFFICER NGUYEN #454

On January 19th, 2017 at 1334 hours dispatch advised Charolette Preston, the reporting party had contacted police wishing to file a report reference a past occurred criminal damage claim. I spoke with Charolette via the telephone, after speaking with her we decided to meet at Tangerine Rd/ Tangerine Crossing, the location where the incident occurred.

Upon arrival I spoke with Charolette. She advised that on June 23rd, 2016 she was contacted by a Captain Kasmar who informed her that an unnamed Tucson Police Department (TPD) officer had hit the entry gate located at Tangerine and Tangerine Crossing with their patrol vehicle. Charolette stated Captain Kasmar informed her the individual had informed his chain of command and that the information had been forwarded to TPD's risk management department. Charolette advised that from June of 2016 to December of 2016 she had multiple communications with Captain Kasmar via email. Charolette stated she told by Captain Kasmar to get estimates for the repairs needed. Charolette advised she received estimates from two different companies, Antech Corporation quoted her \$10,500 to repair the gate. The second company, Eagle Gateworks Inc, quoted \$7,306.70 to repair the gate. Charolette was advised that the information regarding the incident had then been forwarded to risk management. Charolette advised that on December 12th, 2016 she received an email from Martha Castro with the forms necessary to submit her claim to the claims department. Charolette stated that she returned the forms via regular mail to the City of Tucson on December 21st.

Charolette advised that on December 27th, 2016 she received notice from the City of Tucson that she had missed the 180 day deadline to submit her claim. The notice advised that since she missed the

deadline the city was unable to consider her claim. At the time Charolette stated she was unaware of Arizona Revised Statute 12-821.01, which pertains to the 180 day deadline.

Charolette stated that if the City of Tucson was not going to pay for the damages she needed to find out which officer had hit the gate, because they would be responsible. Charolette advised that another TPD officer, Lieutenant Graves, who also lives in the neighborhood had advised Charolette that she should contact the Marana Police Department and make a report with us reference the damaged gate.

Pictures of the gate where taken and later placed into evidence at the Marana Police Substation, located at 5100 W Ina.

On January 20th, 2017 I attempted to contact Charolette via telephone, with negative results. I did however leave a voice mail informing Charolette that a report had been written documenting the incident, and our command staff would be contacting Deputy Chief Kasmar reference the incident.

