

## CITY OF AMARILLO

On this, the 14th day of November, 2011, the Civil Service Commission of the City of Amarillo convened in a regular session at 8:32 a.m. in the City Commission Chambers of City Hall, 509 S.E. 7th Street, Amarillo, Texas, with the following present:

	<b>Present Today</b>	<b>Number of Meetings Held Since Appointment</b>	<b>Number of Meetings Attended Since Appointment</b>
DeDe Reynolds, Chairman	Yes	100	93
David Hurt, Vice - Chairman	Yes	10	9

Also in attendance were the following:

- Viola Frausto, Recruitment Coordinator, City of Amarillo
- Lori James, Director, Civil Service, City of Amarillo
- Alesia Grist, Assistant Director, HR, City of Amarillo
- Courtney Goodman-Morris, Attorney II, City of Amarillo
- Kenneth Jester, Sergeant, Amarillo Police Department
- Lawrence Walker, Civil Service Commissioner, appointment pending

DeDe Reynolds, Chairman, called the meeting to order at 8:32 a.m. and a quorum was established.

**ITEM I:** First on the agenda was review of the previous meeting minutes.

David Hurt, Vice-Chairman moved to approve the minutes as corrected for the Civil Service Commission Meeting held on June 29, 2011. Motion seconded by DeDe Reynolds, Chairman. The minutes were approved as read.

**ITEM II:** The lists of new employees, step increases, transfers, promotions, demotions, bypasses, temporary assignments and disciplinary actions were reviewed and considered. David Hurt, Vice-Chairman moved to approve the items. Motion seconded by DeDe Reynolds, Chairman. The lists were approved as distributed.

**ITEM III:** Eligibility register for Firefighter was reviewed. There were no protests or appeals. David Hurt, Vice-Chairman moved to approve the list. Motion seconded by DeDe Reynolds, Chairman.

**ITEM IV:** S. Yvonne Frye – appeal of termination

DeDe Reynolds, Chairman, thanked the City of Amarillo employees for all of their hard work in preparing this case.

Ms. Frye sent Lori James, Director - HR, a letter on the evening of September 13. The letter indicates that Ms. Frye's Dr. suggested that she not attend the meeting due to health considerations. It is an attachment to these minutes.

Courtney Goodman – Morris opened the hearing with a statement that this is a contested hearing even though the appellant is not present. She indicated that Ms. Frye had been employed at the Police Department for a number of years and had received good evaluations for a long time. Unsure of what changed, but in the previous 5 years Ms. Frye began accessing TCIC/NCIC records of members of her family and those of people in conflict with her family. This is a violation of the rules of use for TCIC/NCIC as well as City of Amarillo Personnel rules and Texas Local Government Code.

Ms. Frye was vague and untruthful during the investigation of the occurrences.

Internal affairs and Captain Jeff Lester investigated the matter.

Lori James, Director, Civil Service, administered the oath to Captain Jeff Lester.

Captain Jeff Lester, APD, is the generator of a number of these records. Ms. Goodman-Morris introduced series of letters and memos which are part of this investigation. They were admitted into evidence as Exhibits A – K. (attached)

Ms. Goodman –Morris asked Capt. Lester to summarize the items.

- A) January 18, 2011 memo to Sgt. Montano from Ms. Frye denying knowledge of the access of certain records in TCIC, including those of Ms. Frye's son, Jeremy Frye.
- B) January 18, 2011 memo to Lt. Lester from Sgt. Rudy Montano detailing the conversation he had with Ms. Frye following a complaint from a private citizen. He was frustrated that between her oral interview with him and the letter she wrote (exhibit A) that her story changed significantly.
- C) February 9, 2011 memo from Capt. Lester to Yvonne Frye regarding the internal investigation. This memo explains that Ms. Frye had become a suspect in a criminal investigation and she would need to respond to a number of allegations including running inappropriate searches in TCIC/NCIC and the APD databases, providing information from TCIC/NCIC to people outside employment of the APD and Municipal Court, and theft of personal property.
- D) February 11, 2011 letter from Ms. Frye to Sgt. Montano in response to questions detailed in Exhibit C. Ms. Frye denied all allegations.
- E) February 14, 2011 memo from Captain Lester to Ms. Frye indicating that she had neglected to respond to a question in the February 9 memo.
- F) February 15, 2011 letter to Sgt. Montano from Ms. Frye again denying any wrongdoing.
- G) February 15, 2011 memo from Capt. Lester to Col. Ferguson regarding the Internal Investigation of Ms. Frye's activities. The memo details the investigation to this point and outlines the next steps to be taken. The scope of the investigation has greatly increased due to more accusations and IT records of Ms. Frye's activities.
- H) March 22, 2001 memo to Chief Taylor and Colonel Ferguson from Sgt. Berry Carden detailing receipt of confidential TCIC records that were sent to him by a member of the public. The reports were run by Ms. Frye. Additionally, he details meeting with Christina Frye in an offsite location due to the fact that she was afraid to come to the PD. This memo also describes some vandalism and theft of which Ms. Frye stands accused.
- I) March 23, 2011 memo to Col. Ferguson from Capt. Lester. Memo indicates that Capt. Lester is still investigating the case but it continues to grow in scope and complexity. He details a couple more instances of theft and vandalism that have been uncovered.
- J) March 29, 2011 memo to Col. Ferguson from Capt. Lester. Disciplinary Review Board has reviewed the case and voted unanimously to terminate Ms. Frye's employment due in part to the fact that she has lost credibility inside the Police Department.
- K) March 31, 2011 memo to Col. Ferguson from Capt. Lester detailing specific rules broken by Ms. Frye that support her employment being terminated.

