

Officer Justin R. Ayars, #1505
San Antonio Police Department
San Antonio, Texas

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

Commissioners and Officer Justin R. Ayars:

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 Justin R. Ayars 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 Ayars 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 Ayars 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 Ayars 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:

At approximately 0228 hours on May 26th, 2018, Officer Justin R. Ayars, #1505 (NPT) was with his [REDACTED] at their apartment located at [REDACTED]. According to [REDACTED] and an eyewitness, Officer Ayars and [REDACTED] engaged in an argument which became physical. [REDACTED] and the Administration allege Officer Ayars struck [REDACTED] in the face, causing fractures to her orbital wall and sinus wall and led to Officer Ayars becoming a suspect in a criminal case for Assault – Bodily Injury under SAPD case #SAPD18109520. Officer Ayars' actions did not conform to the ordinary and reasonable rules of good conduct and behavior and/or brought reproach and discredit on himself and the San Antonio Police Department.

AUG 7 '18 10:18AM

CITY OF

SAN ANTONIO HR

LEGAL ADVISOR'S OFFICE


AUG 07 2018

SAN ANTONIO POLICE DEPARTMENT

Based on the observation of an administrative witness and Officer Ayars' statement to an SAPD Detective, the Administration alleges that at the time of the physical altercation Officer Ayars' had consumed intoxicating beverages to an extent which 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, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

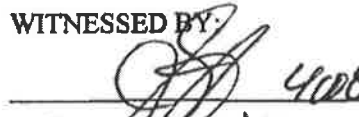

'AUG 06 2018
DATE

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.


OFFICER JUSTIN R. AYARS, #1505
SAN ANTONIO POLICE DEPARTMENT

8-6-18 1420
DATE TIME

WITNESSED BY:

 4028 DATE: 8/6/18 TIME: 1423
 4027 DATE: 8-6-18 TIME: 1423
AUG7 '18 10:18AM
CITY OF

FILED on this the 7 day of August, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission. SAN ANTONIO HR


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

**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Justin R. Ayars, #1505

UNIT OF ASSIGNMENT: NPT

JOB CLASS NO. AND DEPARTMENT: 0600 Police

| SAP NUMBER | TRANS DATE | | | BEGIN DATE | | | END DATE | | |
|---------------|------------|----|----|------------|----|----|----------|----|----|
| | MO | DA | YR | MO | DA | YR | MO | DA | YR |
| [REDACTED] | 08 | 06 | 18 | 08 | 06 | 18 | | | |

NARRATIVE REMARKS: Indefinite Suspension

AUTHORITY: Written Order of the Chief of Police

AUG 7 '18 10:18AM

CITY OF

SAN ANTONIO HR

EMPLOYEE

DATE

8-6-18

DEPARTMENT HEAD

DATE



AUG 06 2018

LEGAL ADVISOR'S OFFICE

AUG 07 2018

SAN ANTONIO POLICE DEPT

Combined Law Enforcement Associations of Texas

"Strength  Justice  Unity"

FACSIMILE TRANSMITTAL SHEET

August 7, 2018

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

FAX NUMBER: 210-207-7997
FROM: Morris E. Munoz, Staff Attorney
OPERATOR: Joyce López, Legal Services Coordinator
TOTAL PAGES: 5 (Including Cover Page)
COMMENTS: Appeal of Officer Justin R. Ayars
Indefinite Suspension

Request for Arbitration

(ORIGINAL EMAILED: renee.frieda@sanantonio.gov 8/07/2018)

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

PLEASE RESPOND TO
THE OFFICE CHECKED

- ☐ **Headquarters**
400 W. 14th St., Suite 100
Austin, TX 78701
512/495-9111
512/495-9301 FAX
800/252-6153 WATS
- ☐ **North Texas Office**
2501 Parkview Drive, Suite 606
Fort Worth, TX 76102
817/882-9548
817/882-9586 FAX
800/825-3281 WATS
- ☒ **South Texas Office**
1939 N.E. Loop 410, Suite 210
San Antonio, TX 78217
210/826-1899
210/826-2299 FAX
800/752-5328 WATS
- ☐ **Houston Metro Office**
9800 Northwest Fwy., Suite 307
Houston, TX 77092-8832
713/263-7600
713/263-7006 FAX
800/422-5328 WATS
- ☐ **West Texas Office**
747 E. San Antonio Ave., Suite 103
El Paso, TX 79901
915/533-4924
915/533-5117 FAX
800/328-9940 WATS
- ☐ **Coastal Bend Office**
3122 Leopard Street
Corpus Christi, TX 78408
361/883-3224
361/884-8357 FAX
- ☐ **Rio Grande Valley Office**
1601 W. Traction Rd., Suite 1
Edinburg, TX 78539
956/702-4442
956/603-2356 FAX
- ☐ **Panhandle Office**
2201 University Ave., Suite B
Lubbock, TX 79410
806/472-9111
817/882-9586 FAX
- ☐ **Northeast Texas Office**
2427 Baker Dr., Suite D
Mesquite, TX 75150
972/686-5220
- ☐ **Arlington Office**
1801 West Park Row
Arlington, TX 76013
817/792-3534
- ☐ **Tarrant Metro Office**
6815 Manhattan Blvd., Suite 105
Fort Worth, TX 76120

www.cleat.org

August 7, 2018

(Via email: renee.frieda@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 Justin R. Ayars, #1505
San Antonio Police Department
Appeal - Indefinite Suspension
Request for Arbitration

Dear Ms. Frieda:

On August 6, 2018, Officer Ayars was notified that he was being suspended from paid duty with the San Antonio Police Department for an indefinite period effective immediately.

Officer Ayars, by and through his Attorney of Record, Morris E. Munoz, 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 Ayars 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.

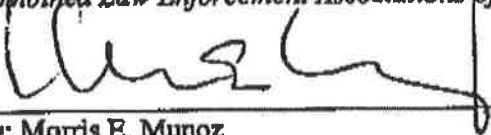
Ms. Renee Frieda, Director
Fire Fighters' and Police Officers'
Civil Service Commission
Appeal Letter - page 2

Officer Ayars, 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 Ayars asserts herein that the punishment is clearly excessive considering all the mitigating circumstances.

Respectfully submitted,

Combined Law Enforcement Associations of Texas, Inc.



By: Morris E. Munoz
State Bar No. 24001305
1939 N.E. Loop 410, Suite 210
San Antonio, TX 78217
morris.munoz@cleat.org
210-826-1899
210-826-2299 Fax
REPRESENTING OFFICER JUSTIN R. AYARS

cc:
Officer Justin R. Ayars
File

From: Kathleen McCarthy Fax: (210) 610-4111

To:

Fax: (210) 620-2290

Page 1 of 3 08/06/2018 3:07 PM

Officer Justin R. Ayars, #1505
San Antonio Police Department
San Antonio, Texas

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

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From: Kathleen McCarthy Fax: (210) 810-4111

To:

Fax: (210) 820-3290

Page 2 of 3 08/08/2018 3:07 PM

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



AUG 06 2018
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SAN ANTONIO POLICE DEPARTMENT

8-6-18 1420
DATE TIME

WITNESSED BY

 DATE: 8/6/18 TIME: 1422
 DATE: 8-6-18 TIME: 1422

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

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