----- (lwmain08380701202017)-----

Fri Jan 20 16:19:10 2017

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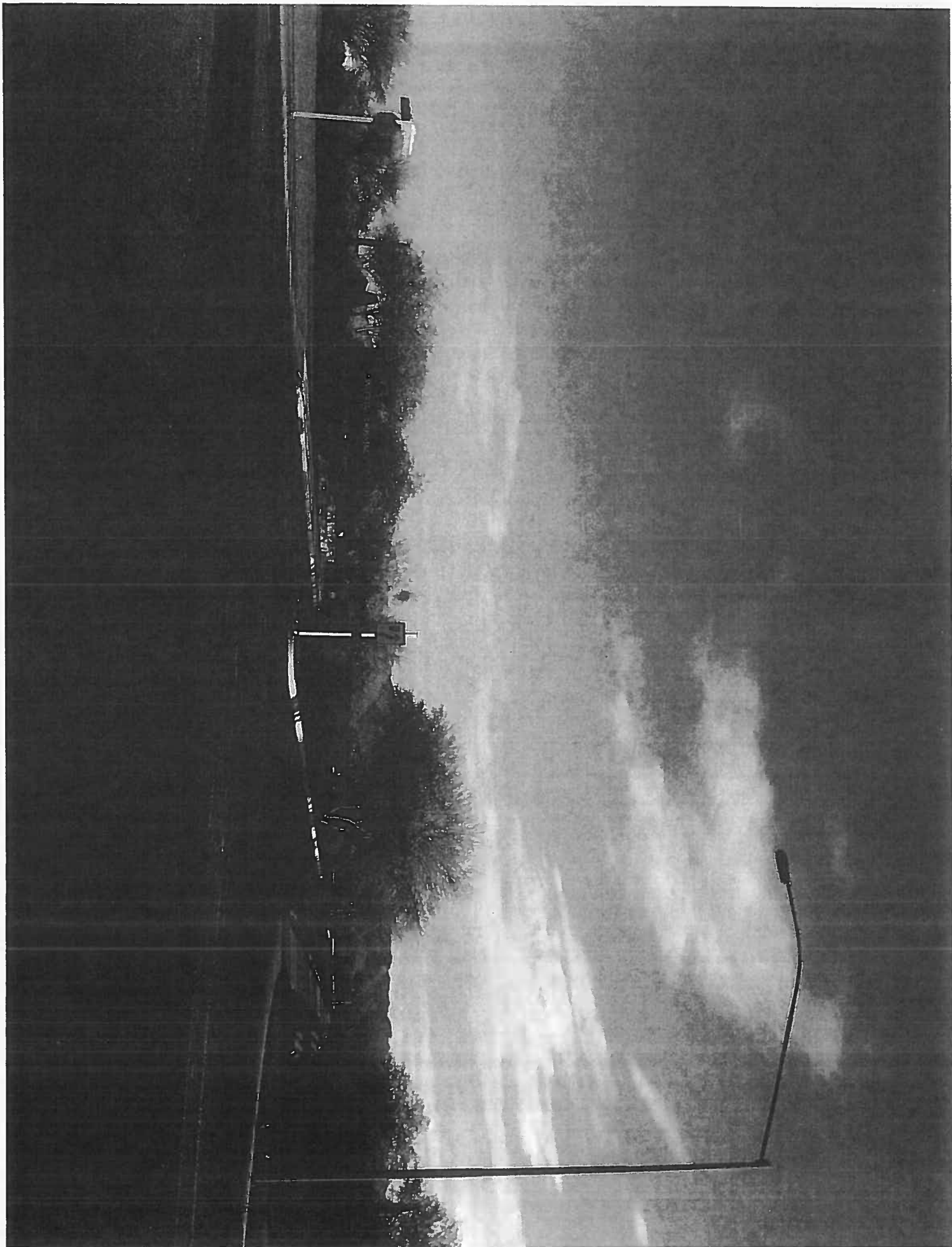
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lwmain.ocurdt1 : 01/19/2017 13:30:33

