

## NOTICE OF INDEFINITE SUSPENSION

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CITY OF  
SAN ANTONIO HR

Fire Fighter David Samano  
San Antonio Fire Department  
315 S. Santa Rosa  
San Antonio, Texas 78207

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

Commissioners and Fire Fighter Samano:

Under and by the virtue of the authority vested in me by Chapter 143, Municipal Civil Service, Subtitle A, Title 5, V.T.C.A. Local Government Code, I do hereby indefinitely suspend Fire Fighter David Samano from the San Antonio Fire Department effective April 15, 2019.

Fire Fighter Samano has violated Subsection C of Rule XIII of the City of San Antonio Fire Fighters and Police Officers Civil Service Commission Rules which were adopted on February 23, 1998, by the Fire and Police 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 Fire Fighter Samano and which are grounds for indefinite suspension are as follows:

Rule XIII, Subsection C(12): Violation of an applicable fire or police department rule, or special order.

The Rules and Regulations of the San Antonio Fire Department which Fire Fighter Samano has violated were those approved by the Firemen's and Policemen's Civil Service Commission on February 10, 2003, to be effective March 7, 2003. The particular rules thereof which Fire Fighter Samano has violated are as follows:

2.02 ABIDE BY LAWS AND DEPARTMENTAL ORDERS:

A. LAWS: Members shall abide by the laws of the United States and the State of Texas, and ordinances of the City of San Antonio.

3.01 CONDUCT AND BEHAVIOR: Members, whether on-duty 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.

4.07 NEGATIVE PUBLIC IMAGE: Members shall not engage in any activity tending to create a negative public perception of the Fire Department.

4.09 USE OF INTOXICANTS:

B. INTOXICATION: Members shall not at any time be intoxicated while on-duty. No Member shall report for duty exhibiting the odor of intoxicants, or any of the elements, effects, behavior or appearance of intoxication. Members shall not, under any circumstances, be intoxicated while in public to the extent that may damage the reputation of the Department.

The acts committed by Fire Fighter Samano which violated the aforementioned Civil Service Rules and Fire Department Rules are as follows:

On or about January 31, 2019 at approximately 2:10 am, while off duty, Fire Fighter David Samano was observed by a DPS State Trooper driving erratically – failing to drive in a single lane and failing to signal change of lane. FF Samano was pulled over by the Trooper. The Trooper noted that FF Samano’s eyes were glossy and he detected a strong smell of intoxicants. The Trooper attempted to conduct a Field Sobriety Test, but was unable to complete the testing based on FF Samano’s failure to follow directions. FF Samano was arrested for Driving while Intoxicated, handcuffed and placed in the Trooper’s vehicle. At that point, FF Samano became belligerent, using derogatory language and told the Trooper he should pray he never needed FF Samano’s services because FF Samano would not help him or his family. FF Samano became violent, kicking the inside of the patrol unit, causing damage to the air vents, striking the front windshield and kicking the inside camera system. A blood draw revealed FF Samano’s blood alcohol level to be 0.120. He was charged with DWI-First Offense and Criminal Mischief \$100 to < \$750. FF Samano’s actions tended to bring reproach upon himself and the SAFD.

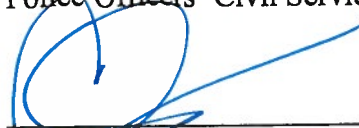
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Fire Fighter Samano’s violation of the cited rules is the basis for these charges and the reason for his indefinite suspension.

An original of this disciplinary suspension order is being filed with the Fire Fighters’ and Police Officers’ Civil Service Commission.

  
\_\_\_\_\_  
Fire Chief Charles N. Hood

4/15/19  
Date

1220  
Time

**NOTICE OF RIGHT OF APPEAL**

I hereby acknowledge receipt of a copy of the foregoing indefinite suspension and further acknowledge that I have been notified that I have ten days to file a written appeal of this suspension with the Fire Fighters' and Police Officers' Civil Service Commission for hearing before the Commission or an independent third party hearing examiner. I also understand that if I appeal to the hearing examiner, I waive all rights of appeal to a District Court, except as provided by subsection (j) of Section 143.057 of Title 5, V.T.C.A. Local Government Code.

  
\_\_\_\_\_  
Fire Fighter David Samano

4-15-19  
Date

12:20  
Time

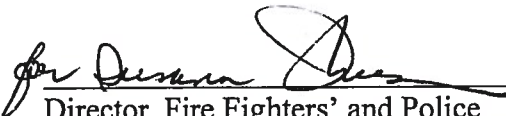
WITNESSED BY:

  
\_\_\_\_\_  
Signature

4-15-19  
Date

12:22  
Time

FILED on this the 15 day of April, 2019, with the Fire Fighters' and Police Officers' Civil Service Commission.

  
\_\_\_\_\_  
Director, Fire Fighters' and Police Officers' Civil Service Commission

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