

Officer Arthur R. Lopez, #1639
San Antonio Police Department
San Antonio, Texas

CITY OF

SAN ANTONIO HR

MAR13 '18 11:12AM

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

Commissioners and Officer Arthur R. Lopez:

Under and by virtue of the authority vested in me by Title 5, Subtitle A, Chapter 143 of the Local Government Code, V.T.C.S., said chapter entitled "Municipal Civil Service", I do hereby suspend Officer Arthur R. Lopez from paid duty with the San Antonio Police Department, indefinitely, without pay, from his position as an officer of the San Antonio Police Department, effective immediately.

Officer Lopez 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 rule violated by Officer Lopez and ground for suspension is as follows:

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

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

RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC (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.

RULE 3.11 - USE OF INTOXICANTS (B) INTOXICATION: Members shall not, at any time, be intoxicated while on-duty. Members shall not be intoxicated while in public view. No member, while off-duty, shall drink intoxicating beverages to an extent which renders them unfit to report for duty.

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

On or about October 26, 2017, at approximately 2:20 a.m., Officer Arthur R. Lopez was involved in a traffic accident. The accident occurred at or near the intersection of W. Market and Navarro Streets. Officer Lopez was off duty at the time of the accident. Officer Lopez was arrested for the offense of Driving While Intoxicated. Blood analysis later revealed Officer Lopez had a blood alcohol content of 0.115.

LEGAL ADVISOR'S OFFICE
MAR 13 2018
SAN ANTONIO POLICE DEPARTMENT

CITY OF

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Officer Lopez's actions did not conform to the ordinary and reasonable rules of good conduct and behavior and/or brought reproach or discredit on himself and the San Antonio Police Department. Further, Officer Lopez's blood alcohol content rendered him unfit to report for duty.

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

Following separation from the Department, the training requirements to maintain an officer's peace officer's license for the current training cycle and unit are that officer's responsibility. An officer should refer to the TCOLE website <http://www.tcole.texas.gov/content/training-requirements> for further information and to establish a TCOLE account to review current training records.

William P. McManus
WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

MAR 12 2018
DATE

I hereby acknowledge receipt of the original of the foregoing indefinite 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 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 Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.

Arthur R. Lopez #1639
OFFICER ARTHUR R. LOPEZ, #1639
SAN ANTONIO POLICE DEPARTMENT

3/12/18 1530
DATE TIME

WITNESSED BY:



Brenda 3169 DATE: 3-12-18 TIME: 1526

[Signature] 4008 DATE: 03/12/18 TIME: 1526

FILED on this the 13th day of March, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

Yvette Perry for
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

Combined Law Enforcement Associations of Texas

"Strength  Justice  Unity"

FACSIMILE TRANSMITTAL SHEET

March 13, 2018

PLEASE DELIVER TO: Ms. Renee Frieda, Director
Firefighters' and Police Officers'
Civil Service Commission

FAX NUMBER: 210-207-7997

FROM: Karl E. Brehm, Staff Attorney

OPERATOR: Joyce López, Legal Services Coordinator

TOTAL PAGES: 5 (Including Cover Page)

COMMENTS: Appeal of Officer Arthur R. Lopez
Indefinite Suspension

Request for Arbitration

(ORIGINAL EMAILED: renee.frieda@sanantonio.gov 3/13/2018)

South Texas Office * 1939 N. E. Loop 410 * Suite 210 * San Antonio, TX 78217 * 210/826-1899 * Fax: 210/826-2299

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COMBINED LAW ENFORCEMENT ASSOCIATIONS OF TEXAS

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www.cleat.org

March 13, 2018

(Via email: reneefrieda@sanantonio.gov & facsimile transmission 207-7997)

Renee Frieda, Director
Firefighters' and Police Officers'
Civil Service Commission
City of San Antonio
Riverview Towers Building
111 Soledad, Suite 123
San Antonio, TX 78205

In Re: Officer Arthur R. Lopez, #1639
San Antonio Police Department
Appeal - Indefinite Suspension
Request for Arbitration

Dear Ms. Frieda:

On March 12, 2018, Officer Lopez was notified that he was being suspended from paid duty with the San Antonio Police Department for an indefinite period effective immediately.

Officer Lopez, by and through his Attorney of Record, Karl E. Brehm, requests Arbitration on the disciplinary action taken against him. Pursuant to Chapter 143 of the Local Government Code and the provisions of the current Collective Bargaining Agreement between the City of San Antonio and the San Antonio Police Officers' Association, we request a list from the American Arbitration Association of seven (7) neutral hearing examiners from the State of Texas.

Officer Lopez denies the allegations contained in the disciplinary suspension order. He denies violating Subsection C of Rule XIII, of the San Antonio Fire Fighters' and Police Officers' Civil Service Commission; Rule (12) Violation of an applicable fire or police department rule or special order; Rule 3.04-Responsibility to Service the Public (C) Conduct and Behavior and Rule 3.11-Use of Intoxicants (B) Intoxication of the Rules and Regulations of City of San Antonio Police Department.

Ms. Renee Frieda, Director
Fire Fighters' and Police Officers'
Civil Service Commission
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Officer Lopez, specifically and generally, singularly and plurally, denies the truth of the charges and allegations against him. The charges are legally insufficient to support the position of any penalty or punishment and legally insufficient to support a conclusion that the Appellant was guilty as charged in the charging instrument.

He requests a full, fair and impartial hearing and requests discovery of any exculpatory evidence. He requests lost pay and benefits. Additionally, Officer Lopez asserts herein that the punishment is clearly excessive considering all the mitigating circumstances.

Respectfully submitted,

Combined Law Enforcement Associations of Texas, Inc.



By: Karl E. Brehm

State Bar No. 24052875

1939 N.E. Loop 410, Suite 210

San Antonio, TX 78217

karl.brehm@cleat.org

210-826-1899

210-826-2299 Fax

REPRESENTING OFFICER ARTHUR R. LOPEZ

cc:

Officer Arthur R. Lopez

File