lwmain.ocurdt2 : 01/19/2017 13:30:33

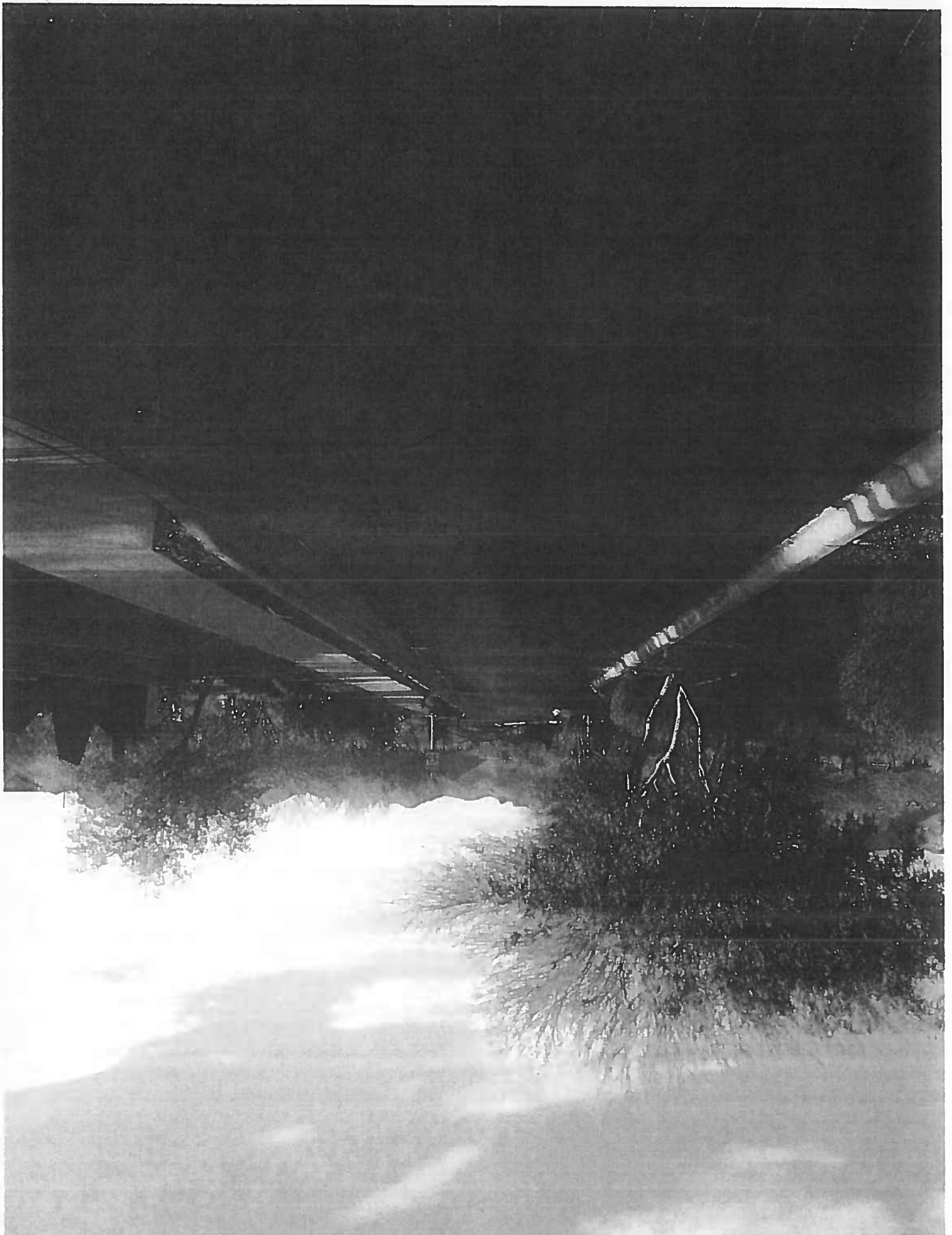