Captain Lester indicated that these types of records are kept in the normal scope of business with Internal Affairs as the record keeper.

When asked how the investigation started, he indicated that Sgt. Carden was contacted by an anonymous citizen who was in possession of Exhibits L and M, which are illegal to be taken from the Police Department. The database indicates that the records were accessed by Yvonne Frye.

Capt. Lester stated that he was very surprised to hear that Ms. Frye was involved. And thought it was a very bold charge that any person in her family was protected from prosecution due to the fact that she worked at PD was would manipulate records but since that time he has learned that her level of wrongdoing was wide-spread in scope and depth.

Capt. Lester explained the process used when a Confidential Informant is used in the investigation. The informant knew too much to be non-credible. All the details were accurate and in every case, it was verified that Yvonne Frye had accessed the records. The informant provided reports deemed exhibits L and M.

- L) Faxed copy of TCIC report dated January 13, 2011. Original report generated in 2006.
- M) Faxed copy of TCIC report dated January 12, 2011. Original report generated in 2006.

Capt. Lester testified that there is no position within the Amarillo Police Department that Ms. Frye could perform due to the fact that she has a lack of credibility and all of the positions at APD must be beyond reproach.

Going back to Exhibit A, Ms. Goodman-Morris asked Captain Lester to reiterate what Ms. Frye had indicated in the oral interview to Montano. She had said she had run her son's license due to the fact that he had some tickets that were putting her son's DL in jeopardy. Half an hour later, she handed Montano the letter that indicates that she did not recall ever having run her son's license.

At the time she ran the reports on her son, she was in parking enforcement and there was no reason whatsoever that she would have needed to run the reports.

In addition to Yvonne Frye accessing family member's records, it became apparent that Tammy Chervenka had also accessed the records.

A vandalism was reported by the Confidential Informant, again, including information that no one would know except those involved. Ms. Goodman-Morris introduced exhibit N to evidence.

N) Sworn Affidavit of Christina Frye, taken by Sgt. Berry Carden on March 21, 2011. Contains description of vandalism and providing confidential records to family members.

Ms. Christina Frye was so frightened of the Frye family, she would not come to the police station to make her statement and Sgt. Carden met her offsite to take it.

Capt. Lester indicated that Yvonne Frye and Tammy Chervenka had gone into family member's files in "change" mode, although from the record he was unable to determine if changes to the files had been made.

David Hurt asked about Tammy Chervenka's status. She is still employed at the PD and has been disciplined. The only item that they found directly tying Tammy to a family member's record is beyond the statute of limitations.

In closing Ms. Goodman-Morris indicated that she felt the City had proven that Ms. Frye exercised poor moral judgment in the use of confidential records and could not be trusted with the access of the confidential records as she has put our access of the TCIC/NCIC system into jeopardy. Further, there was no other position with the police department that Ms. Frye could perform, because most, if not all positions with the department require the employee to be trust worthy; and Ms. Frye has lost all trust and credibility at the department. As to her age and health issues mentioned in her letter, she interviewed as late as Monday, September 11, for another position at the City. The check she mentions in her letter is not, in fact a paycheck. It is a check for Annual Leave and Sick Leave and we were keeping it in the hopes that if she found another position at the City of Amarillo, those hours would just be reinstated. There being no further evidence to present, Ms. Goodman-Morris rested her case.

Following his testimony, Ms. Goodman-Morris asked Captain Lester to step into the hallway outside the Commission Chamber and call for Ms. Frye just in case she or her representative was in the area. Capt. Lester called her name 3 times with no response.

David Hurt, Vice-Chairman made the motion to uphold the Amarillo Police Department's decision to terminate Ms. Frye's employment. DeDe Reynolds, Chairman seconded. Motion passed.

There being no further business, David Hurt, Vice-Chairman moved to adjourn the meeting. The motion was seconded by DeDe Reynolds, Chairman. The meeting adjourned at 9:39 a.m.