

Officer Humberto Zuniga, #1538
San Antonio Police Department
San Antonio, Texas

2015 AUG 18 PM 1:21

LEGAL ADVISOR
AUG 18 2015
CITY OF SAN ANTONIO, TEXAS

Fire Fighters' and Police Officers' Civil Service Commission
111 Soledad, Suite 123
San Antonio, Texas 78205

AGREED SUSPENSION

Commissioners and Officer Humberto Zuniga:

WHEREAS, Officer Humberto Zuniga, pursuant to Article XXVIII, Section 2 of the Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association, was served on August 4, 2015, with a contemplated indefinite suspension; and

WHEREAS, pursuant to said contract, Officer Zuniga was given an opportunity to rebut those charges being brought against him to Police Chief Anthony L. Treviño, Jr.; and

WHEREAS, said opportunity was exercised by Officer Zuniga; and

WHEREAS, Officer Zuniga and Chief Treviño have agreed to reduce the discipline in this matter to a five-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Zuniga shall be suspended without pay from the San Antonio Police Department for a period of five days, commencing on September 6, 2015, and ending on September 10, 2015. Officer Zuniga waives any rights to appeal this Agreed Suspension and agrees no administrative or judicial body shall have power to review this Agreed Suspension or alter the terms of this agreement.

Officer Zuniga has violated Subsection C of Rule XIII of the City of San Antonio Fire Fighters' and Police Officers' Civil Service Commission Rules, said rules having been adopted on February 23, 1998, and thereafter from time to time amended, by the Fire Fighters' and Police Officers' Civil Service Commission as the Civil Service Rules for the Fire and Police Departments of the City of San Antonio. The particular civil service rules violated by Officer Zuniga and grounds for suspension are as follows:

- (12) Violation of an applicable fire or police department rule or special order.

The Rules and Regulations and Procedures of the San Antonio Police Department which Officer Zuniga has violated are as follows:

RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC: Members shall serve the public through direction, counseling, assistance, and protection of life and property. Members shall also respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment. (C) CONDUCT AND BEHAVIOR: Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.

The factual basis for the instant disciplinary suspension is as follows:

On or about March 18, 2015, Ms. Erika Espinosa was contacted by a friend, Mr. Josh Campbell, on behalf of her ex-boyfriend, Officer Humberto Zuniga, threatening that unless Ms. Espinosa dropped a civil lawsuit she had filed against Officer Zuniga, Zuniga would download onto the internet, videos of Ms. Espinosa performing a sexual act, and send them to Ms. Espinosa's parents, friends and other family. During their relationship, Ms. Espinosa had allowed Officer Zuniga to transfer over \$8000 in debt onto one of her credit cards to help him reduce his interest burden, but Officer Zuniga refused to repay the money after their break-up, resulting in the lawsuit. Another mutual friend, Mr. Leonard Villasensor, subsequently offered to contact Officer Zuniga about the threats, but Officer Zuniga only repeated the threats to Mr. Villasensor, telling him that the videos "would make good Mother's Day gifts."

A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

AGREED TO BY:


ANTHONY L. TREVIÑO, JR.
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

8/17/15
DATE


OFFICER HUMBERTO ZUNIGA, #1538
SAN ANTONIO POLICE DEPARTMENT

15:38 0817, 2015/1634
DATE TIME

On this 17 day of AUG, 2015, I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of this suspension during which to file a written appeal of this suspension with the Personnel Director of the City of San Antonio requesting either

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arbitration or the hearing of my appeal by the Fire Fighters' and Police Officers' Civil Service Commission. I acknowledge that I have been informed that if I appeal to a hearing examiner/arbitrator, I waive all rights to appeal to a district court except as provided by subsection 143.057(j) of the Texas Local Government Code. I also acknowledge that I have been informed that my right to appeal the decision of a hearing examiner/arbitrator to district court pursuant to section 143.057 of the Texas Local Government Code may have been modified by the provisions of article 28 of the current Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association. I further acknowledge that in light of my entry into this Agreed Suspension, I shall have no right to appeal said suspension nor will any administrative or judicial body have power to review same or alter its terms. I do hereby waive any and all rights to appeal said suspension and no administrative or judicial body shall have power to review same or alter its terms.


OFFICER HUMBERTO ZÚÑIGA, #1538
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:


5032

TIME: 1634


DATE: 8/14/15


3160

TIME: 1634

DATE: 8/17/2015

FILED on this the 18 day of August, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.


DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

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