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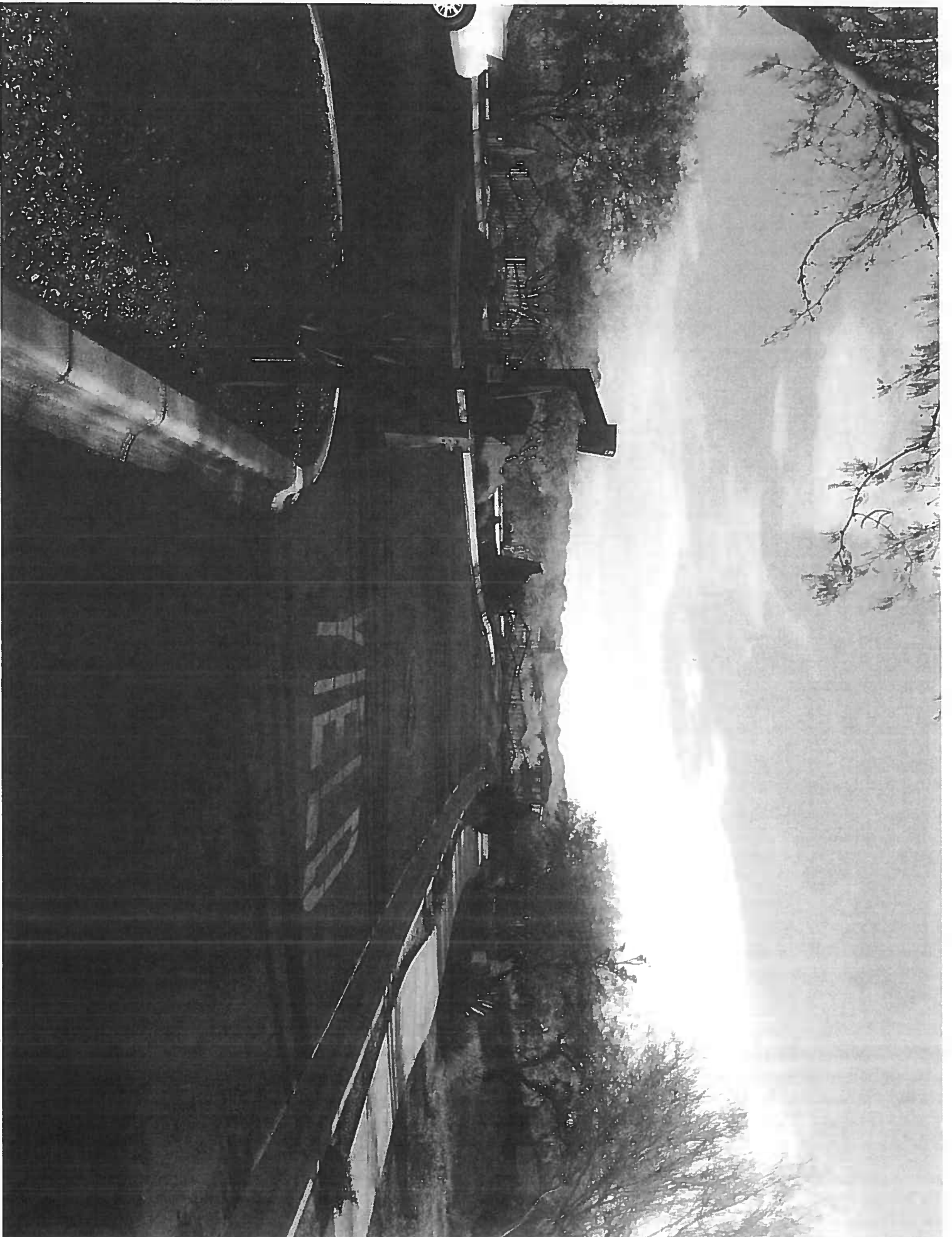
