



CITY OF SEGUIN

Office of the City Manager
Post Office Box 591
Seguin, Texas 78156-0591
(830) 401-2302
1-888-4SEGUIN
FAX (830) 401-2499
www.ci.seguin.tx.us

March 11, 2008

Luis Collazo
City of Seguin
205 N. River
Seguin, TX 78155
VIA HAND-DELIVERY

Dear Mr. Collazo:

An investigation has determined that you have violated the Seguin Employee Guidelines. The relevant provisions and alleged violations thereof are set forth below. The investigative findings are the result of sworn statements by past and present employees of the Seguin Police Department.

I. Personal Conduct

The Seguin Employee Guidelines deem the following actions as against the best interest of the City and its employees, and makes such actions subject to discipline or discharge:

- *Discourteous or abusive conduct towards fellow employees or members of the public.*
- *Racial, religious, sexist or ethnic slurs or remarks.*
- *Participation in horseplay or practical jokes, or disorderly conduct of any kind while on work premises or during working hours, including the use of abusive, profane, or threatening language.*

Additionally, the City's *Harassment Policy* states: *"The City likewise prohibits any form of religious, racial, ethnic, age, or disability-related harassment. Conduct which is prohibited includes, but is not limited to verbal abuse such as epithets or slurs; jokes which are inappropriate and may cause embarrassment at another's expense; intimidating or threatening acts; inappropriate written or graphic material which makes an individual the object of ridicule because of religion, race, ethnicity, age, sex or disability."*

The investigation indicates the following violations of the above-referenced provisions:

- Sworn statements corroborate that you said to a female officer, with witnesses present, that should she make a particular mistake, you would "cut her tits off".

You have told the same employee that you should “dick-slap” her, also in the presence of others. You have made inappropriate sexual comments to this female employee, referring to her as an “Amazon lesbian”, and introducing this employee to police department visitors as “a lesbian”.

- You have made inappropriate and embarrassing comments to male employees, introducing one officer to police department visitors as “gay” and saying “I’m the giver, and he’s the receiver”. You have also introduced the same officer to a visitor by saying something akin to, “be careful – he’s a *Mexicano*, so don’t leave your stuff around or he’ll steal it.”
- Several employees alleged that you have addressed female employees as “bitch”, “cunt”, “slut”, and “ho”, and that you have discussed the size of your penis.
- You have allegedly denied polygraph training to two employees on the basis of their age, stating that they are “too old”.

The sworn statements indicate that you routinely make threatening statements to employees along the lines of “I can destroy you”, “I’ll ruin you”, “your career will be over”, “I’ll blackball you”, and “I’ve already chosen your replacement’s replacement”. You refer to your employees as “stupid” and “stupid motherfuckers”. Your behavior has created an atmosphere of constant apprehension, humiliation, and degradation.

II. Granting special treatment

“As a public servant you are held to the highest standard of ethical conduct. Consistent with this public trust, City of Seguin employees may not: use their official positions to secure special privileges or exemptions for themselves or others; [or] grant any special consideration, treatments, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group...”

The investigation indicates the following violations of the above-referenced provision:

- You are alleged to have pressured Officer Victor Pacheco into signing a non-prosecution affidavit against **Jenny Ybarra** for criminal mischief charges. Another officer, who has sworn that you clearly implied that failure to sign a non-prosecution affidavit would jeopardize Pacheco’s advancement within the SPD, witnessed this exchange.
- You are alleged to have interfered with the apprehension of **Edward Aguilar** by the Bureau of Alcohol, Tobacco, and Firearms on a warrant for federal charges. You are alleged to have ordered SPD Sgt. Maureen Watson to “call off” the federal authorities that were en route and to have Aguilar released from custody.
- After **Jesus Pacheco** assaulted Officer Michael Guerra, you are alleged to have informed Officer Guerra that charges for assaulting a peace officer would not be pursued. Officer Guerra subsequently filed a workers’ compensation claim with the City for his injury.
- You interfered with the arrest of the son of **Tomas Hernandez**, who had confessed to assault, and you ordered Officer Oris “Curly” Price to go to the

County Attorney's office and have the warrant recalled so that the defendant would avoid arrest.

- You authorized the "dismissal" of a traffic ticket involving **Lola Miller** that was issued by Officer Rusty Suarez.
- During a traffic stop, when Officer Rusty Suarez approached the car to contact the driver, the driver handed the officer a cell phone. Over the phone you allegedly told the officer that the driver "did not need a ticket".

The investigation also revealed several corroborated instances in which you granted special privileges to SPD employee **Buddy Nickel**, which also violates the rule set forth above. You are alleged to have consented to Nickel conducting private business on city time. Nickel is believed to have used, with your knowledge, City vehicles, equipment, or facilities to conduct his private construction business, which includes building a residence for your mother-in-law.

Violations of the above policies are subject to disciplinary action, up to and including, termination from employment.

I have carefully reviewed the information compiled by the City Attorney, including sworn affidavits from several employees. The affidavits of Maureen Watson, Oris "Curle" Price, Jerry Hernandez, Bobby Hines, Stephen Alyea, Rusty Suarez, and Fidel "Carlos" Castillo IV are attached for your notice. If true, your behavior constitutes severe violations of the policies stated above and has had a serious negative impact on the discipline, morale and well being of SPD employees. Therefore, I am considering terminating your employment.

Before making a final decision, you will be afforded a pre-disciplinary hearing. The hearing will be held at 1:30 p.m. on Tuesday, March 18, 2008, in City Council Chambers. The purpose of this hearing is for you to provide information that you feel would rebut or mitigate the allegations. I have reserved two (2) hours for this hearing. An attorney or any other person of your choice may represent you. You may also bring witnesses to testify on your behalf. If you want the City to provide witnesses for testifying or for cross-examination, please give Tammy Garcia, Director of Human Resources, your specific request at least 48 hours in advance of the hearing. Additionally, you may provide a written response to the allegations if you so desire. This hearing is to be held in public, unless you notify me in writing that you wish for it to be conducted in private. If you wish to waive this hearing for any reason, you may do so provided that you give me a signed, written statement to that effect. If you are considering such a waiver, you may wish to seek legal counsel before making such a decision. If you waive this hearing, my decision will be based upon the facts presently available.

In the meantime, I am placing you on administrative suspension, with pay, effective immediately. At this time I would request that you return to me all city issued equipment, including firearms, badges, uniforms, keys, etc.

If you have any questions regarding the grievance policy, please contact the Director of Human Resources at 401-2471.

Respectfully,



Douglas G. Faseler
City Manager

cc: ~~Ross Fischer, City Attorney~~
Tammy Garcia, Director of Human Resources
City of Seguin Mayor and Council Members (without enclosures)