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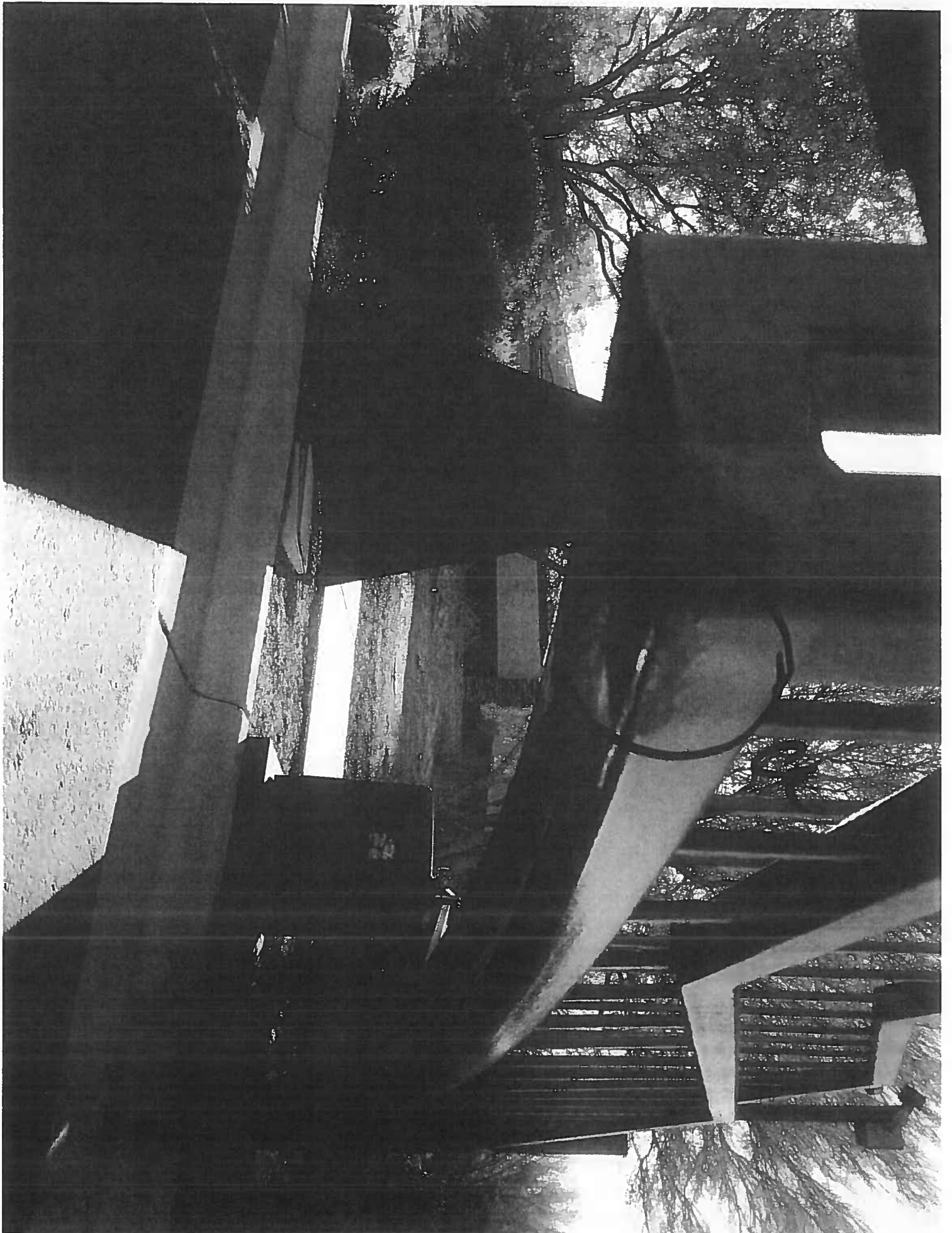


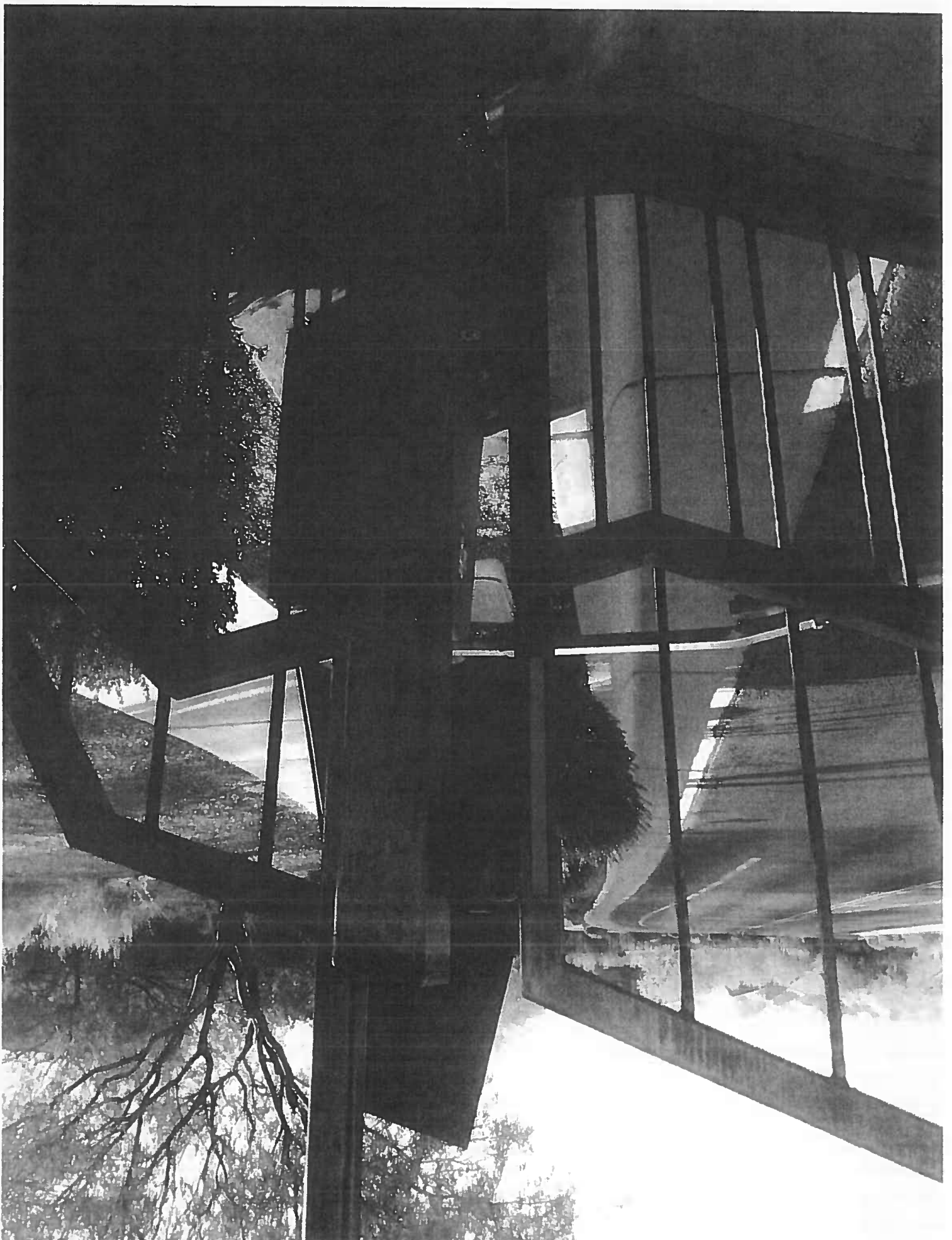






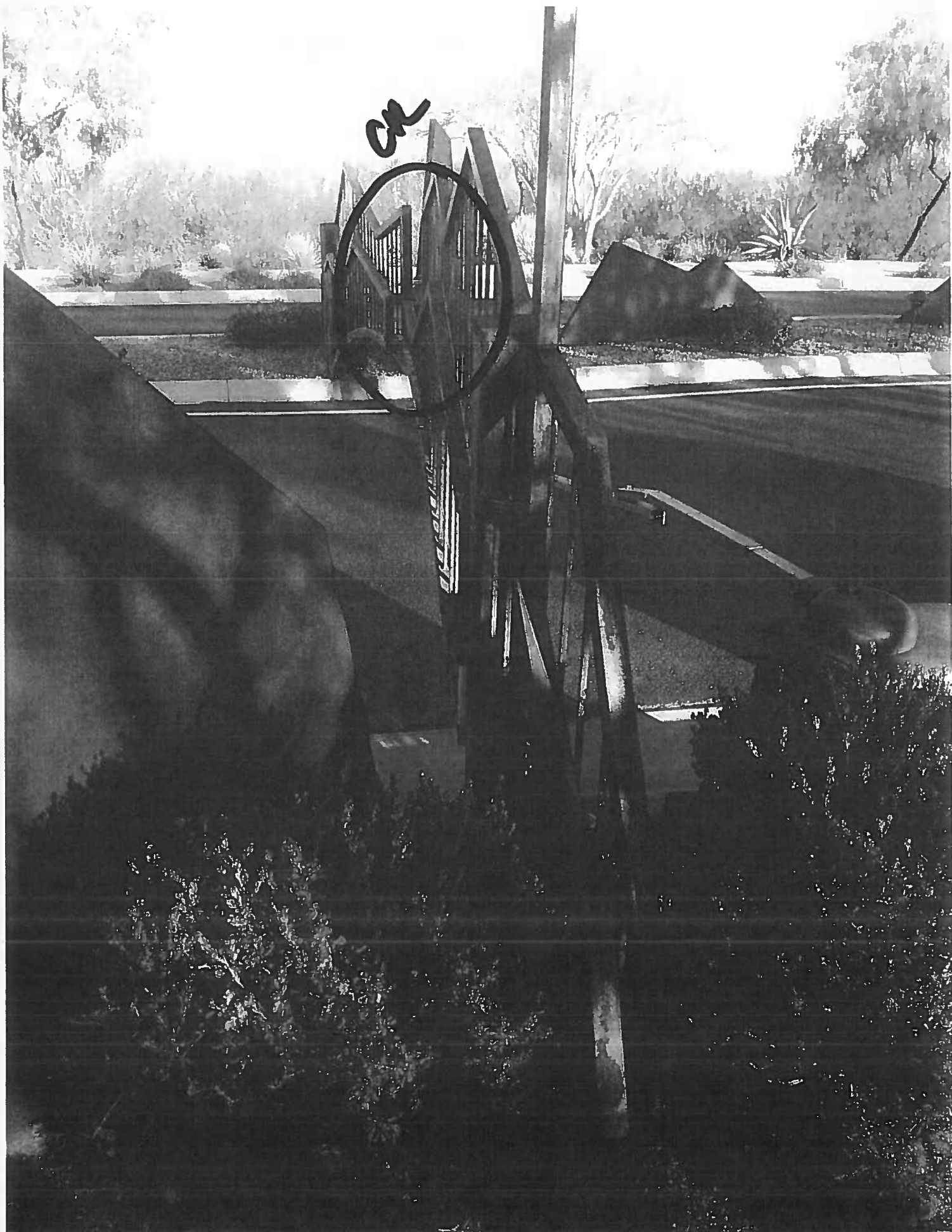




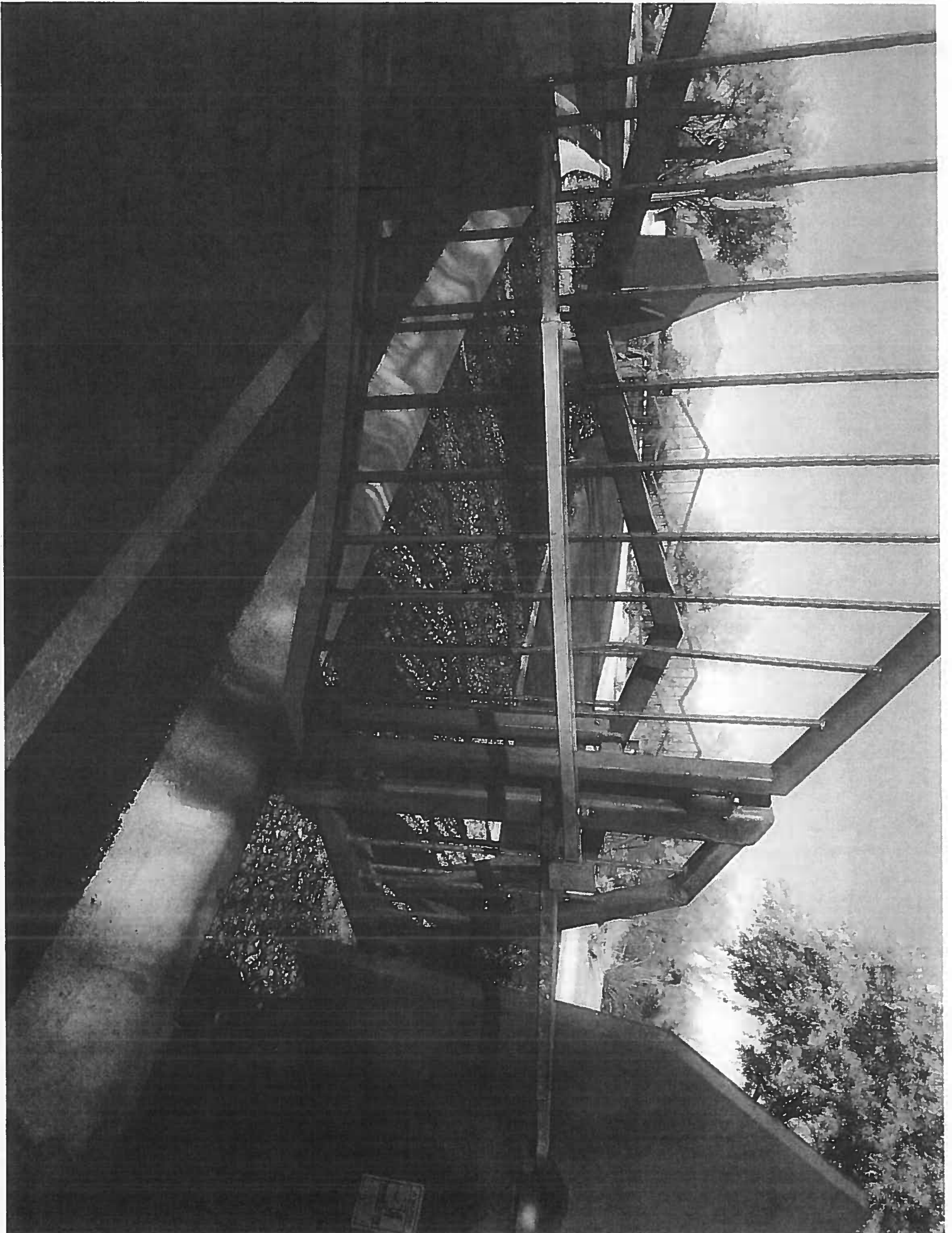




OK







CASE#

OPS 16-250

Location: 2725 STONE

5/17/16

1130 31051

Date

Time

PR#

